

STAFF REPORT

Application:	Variance request related to the proposed construction of a solar energy garden. Approvals requested include variance to construct a solar array structure 500 feet from centerline of a public arterial road (1350 square feet from centerline required).
Applicant:	Viking Community Solar 27, LLC (New Energy Equity, LLC)
Property Owner:	Minnerath Investments, LLC
Agenda Item:	5(a)

Background Information:

Proposal: The applicant is proposing to build a solar energy array with a system size limited to 830 kW AC on 6.6 acres on property owned by Minnerath Investments, LLC according to site and engineering plans to be prepared by New Energy Equity. This meets the definition of a solar farm which requires an interim conditional use permit from Glenwood Township according to the requirements of the ordinance.

The applicant is not, however, introducing its application for an interim use permit at this time, rather they are first seeking Township approval for a variance that would allow them to build the structure 500 feet from the centerline of State Highway 55, an arterial roadway. The ordinance requires a setback of 1,320 square feet from the centerline of arterial and collector roads. The variance being sought would allow them to build 820 feet closer to the road.

The ordinance size restriction on solar gardens in A-1 District is met. All other applicable setback requirements from the Township ordinance are met according to the site plan provided. All setbacks required by Pope County are met.

If the applicant receives approval from the Glenwood Township Board allowing the road setback variance, the intent is to later submit a full application for an interim use permit (IUP) meeting the requirements of the ordinance. Among other Township zoning ordinance requirements as identified in Section 9.4, the IUP application will need to include the full design components of the solar array, a wetlands delineation plan, a stormwater plan, and a decommissioning plan. These would be addressed with the IUP application in the event that Glenwood Township approves of the setback variance.

Included with the staff report is the variance application, descriptions of the variance need and the site plan. You will find exhibits and other materials provided by the applicant regarding this proposal from the following link: <http://bit.ly/3vAedwb>.

The applicant will be present at the public hearing to respond to questions regarding the variance and their proposal for the solar garden on the Minnerath site.

- **Location:**
 - Property address: 20xxx State Highway 55
 - Sec/Twp/Range: 17-125-37

- Parcel number(s): 09-0314-001
- **Zoning:** Non-Intensive Agricultural (A-1)
- **Lot size:** Approx. 122.74 deeded acres.
- **Natural Features:**
 - Floodplain: The existing and proposed structures are not within an identified floodplain.
 - Bluff/Steep Slopes: The lot does not contain a bluff or steep slopes.
 - Wetlands: National Wetlands Inventory maps do not indicate potential wetlands.

Planning Commission Direction: The Planning Commission may recommend to approve the variance request(s), deny the request(s), or table the request(s) if the Commission should need additional information from the applicant. If the Commission should approve or deny the request, the Commission should state the findings which support either of these actions.

Staff Comments:

- 1) In order to grant a variance, the Township needs to find that a property owner has met the criteria established in the zoning ordinance and/or State Law. In making its decision, the Township will need to state its “findings of fact” indicating why those criteria have been met or not met and as such, why the variance request should be approved or denied.
- 2) The proposal for an interim use permit is not being considered at this time, but may be introduced later if the variance is approved.

Staff Recommendation: Based on the relevant findings of fact noted below, Staff recommends consideration of the requested variance only if the Township deems this variance to be necessary and reasonable.

Applicable Statutes/Ordinances: See Appendix A.

Findings of Fact (Variance): The following findings of fact that would support either approval or denial are presented by Staff for consideration:

1) The proposed variance is in harmony with the general purposes and intent of the Ordinance.

The general purposes and intent of the Township setback for solar energy farms is to protect the welfare and safety of adjacent properties and roadways from the potential impacts of the usage.

Findings Supporting Approval

The proposed setback will not have a significant impact on public facilities and utilities. While the structure would be closer to the highway than the ordinance standard, there is no resulting impact to the road right-of-way or road maintenance or to other properties. With the screening provided, there is no visual impact to drivers. Allowing the variance would appear to be in

harmony with the intent of the ordinance.

Findings Supporting Denial

Locating the solar array this close to the roadway poses an unacceptable risk to the roadway and the travelling public. The owners can comply with the road setback requirement with a redesign or alternative location for the array structure.

2) The owner proposes to use the property in a reasonable manner not permitted by the Ordinance..

Findings Supporting Approval

The setback proposed with this request is reasonable given there is no visual or other impact to the highway and that setback variance would allow for the desired location and usage as a solar garden.

Findings Supporting Denial

The proposed 500 ft setback for the solar garden structure is not acceptable or reasonable, particularly given the 1,320 ft requirement designed to protect nearby the road and users from the impacts of a facility of this nature.

3) The plight of the owner is due to circumstances unique to the property that were not created by the owner.

Findings Supporting Approval

The requested variance from the roadway setback requirement is due to the features of the parcel which prohibit an alternative location. The effective usage of the property as a solar garden which the owners would utilize according to the requirements of an interim conditional use permit would not be possible without the variance.

Findings Supporting Denial

The circumstance leading to a request for a variance in this instance is due to a poorly developed plan that does not take into account other options. The parcel is large enough that the location and usage could be achieved without the need for a variance.

4) If granted, the variance will not alter the essential character of the locality.

Findings Supporting Approval

The proposed solar garden with the requested variance will be built to Township performance standards and according to Township requirements which will include adequate screening and protections for the roadway, travelers and adjacent properties. As such, the proposal and the variance will not alter the basic character of the area or community.

Findings Supporting Denial

The proposal will alter the landscape, have impacts to the surrounding usage and greatly affect the character of this area.

5) Economic considerations are not the sole basis for the requested variance.

Findings Supporting Approval

The need for the variance is due to the practicality and necessity of this particular site and non-economic factors mentioned above.

Findings Supporting Denial

The variance is being sought due to the owner and developer's desire to save the expense of siting the project at an alternative location elsewhere on the parcel.