



Zoning Board of Appeals  
Gregory Koeppen  
Chair

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November 21, 2023

TO: Gregory Koeppen, Chair  
Lake County Zoning Board of Appeals

FROM: Frank Olson, Planner  
Lake County Department of Planning, Building and Development

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CASE NO: CUP-000925-2023

REQUESTED ACTION: Conditional Use Permit to establish a Commercial Solar Energy System.

HEARING DATE: November 28, 2023

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#### **GENERAL INFORMATION**

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OWNER: Chicago Land Trust

# OF PARCELS: One

SIZE: 28 Acres, per Lake County Maps Online

LOCATION: 29650 N IL Route 83, Mundelein, Illinois

PIN: 10-14-100-004

EXISTING ZONING: Agricultural (AG)

EXISTING LAND USE: Agricultural (field crops)

PROPOSED LAND USE: Commercial Solar Energy System

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### **SURROUNDING ZONING / LAND USE**

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NORTH:	Agricultural (AG)/Agricultural
WEST:	Agricultural (AG)/Agricultural
SOUTH:	Agricultural (AG)/Residential and Commercial
EAST:	Agricultural (AG)/Residential and Commercial

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### **COMPREHENSIVE PLANS**

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LAKE COUNTY:	Agricultural/Office and Research parks
MUNICIPALITIES WITHIN 1 ½ MILES:	Village of Mundelein: Flexible Use (Northwest Growth) Village of Grayslake: N/A Village of Libertyville: N/A Village of Hawthorn Woods: N/A Village of Round Lake Park: N/A

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### **DETAILS OF REQUEST**

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ACCESS:	The subject property is accessed from IL Route 83 through ingress and egress easement agreements.
CONFORMING LOT:	The subject property is a nonconforming zoning lot in the AG zoning district due to lot width.
WETLAND/FLOODPLAIN:	The subject property has mapped floodplain on the northwest corner of the property and wetlands along the northwest, southwest, and southeast areas.
SEWER AND WATER:	The subject property does not have any water or sewer service. Neither service is necessary to support the proposed use.

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### **LAKE COUNTY AND EXTERNAL AGENCY COMMENTS**

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#### McHenry – Lake County Soil & Water Conservation District

- The applicant has applied for the NRI report with the Lake County Soil & Water Conservation District.

#### Illinois Department of Agriculture

- The applicant has submitted a copy of an Agricultural Impact Mitigation Agreement executed October 2023.

#### Illinois Department of Natural Resources

- 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 location.

#### Illinois Department of Transportation

- The applicant has applied for a highway permit from the Illinois Department of Transportation.

#### Lake County Engineering Division - Comments by Andrew Heuser

- The Engineering Division has no objection to the Conditional Use Permit. A Site Permit will be required.

#### Lake County Building Division – Comments by Ieva Donev

- The Building Division has no objection to the Conditional Use Permit. Building plans and specifications shall be submitted for building permits in compliance with 2018 International Building Code, 2011 National Electric Code, and 2018 International Fire Code.

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### **ADDITIONAL COMMENTS**

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- Lake County is subject to *Illinois State Statute 55 ILCS 5/5-12020*, which outlines the maximum standards a county may require for the establishment of commercial solar and wind energy facilities. These standards are reflected in the Lake County Code (LCC) Section 151.112(WW). Further, per the statute, conditional use permit applications shall be approved if found to be in compliance with the standards.
- Staff received Transition Yard Agreements waiving all landscaping requirements with both properties along the northern property line, PINs 10-14-100-001 and 10-14-100-003.
- Staff conducted a Site Capacity and Site Plan review and have determined it meets the standards required for the establishment of a Commercial Solar Energy System on the subject property.

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## RECOMMENDATION FOR CONDITIONAL USE PERMIT

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Staff recommends approval of the proposed Conditional Use Permit subject to the conditions on the final page of this report. Staff finds the request will meet the criteria for a Conditional Use Permit (CUP) in the following manner:

### **Conditional Use Approval Criteria – Section 151.112 (WW)**

**Fencing.** Commercial Solar Energy Systems shall be enclosed with an approved fence that restricts access to the public. Such fencing shall, at a minimum, encompass the entire system's facility, contain a locking mechanism, and be subject to the fence regulations of the LCC Section 151.113(L)(1). The maximum height of fences surrounding Commercial Solar Energy Systems shall be eight feet:

Comment: The applicant will be enclosing the proposed Commercial Solar Energy System with an approved 7-foot fence.

**Height.** The total height of the panels shall not exceed 20 feet, as measured from grade to the highest point of the solar arrays when the Solar Energy Facility's arrays are at full tilt:

Comment: The maximum height of the proposed solar arrays will not exceed 15 feet.

**Location and Setbacks.** Commercial solar energy systems must meet the setback requirements for a principal structure in the underlying zoning district or be waived by the written consent of the owner(s) of each affected nonparticipating property:

Comment: The proposed Commercial Solar Energy System complies with all setback requirements.

**Decommissioning Plan and Assurances.** Applicant (or owner, if different from applicant) must submit a decommissioning plan with cost estimation to the County as part of the siting application and provide testimony supporting the calculation of costs provided in said plan during the public hearing on the application.

Comment: A decommissioning plan and calculated costs has been provided by the applicants.

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## RECOMMENDED CONDITIONS FOR CUP #000925-2023

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1. The establishment of the use shall be consistent with the proposed site plan.
2. Transition Yard Waiver Agreements shall be recorded prior to permit issuance.