

STAFF REPORT FOR A SPECIAL USE

McLean County Department of Building and Zoning

CASE NUMBER SU-18-27

1. REFERENCE:

- a. Hearing date: January 2, 2019
- b. Applicant's name and address: AES DE DevCo NC, LLC, 4875 Pearl E. Circle, Suite #200, Boulder, CO 80301
- c. Land owner's name and address: Kieser Farms c/o Joe Kieser, 1890 N 700 East Rd., McLean, IL 61754

2. LOCATION AND CURRENT/PROPOSED ZONING AND LAND USE:

- a. Property location: Immediately southwest of the intersection of South Morris Avenue and Brigham School Road
- b. Township: Bloomington Township
- c. Parcel Number: 21-20-200-003
- d. Existing zoning: Agriculture District
- e. Applicant request: For a special use to allow two co-located 2-Megawatt Solar Power Generating Facilities in the Agriculture District
- f. Existing land use: Crop production

3. DIMENSIONS:

- a. Size of Parcel: 40 acres of project area, 74 acres in parcel
- b. Road Frontage: Approximately 1,600 feet on the west side of South Morris Avenue

4. EXISTING LAND FEATURES:

- a. Topography: Gently sloping
- b. Drainage: To the south
- c. Vegetation: Crop production
- d. Public Road: Asphalt road 21 feet in width

5. SURROUNDING ZONING:

- a. North: R-1 Single Family Residence District
- b. South: R-1 Single Family Residence District
- c. East: R-1 Single Family Residence District
- d. West: R-1 Single Family Residence District

6. SURROUNDING LAND USE:

- a. North: Crop production
- b. South: Crop production
- c. East: Crop production
- d. West: Crop production

7. LAND EVALUATION SITE ASSESSMENT (LESA) REPORT:

McLean County Soil and Water Conservation District staff report on soil for subject site:

- a. Soils -- Score of **95.1** points out of a maximum possible evaluation score of **100** points.

McLean County Building and Zoning Department staff report on site assessment for the subject site:

- b. Site Assessment -- Score of **116** points out of a maximum possible evaluation score of **200** points.
- c. Total LESA review score is **211.1 points** out of a maximum of **300** points.

EVALUATION RESULT:

The LESA Report indicates that a total score of **219 points and below** means that the property is of **low** value for agricultural land protection.

8. **STAFF ANALYSIS:** The analysis of the seven standards listed in Article VIII Section 350-56 of the McLean County Code (Standards for Special Use Permits) as they apply to this zoning request is as follows:

1. **The proposed special use will not be detrimental to or endanger the health, safety, morals, comfort, or welfare of the public.** This standard is met. The property is surrounded by land in crop production that is in the R-1 Single Family Residence District. However, since the Zoning Ordinance requires a solar farm to be 200 feet from an R-1 District boundary, the applicant obtained a variance in Case ZV-18-06 on November 6, 2018 to allow the solar panels in the proposed solar farm to be 20 feet from an R-1 District. The applicant proposes to establish two co-located 2-megawatt solar power generating facilities on this property. Except for the 200-foot setback requirement from an R-1 District, the application will meet all of the County use standards for a solar power generating facility.

The application indicates that this facility will contain rows of Photovoltaic (PV) cell panels mounted on posts set in the ground. These rows of panels are referred to as "solar arrays". AES Distributed Energy will mount the solar arrays on a tracking system, which allows them to follow the sun throughout the day. The solar arrays will be designed with an anti-reflective coating. The applicant indicates the solar arrays will be a maximum 10 feet in height.

The applicant submitted an EcoCAT communication from the Illinois Department of Natural Resources which indicates that there is no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves or registered Land and Water Reserves in the vicinity of the project location.

A decommissioning plan that includes an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture and financial assurance acceptable to the County need to be provided.

A contact person for the applicant will need to be kept on file with the Department of Building and Zoning for issues/complaints upon completion of the facility.

The applicant has submitted a letter to the Illinois Historic Preservation Office. The projects are under review and can be found in log number #004113018.

2. **The proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted or substantially diminish property values in the immediate area.** This standard is met. The property is surrounded by land in crop production. Ground cover that encourages

pollination, recommended by the McLean County Soil and Water Conservation District, will need to be installed. The solar arrays will be designed with an anti-reflective coating.

3. **The proposed special use will not impede the orderly development of the surrounding property for uses permitted in the district.** This standard is met. The property is surrounded by land in crop production. Nearby property that is currently in crop production will continue to be desirable for such use.
 4. **Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided.** This standard is met. The property has approximately 1,600 feet of frontage on the west side of South Morris Avenue. The Bloomington Township Fire Protection District will provide fire protection for the subject property. Pre-development drainage patterns will be retained. The solar panels will be placed on the existing grade of the land. The applicant will provide certified plans for storm water detention/retention before a permit is issued for the proposed solar power generating facility. The applicant will need to have all field tile damaged in the construction process repaired by a competent contractor, with experience in such repair, during the life of the solar farm. The applicant has obtained a signoff from the County Health Department.
 5. **Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.** This standard is met. It appears that safe site distance can be provided at the proposed entrance. The applicant has been in communication with the Bloomington Township Road Commissioner about creating a road use agreement and obtaining an entrance permit for the proposed solar farm.
 6. **The establishment, maintenance and operation of the special use will be in conformance with the intent of the district in which the special use is proposed to be located.** This standard is met. The preamble states “Provide for the location and govern the establishment and operation of land uses which are compatible with agriculture and are such a nature that their location away from residential, commercial and industrial areas is most desirable”.
 7. **The proposed special use, in all other respects, conforms to the applicable regulations of the district in which it is located.** This standard is met.
9. **CONCLUDING OPINION:** Staff recommends that this application meets all of the standards set forth in Article VIII Section 350-56 (Standards for Special Use Permits), provided compliance with the following stipulations:
- 1) An entrance permit shall be obtained from the Bloomington Township Road Commissioner before a construction permit is issued.
 - 2) The applicant shall provide certified plans for storm water detention/retention before a construction permit is issued.
 - 3) The applicant shall complete consultation with the Illinois Historic Preservation Office before a construction permit is issued.

- 4) The applicant shall have all field tile damaged in the construction process repaired by a competent contractor, with experience in such repair, during the life of the solar farm.
- 5) The solar panels shall be installed with an anti-reflective coating.
- 6) Groundcover that encourages pollination that is recommended by the McLean County Soil and Water Conservation District needs to be installed.
- 7) A contact person for the applicant will need to be kept on file with the Department of Building and Zoning for issues/complaints upon completion of the facility.
- 8) Development shall follow the plans and documents submitted with the application and with Zoning Regulations including Article VI Section 350-43.OO (3) (Use Standards for a solar power generating facility).

Respectfully submitted,

Philip Dick, AICP, Director

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