

Town of Cortland
Town Hall
59 S. Somonauk Road
Cortland, IL 60112
Planning Commission
Regular Meeting
May 2, 2024
7:00 PM

Call to Order/Pledge of Allegiance/Roll Call

Mr. Hedrick called the meeting to order at 7:03 p.m. The Pledge of Allegiance was recited. Clerk Cheryl Aldis called the roll showing as present, Commissioners Mark Hedrick, Brad Lawson, Robert Barnhart, Alex Haughee, and Joelle Morken. Shown as absent was Vicky Torres. Quorum was present. Also, present was Brandy Williams, Zoning Administrator.

Approval of the Agenda

Mr. Haughee moved to approve the agenda as presented, seconded by Ms. Morken. Voice vote carried the motion.

Public Comment

No public wishing to speak unrelated to the Public Hearing.

Approval of Minutes

Mr. Barnhart moved to approve the minutes of March 7, 2024, seconded by Mr. Lawson. Voice vote carried the motion.

Public Hearing

Mr. Hedrick reopened the Public Hearing at 7:05 p.m. The Town Board remanded the hearing back to Planning Commission at its regular meeting on Monday, April 8, 2024, to hear new information presented at the Board level. Mr. Hedrick swore in the individuals who wished to testify.

Applicant Testimony

Paul Bottum, Development Manager from Cultivate Power stated that he had new evidence to present which includes concerns from the March 7 Planning Commission meeting. He stated the plan was developed in compliance with the Town's Comprehensive Plan and Codes. He presented a PowerPoint presentation to the Commissioners. The presentation provided detailed information regarding Cultivate Power, its mission, the outline of the Aspasia Solar Project plan and its benefits. The Aspasia Solar Project, if approved, would be located on East Barber Greene Road in Cortland, IL, 103 acres of land with the project using 33 acres. The project would use ComEd for interconnection utility for a project size of 5 MW. The Aspasia Solar project is in compliance with the Town of Cortland ordinance requirements for solar energy systems.

Referring to specific slides (Slide 10) shows the Special Use Standards 9-10-3 and Solar Energy Facility Section 9-4-34 is in compliance. He referred to the Project Narrative or the attached appendices as a source of additional information. (Slide 11) He reviewed the highlights. The project includes native landscape, grasses for stormwater management and the project is not expected to impact wetlands. (Slide 12) the project preserves agricultural land and serves as an example of a sustainable community. (Slide 13) depicts the proposed

layout and covers the aesthetics, vegetative buffer layout on the northern 330 feet to block the view of neighbors. (Slide 18) indicates the solar farm property tax benefits for the Aspasia Solar Project. This is ten times tax revenue increase than farmland. A Community Benefit Agreement has been submitted to the Zoning Office for Review. In conclusion Mr. Bottum stated the project creates clean energy, it exceeds required setbacks, a local subscription will be made available for a specified amount of time which will include a 10% credit to those customers, then a general subscription will be offered. There will be infrastructure improvement, job creation, and preserving ag land for the project lifetime.

Andrew Lines, Principal of CohnResnick, LLP, Valuation Advisory Services reviewed a PowerPoint stating his information would demonstrate that solar farm projects provide additional benefits to the Town. Mr. Lines stated he has been an appraiser in the field for 20 years, seven years in solar studies on impact methodology. He stated at his presentation to the Town Board that this project would supply resources to 1100 homes. He stated that figure was based on greenhouse gas emissions. This has been reviewed and he now states that this project will serve more than 1100 homes.

His slides show solar proximity studies over 850 people. 70% of the data found no impact. He showed projects in Stephenson County IL, LaSalle County IL, Marion County IN, Porter County IN, Grand Ledge MI project next to a horse farm. Their confirmations are no trends or negative impacts. The proximity impact studies show no measurable and consistent differences in property values adjacent to solar farms.

Mark Gershon, attorney stated there were two concerns from the March hearing. This plan agrees with the Comprehensive Plan and there are no health concerns. There are no adverse impacts on people's health. The Town ordinance has been met or exceeded. The Town Board will have the Community Agreement to review. The Agreement is an offering to make larger contributions to the Town. The solar farm would be paying taxes and are proud to do so. The offering has been calculated as a direct cash payment, ten times the anticipated revenue for the town, if approved. They believe they have met all set standards and requirements.

Public Testimony

Dave Rediger submitted a letter to the table as he was not able to be present. The letter was read into the record by Clerk Aldis. He has removed his opposition to this project.

Tamara McMahan stated she owns property on the north side of Barber Greene Road and has attended all of the meetings regarding this project. She has read many documents to learn the pieces. She purchased 33 acres of land one-year ago, this project does matter to the family. She stated that she would now fully support the project. Her property is 150 feet off the side of the project area. She is supporting the project because it supports the community. She would rather have solar than a development as approved in 2006. This maintains ag better than housing.

Laurie Dahlquist, who owns property east of the proposed solar project remains unsupportive of this project. She stated her opinion that it remains an eye sore. The project has not changed for her, health risks remain a concern, EMF risks are based on the study she read which sites radiation, nausea, headaches and cancer associated with solar farms. The study is from the World Health Organization.

concerns to the commissioners and the applicant. She asked the applicant where the energy produced from this project goes, about security fencing, as the project is in her backyard, and what happens to land values. She stated she does not believe these projects should be placed on the best farmland.

Rebuttal

Ryan Solum, Kimley-Horn responded to the comment of health risks by saying there are numerous studies that analyze electromagnetic field interference, inverters, refrigerators, cell phones. EMF diminishes within 150 feet; this would be before the property line.

Mark Gershon stated that there would be no impact based on distance to the Dalquist property. With regard to screening there would be no screening at the gravel access road.

Staff Report

Ms. Williams read her staff report into the record.

On March 7th, 2024, a Public Hearing was held by the Planning Commission on the Aspasia Solar Project, LLC request for a Special Use Permit to construct, operate, and maintain a Solar Farm on PINs 09-17-200-023 and 09-17-400-012. The Planning Commission voted to recommend denial of the request and forwarded its recommendation to the Town Board. This was considered by the Town Board at its meeting on April 8th, 2024, at which time the applicant presented information regarding the impact on real estate values adjacent to solar farm projects. Due to the introduction of this additional information submitted by the applicant, the Town Board voted to send the matter back to the Planning Commission for further evaluation and recommendation in accordance with Section 9-10-6.D of the Town Code.

The Petitioner's request for a Special Use Permit must be specifically weighed based upon the Standards for granting a Special Use Permit under Section 9-10-3 of the Town Code. The standards are as follows:

- A. Is the proposed structure or use at the particular location requested necessary or desirable to provide a service or a facility which is in the interest of the public, and will it contribute to the general welfare of the neighborhood or community?
- B. Will the proposed structure or use have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting public health, safety and general welfare?
- C. Will the proposed structure or use be designed, arranged, and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations?

Elements from previously presented and newly heard information should be considered by the Plan Commission now for adherence to the above applicable standards. It is important that the Plan Commission specifically identify facts in support of, or against, the relevant standards in making its recommendation to the Town Board.

Staff offers the following comments to assist the Plan Commission with respect to its consideration of the application for a special use to locate its proposed solar farm on the subject location south of Barber Greene Road and east of Somonauk Road:

- 1) From a planning standpoint, the anticipated 40-year lease invokes potential municipal planning concerns related to road networks and infrastructure connectivity. Upon development, the area east of Somonauk Road between Barber Green Road and Cortland Center Road may best be served by the extension of Tallgrass Parkway east. Tallgrass Parkway, a boulevard, is one of only two cross streets on this segment of Somonauk Road. The second cross street, Stonegate Avenue, is a short 200-foot street that only serves residential districting beyond it and not suitable for a through street. Should this project be constructed as presented, the extension of Tallgrass Parkway would be unfeasible from a cost-benefit analysis impacting the planning of approximately 200 acres. While not determinative of whether a solar farm is viable and appropriate at the subject location, these items may be considered in the Plan Commission's evaluation of the standards cited above.
- 2) The infrastructure framework may similarly be impacted by the proposed project. If built as specified, a limitation on the placement of utilities within the footprint of the solar farm could therefore restrict connectivity along the eastern boundary of the corporation limits in this quadrant.
- 3) It is anticipated vehicular traffic north on Somonauk Road and on Barber Green Road will see significant increases in the future. The intersection of the two will be a high visibility, well-traveled crossing. In its consideration of the required standards associated with granting this Special Use permit, the Planning Commission should take into consideration its site location. The currently zoned commercial parcel at the southeast corner of this intersection indicates the potential in this area for a desirable commercial district. Limiting road and infrastructure connectivity, or raising its cost, may be deemed detrimental by restricting development or delaying development.

The Town Board has requested that the Planning Commission evaluate the further information provided by the Petitioner at its next meeting and it may consider any further public input as well. It should deliberate on the totality of all information presented by the Petitioner, making specific findings of fact in addition to conclusions regarding the standards, and forward its updated recommendation to the Town Board. Within 30 days of delivery of this recommendation, the Town Board shall act on the request. In the event that the Planning Commission recommends against the issuance of the special use, it may be issued only upon the favorable vote of 2/3 of all the members of the Town Board. (Section 9-10-6 of the Town Code).

Deliberation

Mr. Barnhart asked about a vehicle count at the Barber Greene Somonauk Road intersection. Ms. Williams stated that the intersection could become a roundabout which would not be related to this project.

Mr. Haughee asked about road access, Tallgrass Parkway.

Ms. Williams stated that additional utilities are not needed for this project. Future planning would be residential. Due to location, if approved as presented, this plan would hinder that development.

Mr. Barnhart questioned road access from the east.

Ms. Williams stated that extending utilities are required to go along the right-of-way (ROW). Loops would become difficult for a project to the east of this project. It would be a long distance for connectivity. The future land use boundary is agriculture. Land would need to be rezoned. Utility corridors could be provided by condition.

Mr. Lawson asked for clarification. The Special Use is for the entirety of the two parcels even if only a portion is requested with this proposal. He commented that this is a logical location for the extension of Tallgrass Parkway.

Ms. Williams stated yes for entirety of the two parcels. Special Use Permits are very defined. If they wished to expand from this application, they would need to come back to this process.

Ms. Morken asked if the vegetation planned would be mature or tiny.

Mr. Bottum stated it is planned to be three- to five-year-old plants that would grow to seven to ten feet at maturity.

Mr. Lawson asked if the subscriptions would be exclusive to Cortland community.

Mr. Bottum stated the subscription would be Cortland community for 60 days then broadly advertised to anywhere within the state.

Mr. Haughee asked regarding the Community Benefit proposal would the payment be a one-time payment or more and when would it begin.

Mr. Bottum stated the payment would be a one-time payment at the time of connection with ComEd. Payment would be anticipated in the second half of 2025.

Mr. Lawson questioned the extension of Tallgrass Parkway asking how much space on each side for ROW.

Ms. Williams stated 100 to 120 feet to line up.

The applicant was asked about initial thoughts regarding the road extension.

Mr. Bottum stated if they could consolidate the south plan it may work. They need to achieve the full 5 MW.

Ms. Williams showed the Planning Commission how the plan follows the existing sewer force main.

Mark Gershon stated they could remove the southern portion and increase power generated. The property owner may not be amenable. It is a solvable problem but, may not be the best idea.

Mr. Haughee reviewed a summary of the current issues, aesthetics, community benefit, real estate value, future development and potential immediate benefits.

Mr. Lawson and Mr. Hedrick asked if a road could be built over a force main.

Ms. Williams replied that it can.

Ms. Morken clarified the term of the project as 20 years.

Mr. Bottum replied 20 years with four five-year extensions. Possibly 40 years total.

Mr. Lawson reviewed the road situation. He stated that Tallgrass Parkway is a main feeder road. In full segment it would feed from Loves Road to Somonauk Road and through to Fenstermaker Road and then to Airport Road. Commuter connectivity for the future is an important consideration.

Mr. Barnhart stated he did not feel that this was the only access point.

With no further deliberations Mr. Hedrick closed the public hearing at 8:15 p.m.

Review of Standards for Special Use Permit (9-10-3)

The standards were read into the record by Clerk Aldis.

Commissioners deliberated, discussed, and reviewed the standards associated with approval of a special use, which are as follows:

- A.** The proposed structure or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community, **Concurrence of the Planning Commission.**
- B.** The proposed structure or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare, **Concurrence of the Planning Commission.**
- C.** The proposed structure or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations. **Concurrence of the Planning Commission.**
- D.** Such other standards and criteria as are established by the ordinance for a particular special use as set forth in section 9-10-4 of this chapter and as applied to planned developments as set forth in chapter 7 of this title (Ord. 2008-03, 1-28-2008). **Not applicable to this application, concurrence of the Planning Commission.**

Findings of Fact

Upon deliberation of the relevant standards with respect to the proposed special use to operate a solar farm at the subject location, the Commissioners find as follows:

- A. The proposed structure or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community. The information provided shows an increase in the property tax base. Certain neighbors to the north and west have removed their objections to the project. No additional adverse comments, beyond those of Ms. Dahlquist, have been received. The general welfare of the neighborhood and community is supported by increasing the property tax base.
- B. The proposed structure or use will not have an adverse effect upon the adjacent property, the character of the neighborhood, and other matters affecting the public health and general welfare. Certain neighboring property owners to the north and west have removed their objections to the project.
- C. The proposed structure or use will be designed, arranged, and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations. There is no adverse impact relating to this solar development and the project will help increase sustainable development.
- D. Such other standards and criteria as are established by the ordinance for a particular special use as set forth in section 9-10-4 of this chapter and as applied to planned developments as set forth in chapter 7 of this title. Not applicable to this application.

Conditions

- Approval by the Town Engineer of an amended site plan addressing roadway and infrastructure connectivity east of Somonauk Road.
- Compliance to all federal, state and local laws including Section 9-4-34 of Town Code.

Points of Consideration

- Consider a solar plan with a third-party consultant and guidance ensuring best interest of the Town is taken into consideration.
- Planning Commission acknowledges the applicant's willingness to address direct benefit to the Cortland community.

Mr. Barnhart moved to approve Standards and Findings of Fact as read, including Conditions and Points of Consideration, seconded by Mr. Haughee.

Roll call vote as follows:

Yea: Commissioners Brad Lawson, Joelle Morken, Robert Barnhart, Mark Hedrick, and Alex Haughee

Nay: None

Absent: Commissioners Vicky Torres

Motion carried.

Recommendation

Mr. Barnhart made a motion to recommend the Town Board approve the Special Use Permit on the Proposed Property PIN (09-17-200-023; 09-17-400-012) for the use of a solar farm with the two conditions as read, seconded by Mr. Haughee.

Roll call vote as follows:

- Yea: Commissioners Brad Lawson, Joelle Morken, Robert Barnhart, Mark Hedrick, and Alex Haughee
- Nay: None
- Absent: Commissioners Vicky Torres

Motion carried, and the Recommendation of conditional approval of the proposed special use shall be forwarded to the Town Board for consideration at its May 13, 2024, meeting.

Chair Report

No report made.

Zoning Administrator Report

No report made.

Adjournment

Mr. Lawson moved to adjourn, seconded by Ms. Morken. Voice vote carried the motion. Meeting adjourned at 9:00 p.m.

Next Planning Commission Meeting is June 6, 2024

Respectfully submitted,

Cheryl Aldis
Town Clerk