

STAFF REPORT FOR A SPECIAL USE

McLean County Department of Building and Zoning

CASE NUMBER SU-18-15

1. REFERENCE:

- a. Hearing date: August 7, 2018
- b. Applicant's name and address: ASD McLean IL Solar I, LLC by Amp Solar Development, Inc., 55a Port St E, Port Credit, ON, Canada
- c. Land owner's name and address: John Capodice, 10245 N 1530 East Rd., Bloomington, IL 61705

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

- a. Property location: Immediately northwest of the intersection of 850 North Rd. extended and Interstate I-74 and approximately 4/5 of a mile west of 1900 East Road
- b. Township: Old Town Township
- c. Parcel Number: 22-31-100-003
- d. Existing zoning: Agriculture District
- e. Applicant request: For a special use to allow a Solar Power Generating Facility in the Agriculture District
- f. Existing land use: Crop production, farm dwelling and outbuildings

3. DIMENSIONS:

- a. Size of Parcel: 72 acres
- b. Road Frontage: The property has no frontage on a public road; access would be provided through adjacent property to the east from 850 North Road or through adjacent property to the west from 1750 East Road

4. EXISTING LAND FEATURES:

- a. Topography: Relatively flat
- b. Drainage: To the south
- c. Vegetation: Crop production, trees and pasture

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

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 **91.6** 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 **178** points out of a maximum possible evaluation score of **200** points.
- c. Total LESA review score is **269.6 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:

- a. **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 proposes to establish (2) 2-megawatt solar projects 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”. Amp Solar Development 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 15 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, and that the consultation is terminated.

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.

The application indicates that the parent company will provide a contact person to be kept on file with the Department of Building and Zoning for issues/complaints upon completion of the facility.

There has been no communication submitted from the Illinois Historical Preservation Agency (IHPA).

- b. **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 proposed solar farm is surrounded by land in crop production, which will continue to be desirable for such use. Ground cover that includes native species, encourages pollination, recommended by the McLean County Soil and Water Conservation District, will need to be installed.
- c. **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.

- d. **Adequate utilities, access roads, drainage and/or other necessary facilities have been or will be provided.** This standard is met. The property has no frontage on a public road; access would be provided through adjacent property to the east from 850 North Road or through adjacent property to the west from 1750 East Road. The Downs Community Fire 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 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 will need to obtain a signoff from the County Health Department.
- e. **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 either of the proposed entrances to the public roads. The applicant is in communication with the Village of Downs and the Old Town Township Road Commissioner to provide access to the property from 850 North Road and with the Bloomington Township Road Commissioner for access to 1750 East Road. The applicant will need to provide an entrance permit from the Village of Downs or the Bloomington Township Road Commissioner before issuance of a construction permit.
- f. **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”.
- g. **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 applicant indicates that native grasses will be grown and maintained on the site; and the prime soils will be preserved as long as the Solar Power Generating Facility 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 was reported that up to 35% of corn grown in McLean County was used to make ethanol. Harvesting the wind and the sun to produce electricity in the Agriculture District with wind turbines and solar farms is similar, and another way for farmers to produce value from their land in addition to producing corn and soybean 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), provided compliance with the following stipulations:

- 1) An entrance permit shall be obtained from the Village of Downs for access to 850 North Road or from the Bloomington Township Road Commissioner for access to 1750 East Road before a construction permit is issued.
- 2) A signoff shall be obtained from the County Health Department before a construction permit is issued.
- 3) The applicant shall provide certified plans for storm water detention/retention before a permit is issued.
- 4) The applicant shall complete consultation with the Illinois Historical Preservation Agency (IHPA) before a construction permit is issued.
- 5) The solar panels shall be installed with an anti-reflective coating.
- 6) 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.
- 7) Groundcover that encourages pollination that is recommended by the McLean County Soil and Water Conservation District needs to be installed.
- 8) 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.
- 9) As a condition of receiving a permit from the County, the company must pay the cost of hiring an Illinois registered professional engineer to provide a certified estimate of decommissioning costs. The company shall provide decommissioning security financing for the estimated cost of decommissioning in the amount determined by the engineer or \$25,000, whichever is greater. Security financing must be in the form of an irrevocable letter of credit or a cash escrow, unless the County Board, in its sole discretion, agrees to accept a performance bond. The decommissioning cost estimate will be reviewed and revised when needed, but estimate review must occur at least every ten years.
- 10) The company must provide an Agricultural Impact Mitigation Agreement signed by the company and the Illinois Department of Agriculture prior to the issuance of a permit to construct from the County, and must certify that it will comply with all of the terms of the Agreement. Nothing in the Agricultural Impact Mitigation Agreement will preclude the County from establishing any standards that exceed those contained in the Agreement.
- 11) 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

X:\StaffReports\Sr2018\SU-18-15-Amp Solar