

Staff Report for the McHenry County Zoning Board of Appeals

Application: #2024-065

PINs: 14-09-400-002, 14-09-300-005, 14-09-300-006

Location: The property consists of approximately 112.9 acres and is located on the east side of S. Crystal Lake Road, approximately 1,300 feet south of its intersection with Mason Hill Road in Nunda Township, Illinois.

Hearing: November 20, 2024

Applicant: Turning Point Energy, LLC

Request: Conditional Use Permit to allow for a Commercial Solar Energy Facility

Aerial Map



Prepared by McHenry County Department of Planning and Development (photo: 2022)

Please note: This map is for reference purposes only. Please see the Plat of Survey for exact dimensions and location of the PIQ.

Elevation
(feet above sea level)

Contours

ADID Wetland Map 2005

- High Functional Value Wetland (hfvw)
- High Quality Wetland (hqw)
- Wetland (w)
- Farmed Wetland (fw)

FEMA Flood Hazard Areas

- 0.2 % Annual Chance of Flood
- 1% Annual Chance of Flood
- Floodway

Historic Flood Zone

-

Feet
330 165 0 330 660

1 inch equals 660 feet



Staff Report for the McHenry County Zoning Board of Appeals

STAFF COMMENTS

The following comments and conclusions are based upon staff analysis and review prior to this hearing and are to be considered viable unless evidence is established to the contrary. Staff may have additional comments based upon the testimony presented during the public hearing.

BACKGROUND & REQUEST SUMMARY

The applicant is requesting a Conditional Use Permit to allow for a Commercial Solar Energy Facility. The subject property consists of approximately one-hundred thirteen (113) acres and is zoned A-1 Agriculture District. According to aerial photography, the subject property is primarily in agricultural production currently.

According to the narrative, the applicant is proposing a 4.99-megawatt commercial solar energy facility, enclosed by a seven (7)-foot security fence, per the regulations of the National Electric Code. The nearest adjacent residence on a nonparticipating parcel is over one-hundred fifty (150) feet from the proposed location of the solar array.

Note: On January 27, 2023, the State of Illinois passed Public Act 102-1123 (further modified under trailer bill P.A. 103-0580 on December 8, 2023), which modifies regulations for proposed commercial solar energy facilities. The County of McHenry has amended the Unified Development Ordinance, as of April 18, 2023, in order to comply with the State's regulations.

MCHENRY COUNTY UNIFIED DEVELOPMENT ORDINANCE

- The applicant must meet the Principal Use Standards for a Solar Farm, listed in County Code Section 16.56.030.PP of the UDO (*with the exception of any changes provided by Public Act 102-1123, as outlined above*).

STAFF ANALYSIS

Current Land Use & Zoning

The property is adjacent to single-family residential uses to the west, agricultural uses to the north and east, and both agricultural and golf course to the south. The surrounding zoning consists of A-1 Agriculture District to the north and east, A-1 and A-1C Agriculture District to the south, and A-2C Agriculture District and E-1 Estate District to the west.

2030 Comprehensive Plan Future Land Use Map

The proposed conditional use permit is somewhat consistent with the County's future land use designations of Estate and Open Space.

2030 Comprehensive Plan & 2030 and Beyond Analysis

The 2030 Comprehensive Plan and 2030 and Beyond Update support the construction of commercial solar energy facilities within existing agricultural areas. (*See analysis below*)

McHenry County 2030 and Beyond, Adopted October 18, 2016

Big Idea #1 Let's make our communities healthy, active, and green

"We can make it happen by preserving our groundwater aquifers, lakes, rivers, streams, and their natural functions." (p.11)

- The McHenry County Water Resources Division has determined that the panels will not be calculated as an impervious surface for the development permit. This is because the panels are proposed to be elevated above the ground several feet and supported by driven piles. The petitioner will be required to obtain a Stormwater Management Permit which will include calculations for all impervious areas, including but not limited to the piles, access drives, and equipment pads.

Big Idea #2 Let's build on our strengths

"We can make it happen by recognizing the economic and social importance of our agricultural industry." (p. 15)

- The McHenry County Soil and Water Conservation District's Natural Resources Inventory (NRI) report (#24-078-4634)* indicates that the LE score is 93.6 out of a possible 100 regarding soils for crop production. This is due, in part, to approximately 35.3% of the site containing prime farmland soils. (*Note: The NRI report was based on the solar array area and did not encompass the entirety of the PIQ.) The concerns that the development of solar facilities in the county will result in the loss of farmland, particularly prime farmland can be remediated because, unlike other forms of development, the land is preserved for future farming. Also, the proposed native vegetation may slow the velocity of runoff, capturing sediments or other pollutants and allowing water to infiltrate into the soil, thereby reducing potential for erosion and sedimentation and improving soil conditions.

Big Idea #3 Let's grow smarter

"The county should also be open to commercial enterprises in the unincorporated areas that are major generators of jobs or tax revenues for which no suitable municipal sites exist elsewhere in the county, or that are dependent upon a direct proximity to agriculture or open space and designed in harmony with these areas." (p. 17 & 21)

- Due to the size and scale of the project, undeveloped acreage is important to the siting and development of a commercial solar energy facility. The applicant should be prepared to address how the proposed use relates to the statement above regarding generation of jobs, tax revenues, and siting of the facility.

Big Idea #4 Let's expand our economy

"We can make it happen by improving infrastructure, including freight and commuter rail, access to major regional and interstate roadways, and access to high-speed internet services." (p.22)

- The proposed commercial solar energy facility will provide a renewable energy source to the electrical grid as an alternative to energy created from sources with a larger carbon footprint.

McHenry County 2030 Comprehensive Plan, Adopted April 20, 2010

Community Character & Housing

No applicable text.

Agricultural Resources

"Encourage owners of parcels with the greatest potential for productive agricultural use, such as parcels with an LE score of 80 or above that are in agricultural use and contiguous with other such parcels, to preserve their parcels for agricultural uses." (p. 38, #7)

- Commercial solar energy facilities typically have a life of approximately thirty (30) to forty (40) years and after that time the property may return to agriculture.

"Continue joint participation with the USDA Natural Resources Conservation Service and McHenry County Soil and Water Conservation District in educational programs regarding best soil conservation practices and improving rural water quality." (p. 38, #20)

- The McHenry-Lake County Soil and Water Conservation District recommends that areas between panels be planted to a native prairie mix to help increase water infiltration and reduce runoff from the site. It is recommended that a planting and maintenance plan be developed with the landowner to ensure that noxious weeds are controlled, and native plantings are properly installed and managed. The petitioner is encouraged to add pollinator species to this planting plan. The Soil and Water Conservation District also recommends, upon decommissioning, that if any underground lines are to remain, they should have at least five (5) feet of cover to adequately allow farming operations to commence after the facility's removal.

Greenways, Open Space & Natural Resources

"Protect environmentally sensitive areas from negative impacts of adjacent land uses." (p.57, #9)

- The IDNR indicated protected resources may be in the vicinity of the project location. The Department offered recommendations for actions to be taken to avoid adversely impacting Blanding's Turtles and Rusty-Patched Bumble Bees. Given these recommendations are adopted, the Department determined that adverse impacts to these resources were unlikely. Consultation was closed.

"Encourage the design of developments to achieve the broader sustainability of human and natural communities, including the social and economic dimensions of sustainability." (p. 57, #15)

- The proposed commercial solar energy facility will contribute to a broader sustainability objective in that it will produce clean energy as a replacement for energy produced by unsustainable means.

Water Resources

"Preserve and enhance the chemical, physical, biological, hydrologic integrity of streams, lakes and wetlands." (p.63)

"...land use and development should be carefully examined and regulated within sensitive groundwater recharge areas to ensure that the water quality, quantity, and natural recharge functions of the area are safely maintained." (p.67)

- The applicant will be required to obtain a Stormwater Management Permit prior to construction.

Economic Development

"Decrease the degree to which the residential sector in the County must pay for services." (p.87)

- The state legislature has approved standards that would regulate how commercial solar energy facilities are assessed for tax purposes. The standards would result in an increase from the current assessed value of agricultural land.

Infrastructure

"It is estimated that every 120 MW of solar power would eliminate 1.7 million tons of carbon dioxide emissions which is the equivalent of removing 310,000 vehicles from the nation's roadways annually. A 1,000 MW coal plant produces approximately 6 million tons of carbon dioxide per year." (p.116)

"Encourage all governmental units in the County to adopt and support ordinances that will enhance all segments of the areas electric grid." (p. 120, #5)

The proposed commercial solar energy facility is consistent with the *Comprehensive Plan* support of more sustainable energy sources.

STAFF ASSESSMENT

The 2030 Comprehensive Plan and the 2030 and Beyond Update both support the development of commercial solar energy facilities. Once the facility is constructed, there is very little to no traffic generated by the use. There is very minimal risk of noise, lighting, or other nuisances generated by this use. The proposed use is compatible with adjacent uses. As noted within Public Act 102-1123, a request for a Conditional Use Permit for a commercial solar energy facility shall be approved if the request is in compliance with the standards and conditions imposed within the Act, the zoning ordinance adopted consistent with this Code, and the conditions imposed under State and Federal statutes and regulations. A County may not adopt zoning regulations that disallow commercial solar energy facilities from being developed or operated in any district zoned to allow agricultural or industrial uses. All construction will be required to meet applicable codes and ordinances for: fire protection, commercial building and electrical construction, and stormwater management.

Staff offers the following conditions for consideration:

1. The Conditional Use shall have no time limit, unless the use is abandoned as specified in 16.56.030.PP.4 of the McHenry County Unified Development Ordinance.
2. Site development shall be in substantial conformance with the site plan prepared by Kimley-Horn, dated October 30, 2024 (attached).
3. The *Decommissioning Plan* shall be applicable in part as well as in whole. If any portion of the commercial solar energy facility ceases to perform its intended function for more than twelve (12) consecutive months, that portion of the facility shall be decommissioned in compliance with all the terms of the *Decommissioning Plan*.
4. A McHenry County Stormwater Management Permit shall be secured prior to construction. Any damaged drainage tiles shall be repaired at the expense of the Petitioner and in a manner satisfactory to the Water Resources Division Manager.
5. A detailed Landscape Plan illustrating compliance with required landscape screening standards and Illinois Department of Natural Resources Pollinator Scorecard Standards and land management practices shall be approved by the Zoning Enforcement Officer prior to issuance of construction/building permit.
6. Fencing shall be provided in compliance with the National Electrical Code, as applicable. The use of barbed wire is prohibited. Setting fence posts in concrete is prohibited except for gate posts and where otherwise required for stability.
7. Recommendations made by the Illinois Department of Natural Resources in their September 18, 2024 letter to the applicants, with regard to protected resources in the vicinity of the project location, shall be followed.
8. All requirements of McHenry County Unified Development Ordinance §16.56.030.PP (as amended, subject to State of Illinois Public Act 102-1123 and Public Act 103-0580) shall be met or exceeded unless specifically amended by this Conditional Use Permit.
9. All other federal, state, and local laws shall be met.

16.56.030 Principal Use Standards

PP. COMMERCIAL SOLAR ENERGY FACILITY. Conditional use permits for a COMMERCIAL SOLAR ENERGY FACILITY shall have no time limit, unless the use is abandoned as specified in subsection PP.4. below (COMMERCIAL SOLAR ENERGY FACILITY: Abandonment), or the permit is revoked in accordance with § 16.20.040I. (Revocation of Conditional Use Permits).

1. Application.

a. A threatened and endangered species consultation (EcoCAT) from the Illinois Department of Natural Resources is required at the time of conditional use permit application for any site that is five (5) acres or greater in size and currently in agricultural use or undeveloped.

b. A site plan shall be provided showing all improvements, including structures, fencing, power lines (above and below ground), lighting, and landscaping, at a detail sufficient to understand the location, height, appearance, and area.

c. All other application submittal requirements outlined in the *Planning and Development Department Zoning Application Packet* as published on the McHenry County Website.

2. Site design.

a. Solar panels, structures, and electrical equipment, excluding fences and power lines for interconnection, shall be erected no less than fifty (50) feet from any lot line and no less than one hundred fifty (150) feet from any residence, other than a residence on the same ownership parcel.

b. No structures, excluding power lines for interconnection, may exceed twenty (20) feet in height. Power lines shall be placed underground to the maximum extent possible.

c. Lighting must comply with § 16.60.020 (Exterior Lighting).

d. Solar panels shall have a surface that minimizes glare and shall comply with § 16.60.040D. (Lighting and Glare).

e. The facility shall be situated as to minimize impacts to woodlands, savannas, wetlands, drainage tiles, and encroachment into flood plains. All site development shall comply with the Stormwater Management Ordinance. Any damaged drainage tiles shall be repaired.

f. In order prevent erosion, manage run-off, and provide ecological benefit, the facility shall be planted with “low-profile” native prairie species, using a mix appropriate for the region and soil conditions per Illinois Department of Natural Resources (IDNR) standards, as amended from time to time.

g. Fencing shall be provided in compliance with the National Electrical Code, as applicable. The use of barbed wire must comply with § 16.56.050H.1.c. of this Ordinance.

h. Any part of the facility that is within five hundred (500) feet of a NONPARTICIPATING RESIDENCE, or road right-of-way, shall be landscaped with an arrangement of native shrubs, subject to approval by the County Board, unless the facility is screened from view by existing vegetation.

i. Prior to building permit issuance, the operator shall prepare a landscape monitoring and maintenance plan to ensure the establishment and continued maintenance of the native prairie species, all installed landscape screening, and all existing vegetation that provides required landscape screening.

j. Prior to scheduled public hearing, the operator shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture (IDOA), as required by that department.

k. Prior to building permit issuance, the operator shall provide an executed road use agreement between the Applicant and the appropriate governing road and highway jurisdictions or the Illinois Department of Transportation (IDOT), showing approved entrances.

3. Safety.

a. Prior to construction, the operator shall prepare an emergency management plan acceptable to the County and the local fire district and shall be responsible for training of emergency personnel, as needed.

b. A sign shall be posted providing the name of the operator and a phone number to be used in case of an on-site emergency.

c. Access shall be granted, provided appropriate advance notice, for periodic inspection of the site by the County or the local fire district.

d. Damaged solar panels shall be removed, repaired, or replaced within sixty (60) days of the damage. The ground shall remain free of debris from damaged solar panels at all times.

4. Abandonment.

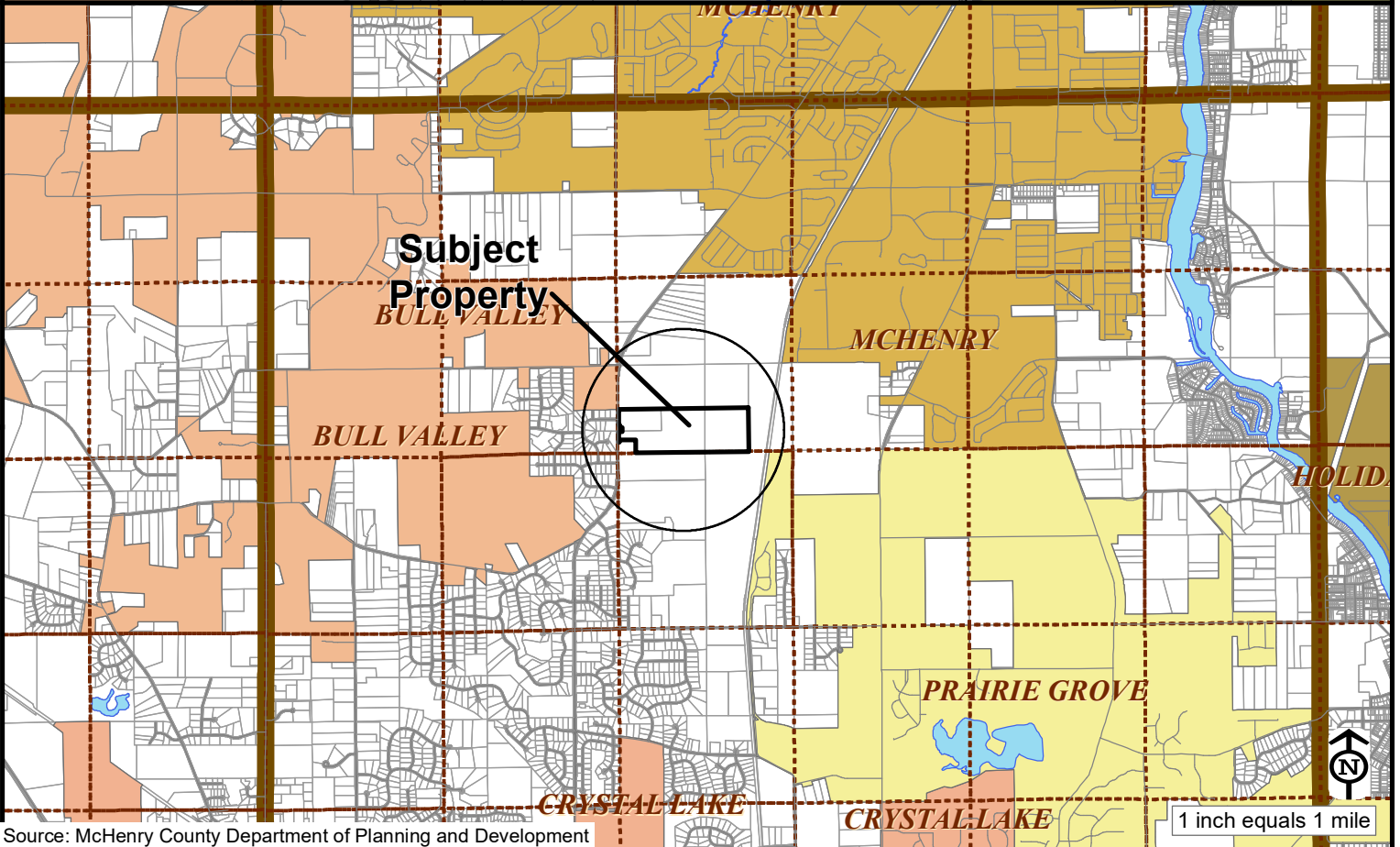
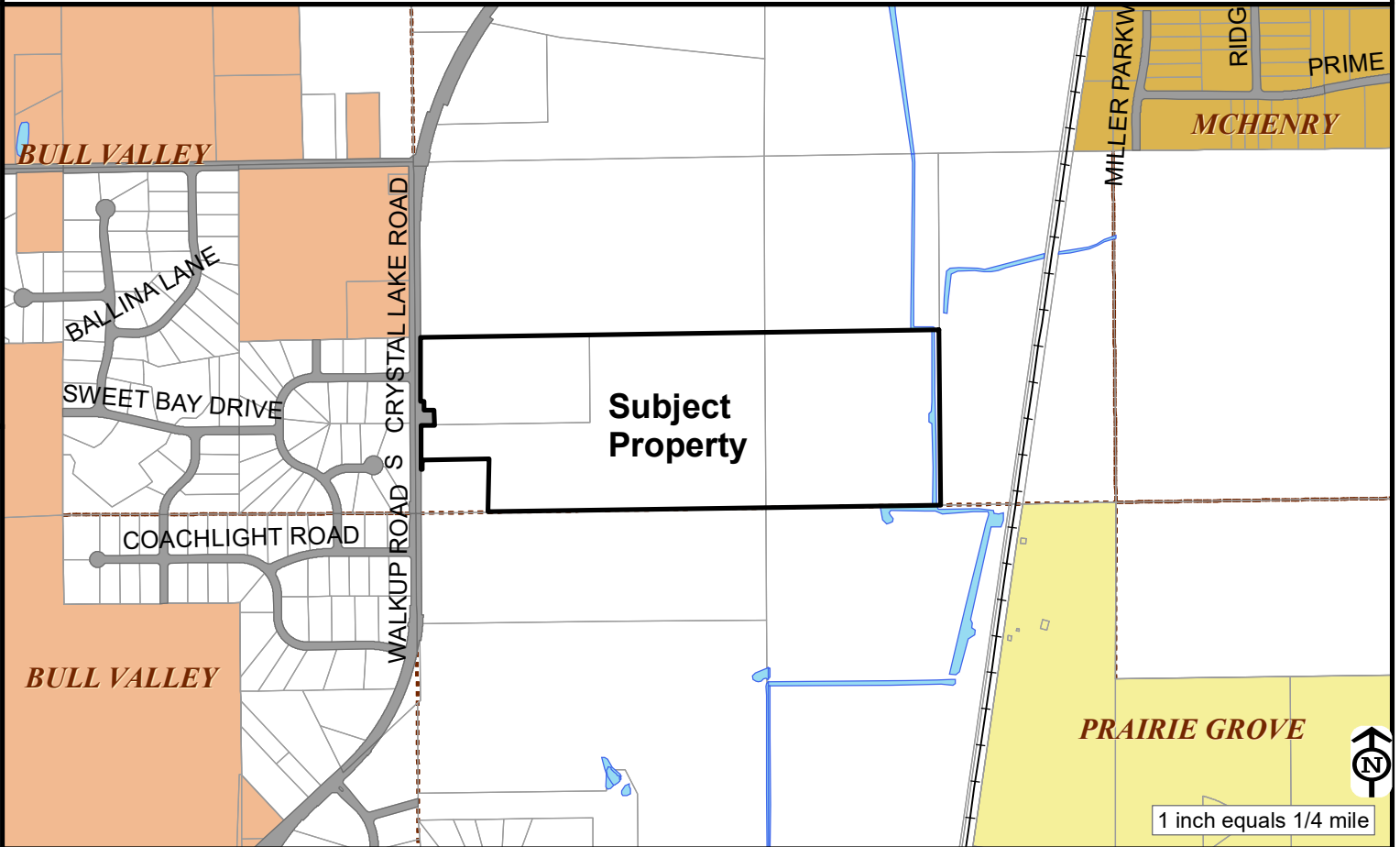
a. The COMMERCIAL SOLAR ENERGY FACILITY shall be considered abandoned if the operator fails to pay rent as specified in the Agricultural Impact Mitigation Agreement, or it ceases to generate electricity for a period of twelve (12) consecutive months. Reports of electrical power production shall be provided to the County upon request. An abandoned COMMERCIAL SOLAR ENERGY FACILITY must be decommissioned and removed within twelve (12) months from the time it is deemed abandoned. The operator may appeal in writing to the Zoning Enforcement Officer for an extension of time in order to remove the facility or to bring the solar farm back into operation.

5. Decommissioning. Decommissioning and removal of the COMMERCIAL SOLAR ENERGY FACILITY shall be the responsibility of the operator upon abandonment or revocation of the conditional use permit. All operators shall comply with the following:

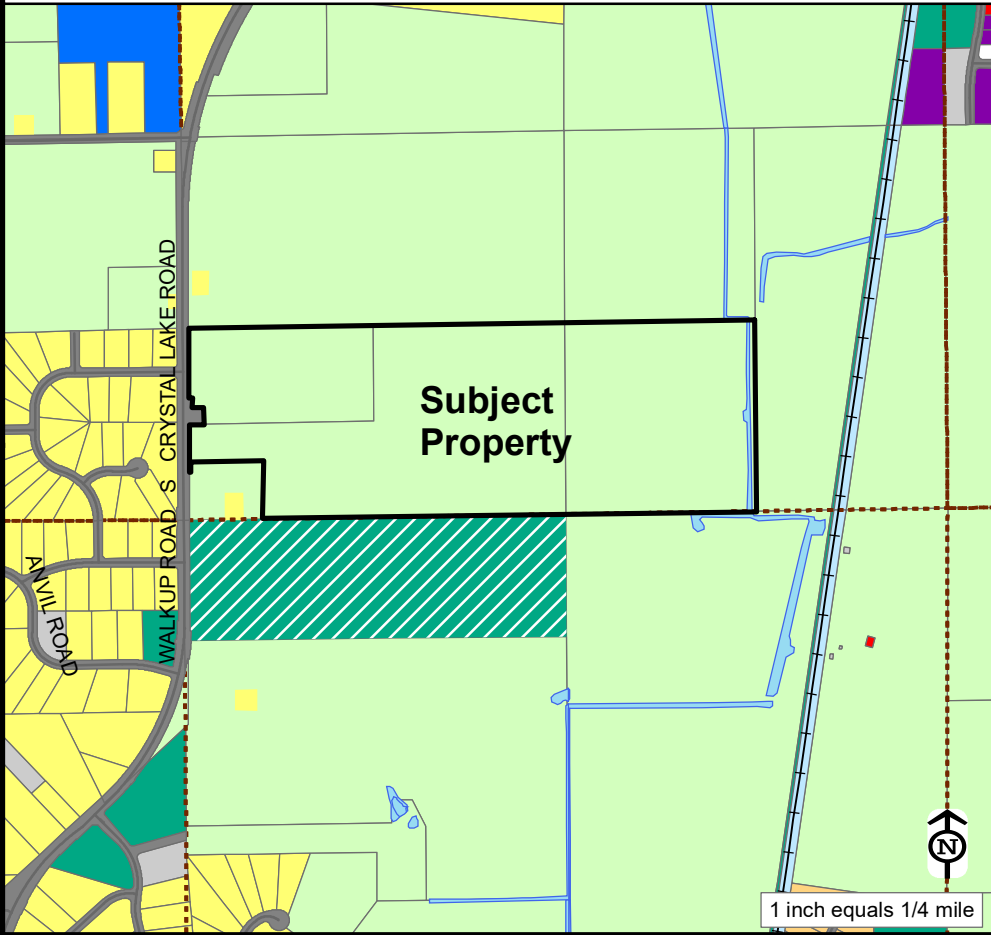
a. Prior to building permit issuance, the operator shall prepare a decommissioning plan which shows the final site conditions after the COMMERCIAL SOLAR ENERGY FACILITY has been removed from the property. Decommissioning plans shall require removal of all solar panels, electrical equipment, poles, piles, foundations, and conduits (above and below ground). Access roads, fencing, groundcover, and landscaping may remain only by agreement of property owner.

b. Prior to building permit issuance, the operator shall submit an engineer's estimate of cost for decommissioning the facility and restoring the site in accordance with the approved decommissioning plan. Upon review and approval by the Zoning Enforcement Officer of the estimate, the operator shall obtain a bond, letter of credit, or other form of surety acceptable to the County to be held by the Department of Planning and Development in the amount of one hundred percent (100%) of the estimate. Provision of this financial assurance shall be phased in over the first eleven (11) years of the project's operation or as otherwise provided in accordance with the executed Agricultural Impact Mitigation Agreement.

c. During the operation of the facility, a new engineer's estimate of cost for decommissioning shall be submitted every ten (10) years to the Department of Planning and Development. Upon approval of the estimated costs by the Zoning Enforcement Officer, a revised surety shall be provided to the Department of Planning and Development in the amount of one hundred percent (100%) of the new estimate.



Current Land Use Map



Current Land Use

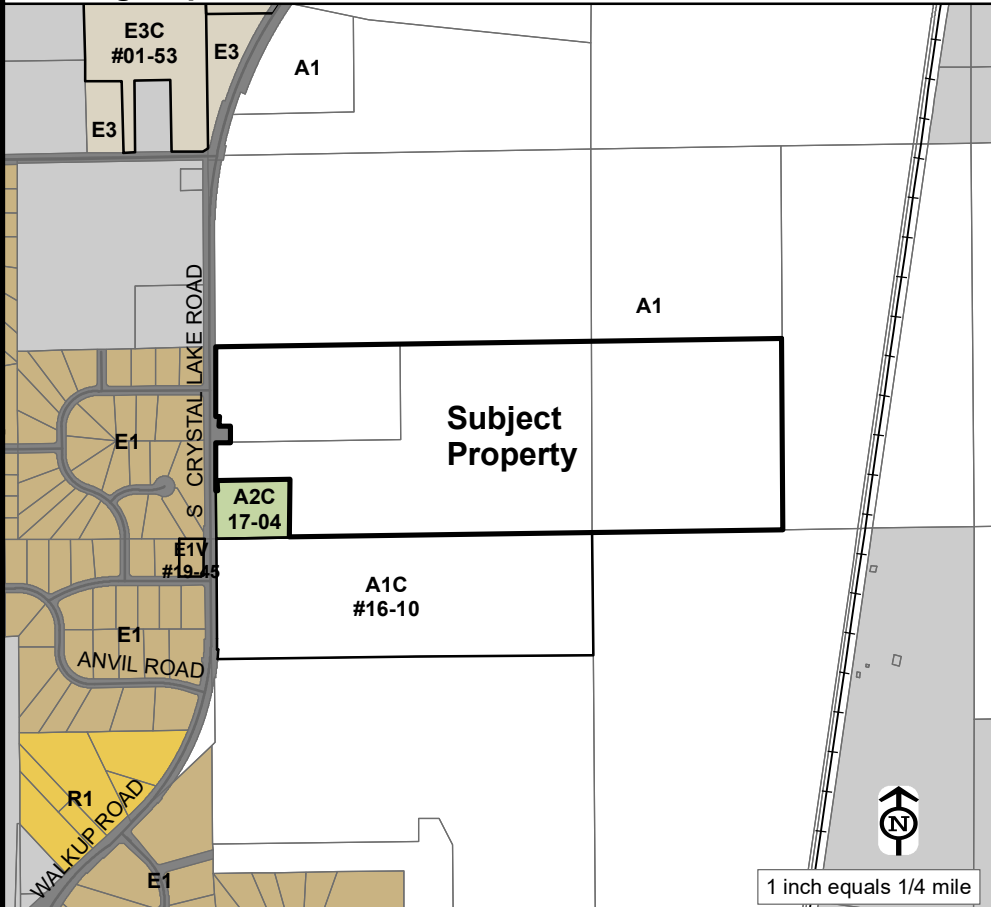
Agriculture

Adjacent Land Use(s)

North: *Agriculture*
 South: *Agriculture/Golf Course*
 East: *Agriculture*
 West: *Single-Family Residential*

- Agriculture
- MCCD Agriculture
- Single-Family Residential
- Multi-Family Residential
- Open Space
- Golf Course
- Commercial
- Office
- Industrial
- Mixed Use
- Earth Extraction
- Vacant
- Government / Institutional
- Transportation, Communication, Utilities
- Under Review

Zoning Map



Current Zoning

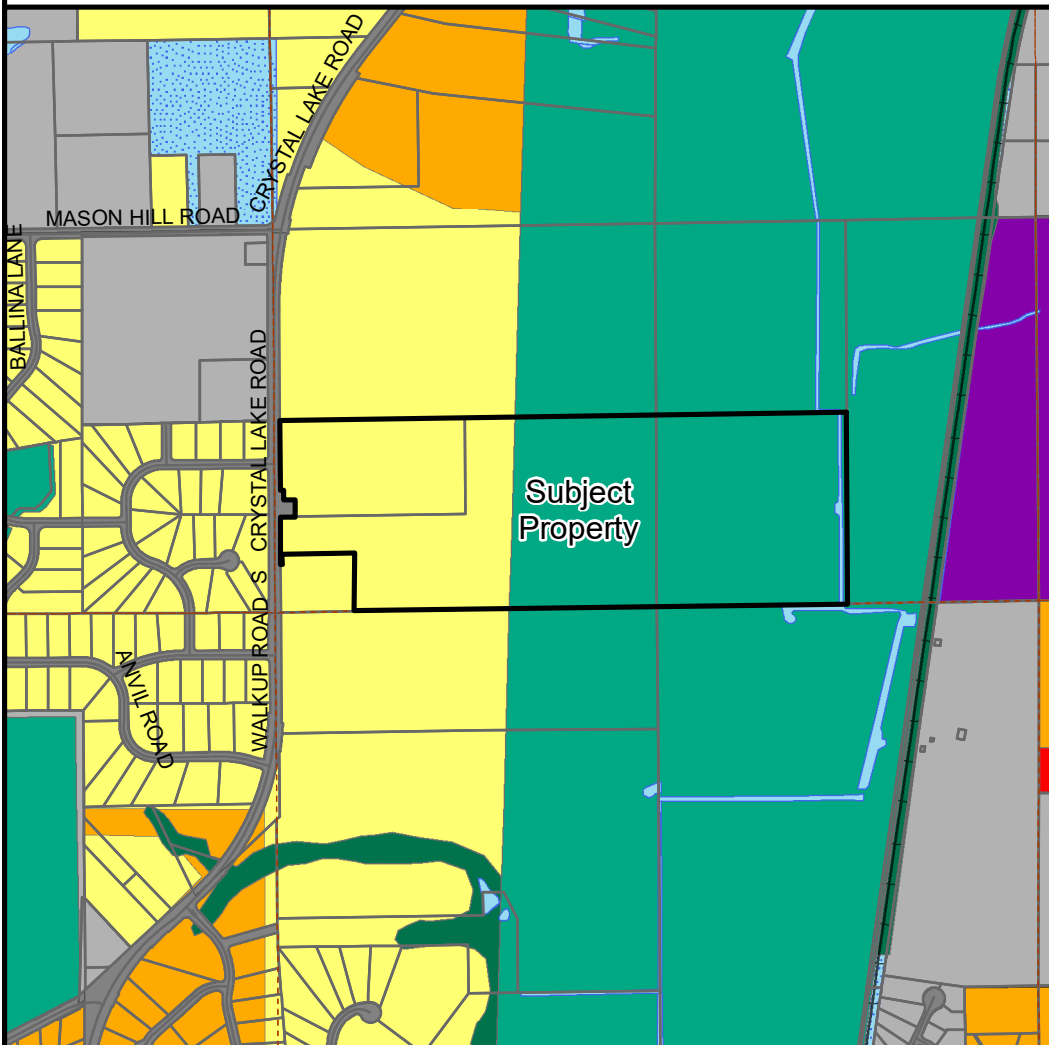
A-1 Agriculture

Adjacent Zoning

North: *A-1 Agriculture*
 South: *A1 and A1C Agriculture*
 East: *A-1 Agriculture*
 West: *E-1 Estate and A2C Agriculture*

- A-1 Agriculture
- A-2 Agriculture
- E-5 Estate
- E-3 Estate
- E-2 Estate
- E-1 Estate
- R-1 Single-Family Residential
- R-2 Two-Family Residential
- R-3 Multiple-Family Residential
- B-1 Neighborhood Business
- B-2 Neighborhood Business
- B-3 General Business
- O Office / Research
- I-1 Light Industrial
- I-2 Heavy Industrial
- PD Planned Development
- C Conditional Use
- V Variation
- Incorporated

McHenry County 2030 Comprehensive Plan Future Land Use Map



Future Land Use Map Designation

Estate/Open Space

- Agricultural
 - Open Space
 - Environmentally Sensitive Area
 - Estate
 - Isolated Estate
 - Residential
 - Isolated Residential
 - Retail
 - Mixed Use
 - Office, Research, Industrial
 - Gov't, Institutional, Utilities
 - TOD Existing Rail Station
 - TOD Future Rail Station
 - Active Earth Extraction Site
 - Municipality
- Scale: 1 inch = 1/4 mile



Municipal / Township Plan Designations

Nunda Township: Residential Conservation Development/Open Space

Bull Valley: No Designation

McHenry: Agricultural/Environmental Corridor

Prairie Grove: No Designation

McHenry County 2030 Comprehensive Plan — Text Analysis

Land Use

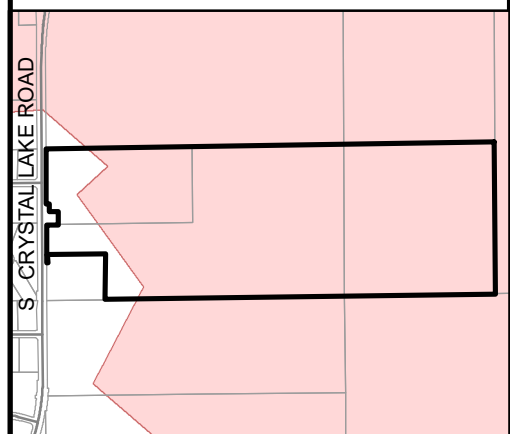
Estate includes existing and proposed areas for single-family residential uses at gross densities of one to five acres per dwelling unit.

Open Space includes existing state and municipal parks, as well as the properties and easements held by the McHenry County Conservation District, the Illinois Nature Preserves Commission, The Land Conservancy of McHenry County, the Boone Creek Watershed Alliance, and the Barrington Area Conservation Trust. These areas are deemed unavailable for future development. Except in unique circumstances, such as where designated in a municipal future land use map, future Public Open Space areas are not designated.

Sensitive Aquifer Recharge Areas

The site is partially located in a zone with elevated contamination potential.

Sensitive Aquifer Recharge Areas (SARA)



- Sensitive Recharge Area

McHENRY~LAKE COUNTY SOIL & WATER CONSERVATION DISTRICT

NATURAL RESOURCES INFORMATION REPORT

24-078-4634

September 10, 2024



This report has been prepared for:
Bill Carleton (Turning Point Energy)

Contact Person:
Ryan Solum

PREPARED BY:
McHENRY-LAKE COUNTY SOIL & WATER CONSERVATION
DISTRICT

1648 S. EASTWOOD DR.

WOODSTOCK, IL 60098

PHONE: (815) 338-0444

www.mchenryswcd.org

The McHenry-Lake County Soil & Water Conservation District
is an equal opportunity provider and employer.

EXECUTIVE SUMMARY OF NRI REPORT #24-078-4634

It is the opinion of the McHenry-Lake County Soil and Water Conservation District Board of Directors that this report as summarized on these pages are pertinent to the requested zoning change.

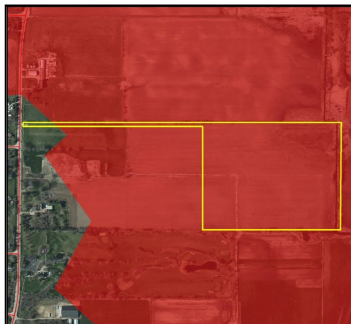


Groundwater Contamination Potential and Recharge Areas:



Aquifer Sensitivity Map (*This is the area beneath the soil profile down to bedrock)

The Geologic features map indicates the parcel is comprised of 52.14 acres of A3 and 1.58 acres of A4 geologic limitations. A3 and A4 have a high contamination potential.



Sensitive Aquifer Recharge Areas (Includes the soil profile and underlying geology).

The Sensitive Aquifer Recharge Map indicates 53.28 acres of the parcel is within a Sensitive Aquifer Recharge Area (identified in red).



Soil Leachability Map (This is only the soil profile within the parcel from the surface down to approx. 5 feet).

The Soil Leachability Index indicates 3.0 acres or 5.5% of the parcel has a high leaching potential (identified in red) for fertilizers (includes household use) identified.

Soil Permeability (This is only the soil profile within the parcel from the surface down to approx. 5 feet. Soil permeability is a reflection of the speed in which water (with or without pollutants) can move through the soil profile.)

The USDA-NRCS Soil Survey Map of the area indicates 43.4 acres or 80.5% of the parcel contains highly permeable soils.

Soil Limitations (This evaluates the parcel from the surface down to approximately 5 feet.):

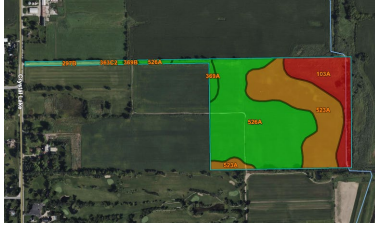
Erosion Ratings

The NRCS Soils Survey indicates 0.1 acres or 0.3% of the parcel contains Highly Erodible Soils. The McHenry-Lake SWCD has staff members certified in Sediment and Erosion Control and can aid the petitioner by reviewing erosion control plans and make recommendations.



Prime Farmland Soils

The Natural Resources Conservation Service (NRCS) Soil Survey indicates 28.7 acres or 35.3% of the parcel is comprised of prime farmland soils (identified in green) and 16.0 acres or 29.8% of the parcel is comprised of prime farmland if drained soils (identified in light green).



Hydric Soils

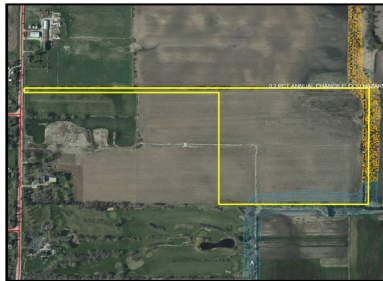
The NRCS Soil Survey identifies 25.1 acres or 46.8% of hydric soils (identified in red and orange) on the parcel.



Ground Based Solar Arrays

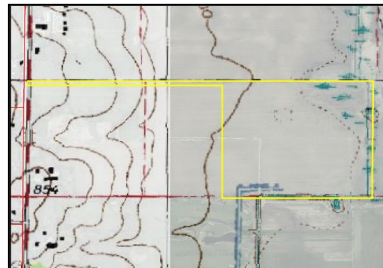
The NRCS Soils Survey indicates 52.4 acres or 97.5% of the parcel has severe limitations for Soil Anchored Solar Arrays (identified in red). The reason for the limitation can be found on page 28 of the report.

Floodplain Information:



The Flood Insurance Rate Map

Indicates 4.24 acres of the parcel is identified as Zone A, 100-year floodplain (identified in blue).

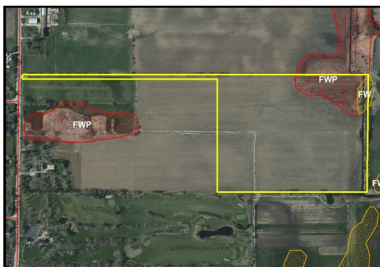


Flood of Record Map (Hydrologic Atlas)

The Flood of Record Map for this area indicates 11.22 acres of the parcel has previously flooded (identified in blue).

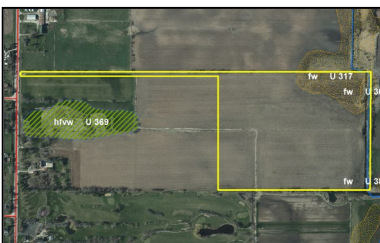
***Due to the presence of floodplain within the western portion of the parcel, it is recommended that this area be avoided and not impacted by the development.**

Wetland Information:



USDA-NRCS Wetland Inventory

The NRCS Wetlands Inventory indicates there are 5.05 acres of farmed wetland pasture (identified in red) and 0.88 acres of farmed wetland (identified in orange) on the parcel.



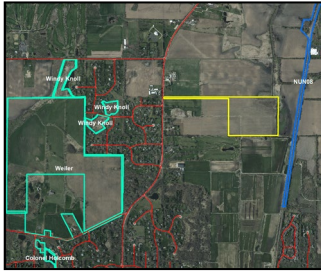
ADID Wetland Inventory

The ADID Wetland Study indicates 5.05 acres of Farmed Wetland (FW) U 317 and 0.87 acres of Wetland (W) U 363 on the parcel.

***Due to the presence of wetland within the northwestern portion of the parcel, it is recommended that this area be avoided and not impacted by the development. It is also**

recommended that a wetland delineation be completed on the parcel to determine the exact boundaries of the wetland area.

Cultural Resources: None identified.



Preserved or Recognized Ecological Sites: Office maps indicate McHenry County Natural Areas Inventory Site – Crystal Lake-McHenry RR Prairie is east of the parcel. This site is a mesic silt loam prairie and a wet silt loam prairie protected by the McHenry County Conservation District.

Additionally, the Land Conservancy of McHenry County easements, Windy Knoll and Weiler are west of the parcel.

Woodlands: None identified.

Agricultural Areas: Office Maps indicate there are no State designated agricultural area on the parcel.

Land Evaluation Site Assessment (LESA): The Land Evaluation Score for the parcel is 93.6. A Site Assessment was not completed.

ADDITIONAL CONCERNS

It is recommended that areas between panels and within the buffers, should be planted to a native prairie mix to help increase water infiltration and reduce runoff from the site. It is recommended that a planting and maintenance plan be developed with the landowner to ensure that noxious weeds are controlled, and native plantings are properly installed and managed. The petitioner is encouraged to add pollinator species to this planting plan in accordance with the Illinois Department of Natural Resources and McHenry County requirements.

We have not received notification that an Agriculture Mitigation Agreement with the Illinois Department of Agriculture has been completed. The agreement should address decommissioning of the site after the lifespan of the facility has been reached. It is recommended that all panels, piles, transformers, underground lines, and fencing be completely removed from the site. If underground lines are to remain, they should have at least 5 feet of cover to adequately allow farming operations to commence after the facility's removal. A template can be found on the Illinois Department of Agriculture's website. Please contact Jeffrey Evers for more information.



JEFFREY EVERS | AGRICULTURAL LAND & WATER RESOURCE SPECIALIST III
Land and Water Resources

Illinois Department of Agriculture

John R. Block Building | 801 E. Sangamon Ave., P.O. Box 19281 | Springfield, IL 62794-9281
(O) 217-785-5594 | (F) 217-557-0993 | (TTY) 866-287-2999 | jeff.evers@illinois.gov



NATURAL RESOURCE INFORMATION REPORT (NRI)

NRI Report Number	24-078-4634	
Applicant's Name	Bill Carleton (Turning Point Energy)	
Size of Parcel	54 acres	
Zoning Change	A-1 to Solar Energy Facility	
Parcel Index Number(s)	14-09-300-005, 14-09-300-006, 14-09-400-002	
Common Location	Undefined	
Contact Person	Ryan Solum	
<i>Copies of this report or notification of the proposed land-use change were provided to:</i>	<i>yes</i>	<i>no</i>
The Applicant/Contact Person	x	
The Village/City/County Planning and Zoning Department or Appropriate Agency	x	

Report Prepared By: *Spring M. Duffey*

Position: *Executive Director*



September 18, 2024

Ryan Solum
3270 S Dahlia St
Denver, GA 30305

**RE: MH680 Solar
Consultation Program
EcoCAT Review #2503860
McHenry County**

Dear Mr. Solum:

The Department has received your submission for this project for the purposes of consultation pursuant to the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

The proposed action consists of the construction of a roughly 40-acre commercial solar energy facility with associated sidewalks, roads, and utilities in McHenry County, IL.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

State Threatened or Endangered Species
Blanding's Turtle (*Emydoidea blandingii*)
Rusty-patched Bumble Bee (*Bombus affinis*)

Due to the project scope and proximity to protected resources, the Department offers the following comments and recommends the following actions be taken to avoid adversely impacting listed species in the vicinity of the project:

Blanding's Turtle

EcoCAT has indicated records for the state-listed Blanding's Turtle in vicinity of the project area. The Department recommends:

- Exclusionary fencing should be installed to partition off any wetland areas before the active season (March 1st - November 1st). Exclusionary fencing should be trenched into the ground (a minimum of 4 inches) and inspected daily for Blanding's Turtles.

- Alternatively, a survey for Blanding's Turtle may be conducted to determine if the turtle is present within the project area. The principal investigator should obtain a Scientific Collectors Permit and T&E Permit from the Department to conduct such work. A survey proposal should be sent to this office for concurrence on methods, along with the results for final comment.

Rusty-patched Bumble Bee

The Department has determined that adverse impacts to this species are unlikely.

Please note that due to the federal status of the Rusty-patched Bumble Bee, and its potential occurrence in the project area, coordination with the U.S. Fish and Wildlife Service may be necessary and is separate from this consultation and Illinois State regulations.

Given the above recommendations are adopted, the Department has determined that impacts to these protected resources are unlikely. The Department has determined impacts to other protected resources in the vicinity of the project location are also unlikely.

In accordance with 17 Ill. Adm. Code 1075.40(h), please notify the Department of your decision regarding these recommendations.

Consultation on the part of the Department is closed, unless the applicant desires additional information or advice related to this proposal. Consultation for Part 1075 is valid for two years unless new information becomes available which was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the action has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal and should not be regarded as a final statement on the project being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are unexpectedly encountered during the project's implementation, the applicant must comply with the applicable statutes and regulations.

This letter does not serve as permission to take any listed or endangered species. As a reminder, no take of an endangered species is permitted without an Incidental Take Authorization or the required permits. Anyone who takes a listed or endangered species without an Incidental Take Authorization or required permit may be subject to criminal and/or civil penalties pursuant to the *Illinois Endangered Species Act*, the *Fish and Aquatic Life Act*, the *Wildlife Code* and other applicable authority.

The Department also offers the following conservation measures be considered to help protect native wildlife and enhance natural areas in the project area:

- The Department strongly recommends that the project proponent establish pollinator-friendly habitat as groundcover wherever feasible. Solar Site Pollinator Establishment Guidelines can be found here: <https://dnr.illinois.gov/conservation/pollinatorscorecard.html>
- The site should be de-compacted before planting.
- Long term management of the site should be planned for prior to development to ensure successful native pollinator habitat establishment and prevent the spread of invasive species throughout the lifetime of this project. An experienced ecological management consultant should be hired to assist with long-term management.
- Required fencing, excluding areas near or adjacent to public access areas, should have a 6-inch gap along the bottom to prevent the restriction of wildlife movement. Woven wire or a suitable habitat wildlife friendly fence should be used. Barbed wire should be avoided.
- If tree clearing is necessary, the Department recommends removing trees between November 1st and March 31st to avoid impacts to the state-listed bats and birds.
- Any required night lighting should follow International Dark-Sky Association's (IDA) Five Principles for Responsible Outdoor Lighting to minimize the effect of light pollution on wildlife: [Five Principles for Responsible Outdoor Lighting | DarkSky International](#)

Please contact Isabella Newingham (Isabella.newingham@illinois.gov) with any questions about this review.

Sincerely,



Bradley Hayes
Manager, Impact Assessment Section
Division of Real Estate Services and Consultation
Office of Realty & Capital Planning
Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702
Bradley.Hayes@Illinois.gov
Phone: (217) 782-0031