Resolution of the County Board of Kankakee County, Illinois

RE: ZBA CASE #18-06; SPECIAL USE PERMIT SECTION 121-99.C.34 (SOLAR FARM) IN THE A1-AGRICULTURAL DISTRICT SECTION 21 MOMENCE TOWNSHIP (JASPER SOLAR II, LLC)

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed by Sally K. Dorn Trust, property owner and Jasper Solar II, LLC (Cypress Creek Renewables Development, LLC is the sole and managing member of Jasper Solar II, LLC), 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 12, 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 Sally K. Dorn Trust, property owner and Jasper Solar II, LLC (Cypress Creek Renewables Development, LLC is the sole and managing member of Jasper Solar II, LLC), 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
EXHIBIT A  (ZBA CASE#18-06)

LEGAL DESCRIPTION:
THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 31 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF ROUTE 114, EXCEPTING THEREFROM THE SOUTH 20 ACRES, SITUATED IN KANKAKEE COUNTY, ILLINOIS.
This is the findings of fact and the recommendation of the Kankakee County Zoning Board of Appeals concerning an application from property owner Sally K. Dorn Trust and applicant Jasper II Solar, LLC in ZBA Case No. 18-06. The applicant and owner s are seeking a special use permit to allow the construction of a 2MWac community solar garden, known as Jasper II Solar, on property located on the south side of Illinois Route 114 1/4 mile east of 13250 E Road in Momence Township.

After due notice required by law, the ZBA held a public hearing on this case on March 12, 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:

Mark O’connor – A county resident, asked about the repair and/or replacement of field tile damaged by solar farm construction activities. The applicant answered that all tile damaged by any construction activity would be repaired or replaced.

(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 the establishment, maintenance and operation of the special use will have no negative impact on the health, safety, comfort, or general welfare of surrounding community members. Solar components will comply with the current edition of the National Electric Code, be UL listed (or equivalent), and be designed with an anti-reflective coating. All solar panels will be sourced from Tier 1 manufacturers as rated on the Bloomberg New Energy Finance PV Module Maker Tiering System. With this solar farm, Kankakee County will be benefiting due to associated economic development and the resulting sustainable clean renewable power production. Further, a 2MW solar facility can offset an estimated
3.198 tons of carbon dioxide annually, the equivalent of 311 cars on the road, while generating an anticipated power output of approximately 3,900,000 kilowatt/hours of clean renewable energy annually, thereby benefiting public health and general welfare.

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 the primary use of property in the immediate vicinity is for agriculture and low density residential uses. The solar farm project being developed under the special use permit will not impact the use and enjoyment of those properties. Adjacent property owners will feel little to no change in the pre-existing use and enjoyment of their property. By adhering to the required site constraints and acknowledging the minimal impact associated with solar farms, there will be no material adverse economic or other impact on neighboring properties. As a result of providing economic support for annualized income to farm owners not dependent on agricultural markets, while at the same time increasing the tax base available to support schools, local governments and other taxing bodies, which services those neighborhoods, the solar farm works to benefit the surrounding community and its property values.

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 the implementation of the following special use permit will have negligible influence on the outlined present and future development of neighboring properties. Due to the minimal impact of solar farms, future development should see no deviation from the originally determined course of action established by the Kankakee County jurisdiction. Additionally, the Jasper II LLC project will be located in a parcel surrounded by Agricultural 1 development, effectively blending into the associated zoning. As indicated above, the primary surrounding use is agriculture. Providing a stable income to farm owners, which is not subject to the normal agricultural market impacts and deviations, supports and enhances the economic viability of other farming operations and the communities which are dependent on them.

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

The Board finds that by following the outlined site constraints and developing a site plan, Jasper II LLC will ensure all physical structures and surrounding environmental requirements are met. This shall be achieved with the completion of the required Natural Resource Inventory Application, as well as a strict adherence to the site constraints presented by the Zoning Code. Further information regarding site construction details can be found under Exhibit F in Binder 2, Standard Equipment.
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 solar project will require minimal traffic; the anticipated number of vehicles during construction will be no more than 5 truck vehicles per day, while no more than 3 vehicles are anticipated to visit the site on a quarterly basis post construction. Given the limited number of vehicles visiting the site over the construction period, traffic patterns are not anticipated to be impacted. Additionally, there will be no significant increase to traffic post construction period, resulting in no significant impacts being anticipated for this project.

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 as previously stated, the developed solar farm will adhere to all application requirements and will provide all necessary documentation in order to best facilitate the Special Use Permit application process. All district regulations, as well as relevant zoning requirement will be adhered to and established into the solar farm development process. Please refer to attached exhibits for further information.

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 12th 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
ZBA CASE 18-06

STAFF REPORT

Sally K. Dorn Trust (Owner)
Jasper II Solar, LLC (Applicant)
SUP Section 121-99.c.34 (Solar Farm)
P.I. No. 05-11-21-400-009
Momence Township
The applicant, Jasper II Solar, LLC and owner, Sally K. Domi Trust are seeking a special use permit to allow the construction of a 2MW community solar energy facility, known as Jasper II Solar, on property located on the south side of Illinois Route 114 1/4 mile east of 13250 E Road in Monroe Township.

An aerial photograph of the general area can be seen above.
A. EXPLAIN HOW 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.

Petitioner’s Response: "The establishment, maintenance and operation of the special use will have no negative impact on the health, safety, comfort, or general welfare of surrounding community members. Solar components will comply with the current edition of the National Electric Code, be UL listed (or equivalent), and be designed with an anti-reflective coating. All solar panels will be sourced from Tier 1 manufacturers as rated on the Bloomberg New Energy Finance PV Module Maker Tiering System. With this solar farm, Kankakee County will be benefiting due to associated economic development and the resulting sustainable clean renewable power production. Further, a 2MW solar facility can offset an estimated 3,198 tons of carbon dioxide annually, the equivalent of 311 cars on the road, while generating an anticipated power output of approximately 3,900,000 kilowatt-hours of clean renewable energy annually, thereby benefiting public health and general welfare."

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 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: "The primary use of property in the immediate vicinity is for agriculture and low density residential uses. The solar farm project being developed under the special use permit will not impact the use and enjoyment of those properties. Adjacent property owners will feel little to no change in the pre-existing use and enjoyment of their property. By adhering to the required site constraints and acknowledging the minimal impact associated with solar farms, there will be no material adverse economic or other impact on neighboring properties. As a result of providing economic support for annualized income to farm owners not dependent on agricultural markets, while at the same time increasing the tax base available to support schools, local governments and other taxing bodies, which services those neighborhoods, the solar farm works to benefit the surrounding community and its property values."

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 operations. The Board should consider how normal farming operations such as air particulates (dust, spraying, etc.) may affect the solar farm.
C. 

**Petitioner’s Response:** "The implementation of the following special use permit will have negligible influence on the outlined present and future development and improvement of the surrounding property for uses permitted in the district. Due to the minimal impact of solar farms, future development should see no deviation from the originally determined course of action established by the Kankakee County jurisdiction. Additionally, the Jasper II LLC project will be located in a parcel surrounded by Agricultural development, effectively blending into the associated zoning. As indicated above, the primary surrounding use is agriculture. Providing a stable income to farm owners, which is not subject to the normal agricultural market impacts and deviations, supports and enhances the economic viability of other farming operations and the communities which are dependent on them."

**Planning Department Analysis:**

Staff does not feel that the siting of a solar farm at this location would have any impediment on the future development of surrounding properties or uses permitted in the Al-Agriculture District.

D. 

**Petitioner’s Response:** "By following the outlined site constraints and developing a site plan, Jasper II LLC will ensure all physical structures and surrounding environmental requirements are met. This shall be achieved with the completion of the required Natural Resource Inventory Application, as well as a strict adherence to the site constraints presented by the Zoning Code. Further information regarding site construction details can be found under Exhibit F in Binder 2, Standard Equipment Detail."

**Planning Department Analysis:**

The project does not require sewer or water and it does not appear that there will be any affect on drainage or drainage patterns. 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 solar project will require minimal traffic; the anticipated number of vehicles during construction will be no more than 5 truck vehicles per day, while no more than 3 vehicles are anticipated to visit the site on a quarterly basis post construction. Given the limited number of vehicles visiting the site over the construction period, traffic patterns are not anticipated to be impacted. Additionally, there will be no significant increase to traffic post construction period, resulting in no significant impacts being anticipated for this project."

**Planning Department Analysis:**

The applicant has stated that after initial construction, maintenance personnel will visit the site a few times per quarter. 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:** "As previously stated, the developed solar farm will adhere to all application requirements and will provide all necessary documentation in order to best facilitate the Special Use Permit application process. All district regulations, as well as relevant zoning requirements will be adhered to and established into the solar farm development process. Please refer to attached exhibits for further information."

**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 or 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 12, 2018
   Applicant's name: Jasper II Solar, LLC
   Land Owner's Name: Sally K. Dorn Trust
   Legal Counsel: Mark Gershon (Polinelli LP)

2. Location:
   Property Location: IL Rt. 114 1/4 mile east of 12250 E Road
   Township: Momence Township
   Parcel Number: 05-11-21-400-009
   911 Address: No Address
   Existing Land Use: Agriculture (row crops)
   Applicant Request: Special Use Permit for Solar Farm

3. Dimensions:
   Size of Parcel: 40 acres
   Road Frontage: 1348' +/-
   Parcel Depth: Irregular
   Parcel History: Original

4. Existing Land Use Features:
   Public Road: IL Rt. 114
   Floodplain: None
   Wetland: None

5. Surrounding Zoning:
   North: A1 - Agriculture / PL—Public Lands
   West: A1 - Agriculture
   South: A1 - Agriculture
   East: A1 - Agriculture

6. Surrounding Land Use:
   North: Agriculture / Open Space
   West: Agriculture
   South: Agriculture
   East: Agriculture

7. Municipal Planning Boundary:
   Nearest Municipality: City of Momence
   Distance: 2 miles west

8. Comprehensive Plan Designation:
   Kanancock County: Agricultural Conservation Area & Greenway Corridor
   Municipality: N/A
   Township: N/A

9. Distance to Public Services and Facilities:
   Police Protection: Kankakee County - 16 miles
   Fire Protection: Momence Protection District - 2 miles
   School District: Momence - 2 miles
   Sewer: Momence - 2 miles
   Water: Momence - 2 miles

10. Miscellaneous Information:
    County Board District: Four (4) - Mr. Payton