Resolution of the County Board
of
Kankakee County, Illinois

RE: ZBA CASE #18-02; SPECIAL USE PERMIT SECTION 121-99.C.34 (SOLAR FARM) IN THE A1-AGRICULTURAL DISTRICT SECTION 19 MANTENO TOWNSHIP (MANTENO SUN I SOLAR FARM)

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed by Davey & Davey Development LTD (Andrew Davey) & SWTW Holdings, LLC (Hubert Wong), property owners and Community Power Group, LLC (Manteno Sun I Solar Farm), applicant in the Office of the County Clerk of Kankakee County for a Special Use Permit to Section 121-99.c.34 (Solar Farm) in the A1-Agricultural District, on a parcel legally described herein Exhibit A, a copy of which is attached; and,

WHEREAS, the Zoning Board of Appeals held a duly noticed public hearing, on the application on March 5, 2018 and from the testimony and evidence presented findings were made as described in Exhibit B, a copy is attached and the ZBA recommends that the request of Davey & Davey Development LTD (Andrew Davey) & SWTW Holdings, LLC (Hubert Wong), property owners and Community Power Group, LLC (Manteno Sun I Solar Farm), applicant, be approved; and,

WHEREAS, the Planning, Zoning, and Agriculture Committee (PZA), at its regularly scheduled and duly noticed meeting of March 21, 2018 having reviewed, discussed and considered the matter, has approved the request and adopted the findings and recommendation of the Zoning Board of Appeals, Exhibit B; and,

WHEREAS, all matters required by law of the State of Illinois and the Zoning Ordinance of Kankakee County have been completed; and,

WHEREAS the County Board at its regularly scheduled meeting of April 10, 2018 after review, discussion, and consideration, agrees with the findings of the Zoning Board of Appeals and committee minutes of the PZA Committee, and finds that the conclusions expressed are both reasonable and rationally supported by the evidence presented, and the special use permit will not be detrimental to the public health, safety, and economic and general welfare.

NOW, THEREFORE, be it resolved by the Kankakee County Board, State of Illinois as follows:

1. The findings of the Zoning Board of Appeals are hereby approved, confirmed, ratified, and adopted and the conclusions of the Planning, Zoning and Agriculture Committee based upon those findings are rational and in the public interest.

2. The findings, conclusions and recommendation expressed in the minutes of the Planning, Zoning, and Agriculture Committee meeting of March 21, 2018 are also
supported by the record and are in the public interest and are also approved, confirmed, ratified and adopted.

3. Special Use Permit to Section 121-99.c.34 (Solar Farm) in the A1-Agricultural District, be approved on a parcel legally described in Exhibit A, a copy of which is attached herein and made a part hereof.

PASSED and adopted this 10th day of April, 2018.

Andrew H. Wheeler, County Board Chairman

ATTEST:

Dan Hendrickson, County Clerk
LEGAL DESCRIPTION:
A PART OF THE EAST HALF OF THE EAST HALF OF SECTION 19, TOWNSHIP 32 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANKAKEE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 19: THENCE NORTH 89°10'50" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 19 A DISTANCE OF 45.03 FEET TO AN IRON ROD ON THE WEST RIGHT-OF-WAY LINE OF U.S. ROUTES 45 & 52, SAID POINT TO BE KNOW AS THE POINT OF BEGINNING: THENCE SOUTH 00°43'15" EAST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 2416.96 FEET TO AN IRON ROD: THENCE SOUTH 89°18'00" WEST A DISTANCE OF 1289.80 FEET TO AN IRON ROD ON THE WEST LINE OF THE EAST HALF OF THE EAST HALF OF SAID SECTION 19: THENCE NORTH 00°35'30" WEST ALONG SAID WEST LINE A DISTANCE OF 2451.04 FEET TO AN IRON ROD ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 19: THENCE SOUTH 89°10'50" EAST A DISTANCE OF 1284.75 FEET TO THE POINT OF BEGINNING. CONTAINING 71.92 ACRES, MORE OR LESS. SUBJECT TO RIGHTS-OF-WAY FOR ROADS, DRAINAGE AND EASEMENTS APPARENT OR OF RECORD.
This is the findings of fact and the recommendation of the Kankakee County Zoning Board of Appeals concerning an application from property owners Davey & Davey Development LTD (Andrew Davey) and SWTW Holdings LLC (Hubert Wong) and applicant Community Power Group, LLC in ZBA Case No. 18-02. The applicant and owner s are seeking a special use permit to allow the construction of a 2MWac community solar garden, known as Manteno Sun I, on property located along the west side of U.S. Route 45/52 in Manteno Township approximately 1/2 mile south of 9000 N Road.

The project will be utilizing approximately 26.41 acres in the northern portion of the 32.84 acre parcel. The project will consist of solar panel arrays that move to track the sun, an access driveway, a security fence, and associated electrical equipment and wiring.

After due notice required by law, the ZBA held a public hearing on this case on March 5, 2018 in the County Board Room, 4th Floor, Kankakee County Administration Building, Kankakee, Illinois, and hereby report their findings of fact and their recommendation as follows:

Site Information: See Staff Report (attached herewith).

Public Comments: The following individuals spoke during the Public Comment period:

Alan Spangler – A neighboring resident representing a neighboring property owner, Mrs. Margaret Hanover spoke against the special use permit. He had concerns about the loss of farmland, the hiding of the facility behind trees, and the attraction of large rodents to the site.

(Refer to transcripts for full details)

Analysis of Six Standards: After considering all the evidence and testimony presented at the public hearing, the Board makes the following analysis of the six (6) standards listed in Section 17.03.F4 (Standards for Special Uses) of the Kankakee County Zoning Ordinance that must all be found in the affirmative prior to recommending granting of the petition.

1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

The Board finds that solar farm construction and operation causes no harmful effects to surrounding environment and, in the long run, will improve overall air quality, benefitting citizens of Illinois. The farm is operated remotely and will only require 1-2 visits a year for maintenance.
2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The Board finds that solar farms have no effect on surrounding agriculture which is the primary use of surrounding properties, due to its benign nature during operation. The land is less desirable for other developments due to proximity to large quarry.

3. That the establishment of the special use will not substantially impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The Board finds that while agriculture is the primary use of surrounding properties which will not be affected by this solar farm, it will not affect other development that may take place in the future.

4. That adequate utilities, access roads, drainage, or necessary facilities have been or will be provided.

The Board finds that as shown in the site plan provided with the application, access roads are incorporated into the solar farm. Drainage is a natural characteristic of the agricultural land and will not be negatively affected by solar. Utilities are not required for this use other than for interconnection to the nearby electric line.

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The Board finds that this use will not affect traffic flow as it will garner no traffic during operation.

6. That the special use will, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the board.

The Board finds that per Kankakee County Zoning Ordinance, section 121-99, solar farms are permitted as a special use in the A1 district, therefore conforming to the applicable regulations of the district in which it is located.

Conditions: The Board did not impose any conditions on the issuance of this special use permit.
Recommendation: We find that the proposed special use requested meets all the standards for recommending granting as found in Section 17.03.F4 of the Kankakee County Zoning Ordinance and that such a request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the special use permit to establish a solar farm in the A1-Agriculture District on the property described in the application hereby be granted.

Roll Call Vote: The roll call vote was seven (7) members for the motion to recommend granting, zero (0) opposed.

Respectfully submitted this 5th day of March, 2018 by the Kankakee County Zoning Board of Appeals.

John Fetherling, Chairman – Aye
David Deyoung – Aye
William Sawyer – Aye
Edwin Meents – Aye
William Hemm – Aye
Beth Scanlon – Aye
Gene Raedemacher – Aye

Exhibit A – Site Map, Manteno Township
ZBA CASE 18-02

STAFF REPORT

Davey & Davey Development LTD (Andrew Davey) & SWTW Holdings LLC (Hubert Wong) (Owners)
Community Power Group, LLC (Applicant)
SUP Section 121-99.c.34 (Solar Farm)
P.I. No. 03-02-19-400-007
Manteno Township

Prepared By: Delbert Skimerhorn, Sr., AICP, GISP, CFM
Planning Manager / GIS Manager
The applicant, Community Power Group, LLC and owners, Davey & Davey Development LTD (Andrew Davey) and SWTW Holdings LLC (Hurbert Wong) are seeking a special use permit to allow the construction of a 2MWac community solar garden, known as Manteno Sun 1, on property located along the west side of U.S. Route 45/52 in Manteno Township approximately 1/2 mile south of 9000 N Road.

The project will be utilizing approximately 26.41 acres in the northern portion of the 32.64 acre parcel. The project will consist of solar panel arrays that move to track the sun, an access driveway, a security fence, and associated electrical equipment and wiring.

An aerial photograph of the general area can be seen above.
Finding of Fact Responses - Special Use Permit

The following sections highlight the Petitioner's responses to the findings and the Planning Department's comments for the proposed special use permit.

A. Explain how the establishment, maintenance, or operation of the special use will/will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

Petitioner’s Response: "Solar farm construction and operation causes no harmful effects to surrounding environment and, in the long run, will improve overall air quality, benefiting citizens of Illinois. The farm is operated remotely and will only require 1-2 visits a year for maintenance."

Planning Department Analysis:

Staff agrees with the applicant and does not currently see how the construction and operation of this solar farm would have any detrimental effects to or endanger the public health safety and welfare at this time. Staff may change its opinion once all testimony and evidence is presented at the public hearing.

B. Explain how the special use will/will not be injurious to the enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish or impair property values within the neighborhood.

Petitioner’s Response: "Solar farms have no effect on surrounding agriculture which is the primary use of surrounding properties, due to its benign nature during operation. The land is less desirable for other developments due to proximity to large quarry."

Planning Department Analysis:

Staff somewhat agrees with the applicant, however, the Board should consider and ask the applicant to explain further how the operation and location of the solar farm will not affect existing farm or quarry operations. The Board should consider how normal farming operations such as air particulates (dust, spraying, etc.) and quarry operations such as blasting, trucking, and dust may affect the solar farm.

C. Explain how the establishment of the special use will/will not substantially impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Petitioner’s Response: "While agriculture is the primary use of surrounding properties which will not be affected by this solar farm, it will not affect other development that may take place in the future."

Planning Department Analysis:

This property is within the extra-territorial jurisdiction of the Village of Manteno and therefore future development and growth patterns are subject to the comprehensive plan of the village. The village designates this area as a residential growth area. The Board will need to decide if the development of a solar farm at this location is compatible with future residential development.
D. EXPLAIN HOW AND IF ADEQUATE MEASURES HAVE BEEN OR WILL BE PROVIDED FOR UTILITIES, ACCESS ROADS, AND DRAINAGE.

**Petitioner's Response:** "As shown in the site plan provided with the application, access roads are incorporated into the solar farm. Drainage is a natural characteristic of the agricultural land and will not be negatively affected by solar. Utilities are not required for this use other than for interconnection to the nearby electric line."

**Planning Department Analysis:**

The project does not require sewer or water and it does not appear that there will be any effect on drainage or drainage patterns. Access will be provided by a single gravel driveway from US Route 45/52. Due to the limited traffic utilizing the site, staff does not anticipate issues with access.

E. EXPLAIN HOW AND IF ADEQUATE MEASURES HAVE BEEN OR WILL BE TAKEN TO PROVIDE INGRESS AND EGRESS SO DESIGNED AS TO MINIMIZE TRAFFIC CONGESTION IN THE PUBLIC STREETS.

**Petitioner's Response:** "This use will not affect traffic flow as it will garner no traffic during operation."

**Planning Department Analysis:**

The applicant has stated that after initial construction, maintenance personnel will visit the site a few times per year. If this is true, there should be no traffic issue arising from the operation of the solar farm.

F. WILL THE SPECIAL USE, IN ALL OTHER ASPECTS, CONFORM TO THE APPLICABLE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED, EXCEPT AS SUCH REGULATIONS MAY, IN EACH INSTANCE, BE MODIFIED BY THE BOARD?

**Petitioner's Response:** "Per Kankakee County Zoning Ordinance, section 121-95, solar farms are permitted as a special use in the A1 district, therefore conforming to the applicable regulations of the district in which it is located."

**Planning Department Analysis:**

It appears that the property will conform with all other aspects of the Zoning Ordinance. The Board should ask the applicant to confirm this at the hearing.
Recommended Conditions—Recommended by Staff

By their nature, uses subject to a special use permit generally have a higher intensity or have a greater potential to adversely affect surrounding properties than permitted uses in a zoning district. Because of this fact and the need for these uses to gain special approval, conditions can be placed on a special use permit to lessen their impact on surrounding properties and alleviate any concerns voiced by neighbors and public officials. The Planning staff recommends that the following conditions be imposed on this special use permit. These conditions and additional conditions may be imposed by the Zoning Board of Appeals and the Kankakee County Board prior to approval.

PROPOSED CONDITIONS (If Approved):

1. Staff will wait until after questions have been answered at the hearing to determine if recommending any conditions would be warranted.
1. Reference:
   Hearing Date: March 5, 2018
   Applicant's Name: Davey & Davey Development LTD
   Land Owner's Name: Hubert Wong
   Legal Counsel: None

2. Location:
   Property Location: West side of US Route 45/52 approxi-
   mately 1/2 mile south of 9000 N Rd.
   Township: Manteno Township
   Parcel Number: 03-02-19-40D-007
   Address: None
   School District: None

3. Dimensions:
   Size of Parcel: 32.84 acres (26.41 acres used)
   Road Frontage: 1092.92'
   Parcel Depth: 1332.28'
   Parcel History: Original

4. Existing Land Use Features:
   Public Road: US Route 45/52
   Floodplain: None
   Wetland: None

5. Surrounding Zoning:
   North: A1 - Agriculture
   West: A1 - Agriculture
   South: A1 - Agriculture
   East: A1 - Agriculture

6. Surrounding Land Use:
   North: Agriculture
   West: Agriculture
   South: Agriculture
   East: Agriculture

7. Municipal Planning Boundary:
   Nearest Municipality: Village of Manteno
   Distance: 600' northeast.

8. Comprehensive Plan Designation:
   Kankakee County: Agricultural Conservation Area
   Municipality: Residential Development
   Township: N/A

9. Distance to Public Services and Facilities:
   Police Protection: Kankakee County – 12 miles.
   Manteno Fire Protection District - 1 mile.
   School District: Manteno – 1 mile.
   Water: Manteno – 1/2 mile.
   AQUA – 1/2 mile.

10. Miscellaneous Information:
    County Board District: Six (6) - Mr. Fairfield

Kankakee County Planning Department