

## STAFF REPORT FOR A SPECIAL USE

### McLean County Department of Building and Zoning

#### CASE NUMBER SU-19-13

#### 1. REFERENCE:

- a. Hearing date: December 3, 2019
- b. Applicant's name and address: Moraine Solar, LLC by Cypress Creek Renewables, 3204 Pico Blvd., Suite 300, Santa Monica, CA 90405
- c. Land owner's name and address: Mary Trent, P.O. Box 227, Downs, IL 61736

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

- a. Property location: Immediately west of 2200 East Rd. approximately 3/5 of a mile north of 600 North Rd.
- b. Township: Downs Township
- c. Parcel Number: 29-10-200-005
- d. Existing zoning: A-Agriculture District
- e. Applicant request: To amend special use case SU-18-05 for a Solar Power Generating Facility in the Agriculture District
- f. Existing land use: Crop production

#### 3. DIMENSIONS:

- a. Size of Parcel: 33 acres
- b. Road Frontage: Approximately 467 feet on the west side of 2200 East Rd.

#### 4. EXISTING LAND FEATURES:

- a. Topography: Relatively flat
- b. Drainage: To the northwest
- c. Vegetation: Crop production
- d. Public Road: Oil and chip 18 feet in width

#### 5. SURROUNDING ZONING: A-Agriculture District on all sides

#### 6. SURROUNDING LAND USE:

- a. North: Crop production
- b. South: A pond in part and Interstate I-74 in part
- 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 **95.9** 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 **162** points out of a maximum possible evaluation score of **200** points.
- c. Total LESA review score is **257.9 points** out of a maximum of **300** points.

## EVALUATION RESULT:

The LESA Report indicates that a total score of **230 points and above** means that the property is of **high** 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 applicant applied for and received approval for a special use for a solar farm in case SU-18-05 by the McLean County Board on February 20, 2018. Since that special use will expire on February 20, 2020, the applicant wants to amend that special use to allow construction to begin after February 20, 2020 if necessary.

The applicant proposes to establish a 2-megawatt solar power generating facility on this property, which will meet all of the County setback requirements and 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". Cypress Creek Renewables will mount the solar arrays in one of two ways: on a fixed tilt or on a tracking system, which allows them to follow the sun throughout the day. After site specifics and design components are more fully developed for this solar farm, Cypress Creek will determine which system is more appropriate for this site. The solar arrays will be designed with an anti-reflective coating, and will be no more than twelve feet in height.

The applicant submitted a communication from the Illinois Department of Natural Resources which states that the Illinois Natural Heritage Database contains 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, and that the consultation is terminated.

The applicant has submitted a communication from the Illinois Historic Preservation Agency (IHPA) indicating that no significant historic, architectural or archaeological resources are located within the proposed project area.

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. Nearby property that is currently in crop production will continue to be desirable for such use. A pond and recreation area is located immediately south of the subject property along Interstate I-74 that was originally built as a borrow pit for the construction of Interstate I-74 in the 1970s. The proposed fence along the south side of the subject property will be located at least 10 feet from the north edge of the roadway or 30 feet from the south property line of the subject property, whichever is greater. This recreation area will not likely be negatively impacted by the proposed solar farm.

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. Nearby property that is currently in crop production will continue to be desirable for such use. A pond and recreation area is located immediately south of the subject property along Interstate I-74 that was originally built as a borrow pit for the construction of Interstate I-74 in the 1970s. This recreation area will not likely be negatively impacted by the proposed solar farm.
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 467 feet of frontage on the west side of 2200 East Road. The Downs Fire Protection District will provide fire protection for the subject property. Pre-development drainage patterns will be retained as much as possible. 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 has submitted a field tile study of the subject property. 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.
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 conversation with the Downs Township Road Commissioner and will need to obtain an entrance permit from him before a construction permit will be issued.
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. According to the Zoning Ordinance, “The Land Evaluation and Site Assessment (LESA) System has been designed to provide a rational process for assisting local officials in making farmland conversion decisions through the local zoning process.” Although this property has a high LESA score, the use of the property for a solar farm will preserve the prime soils. The applicant will need to maintain native shade tolerant grass or other vegetation on the site for the purpose of soil stabilization as long as the solar farm is operational. After the subject property is returned to its original condition, as required by the Zoning Ordinance, the land can be returned to crop production. It has been reported that up to 35% of corn grown in McLean County is used to make ethanol. Harvesting the sun to produce electricity in the Agriculture District with solar farms is similar, and another way to produce significant value from farm land in addition to producing crops.

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) of the McLean County Code, provided the following stipulations:

- 1) An entrance permit is obtained from the Downs 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) A contact person will need to be kept on file with the Department of Building and Zoning for issues/complaints;
- 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; and
- 5) Development shall follow the plans and documents submitted with the application and with Zoning Regulations including Article VI Section 350-43.00 (3) (Use Standards for a solar power generating facility).

Respectfully submitted,

Philip Dick, AICP, Director

Attachment: Use Standards for a solar power generating facility

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