Resolution of the County Board
of
Kankakee County, Illinois

RE: ZBA CASE #18-14; SPECIAL USE PERMIT SECTION 121-99.C.34 (SOLAR FARM) IN THE A1-AGRICULTURAL DISTRICT SECTION 11 SALINA TOWNSHIP (CAV SOLAR FARM)

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed by Robert & Joan Butz, property owners and Cav Solar Farm (Formerly Butzridge Solar, LLC) (Cypress Creek Renewables Development, LLC is the sole and managing member of Cav Solar, 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 April 16, 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 Robert & Joan Butz, property owners and Cav Solar Farm (Formerly Butzridge Solar, LLC) (Cypress Creek Renewables Development, LLC is the sole and managing member of Cav Solar, LLC), applicant, be approved; and,

WHEREAS, the Planning, Zoning, and Agriculture Committee (PZA), at its regularly scheduled and duly noticed meeting of April 18, 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 May 8, 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 April 18, 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 8th day of May 2018.

[Signature]
Andrew H. Wheeler, County Board Chairman

ATTEST:

[Signature]
Dan Hendrickson, County Clerk
LEGAL DESCRIPTION:
THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11,
TOWNSHIP 31 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN,
KANAKEE COUNTY, ILLINOIS.
FINDINGS OF FACT AND RECOMMENDATION
OF THE KANKAKEE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Kankakee County Zoning Board of Appeals concerning an application from property owners Robert and Joan Butz and applicant Butzridge Solar, LLC in ZBA Case No. 18-14. The applicant and owners are seeking a special use permit to allow the construction of a 2MWac community solar garden, known as Cay Solar which is formerly known as Butzridge Solar, on property located at the northeast corner of 4000 N Road and 9000 W Road in Salina Township.

After due notice required by law, the ZBA held a public hearing on this case on April 16, 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: (Refer to transcripts for full details)

Connie Ferris - A Township resident asked for a continuance of the proceedings. Mrs. Ferris later stated that she did not find the information presented to be accurate and true. She did not offer any alternative evidence or information.

Walter Marcotte - A neighboring property owner objected to the project and had concerns that it would disrupt drainage on his property. He also asked how noxious weeds would be handled on the site and if there would be visit logs that recorded employee activity on the site.

Lynn Kukuck - A McGilvery Drainage District Commissioner also asked for the proceedings to be continued. He stated that if the applicant’s drawings are accurate that the project would be illegal. The applicant stated that the drawings are only preliminary site plans to show the concept and that drainage issues, if any, would be addressed when final plans are submitted during the building permit process.

Richard Wildman - A neighboring property owner requested a continuance of the proceedings.

Scott Dummer - A nearby property owner also asked for a continuance of the proceedings.

Mary Winger - A nearby property owner also asked for a continuance of the proceedings.

Edward Dampf - A Township resident also asked for a continuance of the proceedings. He stated he had concerns as to how this development might affect eagle nests along the Kankakee River. The applicant stated that an
EcoCat was performed on the site, as required by law, and it was found that there would be no adverse effects to any animal or plant species. Mr. Dampf also stated that the Obama administration passed legislation to fast track the killing of eagles.

Colleen Dampf – A Township resident had questions about the cleaning of the modules and what would happen if a module were to break.
Luanne Luv – Another Township resident spoke about accidents at the intersection and asked for a continuance to gather accident data.

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 Butzridge Solar, 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, Butzridge Solar, 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.

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 five (5) members for the motion to recommend granting, zero (0) opposed.

Respectfully submitted this 16th day of April, 2018 by the Kankakee County Zoning Board of Appeals.

*John Fetherling, Chairman – Aye  
David Deyoung – Aye  
William Sawyer – Absent  
Edwin Meents – Aye  
William Hemm – Aye  
Beth Scanlon – Absent  
Gene Raedemacher – Aye*
Exhibit A – Site Map, Salina Township
ZBA CASE 18-14

STAFF REPORT

Robert & Joan Butz (Owners)
Butzridge Solar, LLC (Applicant)
SUP Section 121-99.c.34 (Solar Farm)
P.I. No. 08-07-11-300-011
Salina Township
The applicant, Butzridge Solar, LLC and owners, Robert & Joan Butz are seeking a special use permit to allow the construction of a 2MW community solar energy facility, known as Butzridge Solar, on property located at the northeast corner of W 4000 N Road and N 9000 W Road in Salina Township.

An aerial photograph of the general area can be seen above.
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 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 I 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 surrounding farm operations. The Board should consider how normal farming operations such as air particulates (dust, spraying, etc.) 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:** "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 Butzridge 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 A1-Agriculture District.

D. Explain how and if adequate measures have been or will be provided for utilities, access roads, and drainage.

**Petitioner's Response:** "By following the outlined site constraints and developing a site plan, Butzridge III 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 3 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 requirement 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.
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: April 16, 2018
   Applicant's Name: Butzridge, LLC
   Land Owner's Name: Robert & Joanne Butz
   Legal Counsel: Mark Gershon (Polsinelli LP)

2. Location:
   Property Location: northeast corner of W 4000 N Road and N 9000 W Road
   Township: Salina Township
   511 Address: 08-07-11-300-011
   Existing Land Use: Agriculture (row crops)
   Applicant Request: Special Use Permit for Solar Farm

3. Dimensions:
   Size of Parcel: 40 acres
   Road Frontage: 1320' +/-
   Parcel Depth: 1320' +/-
   Parcel History: Original

4. Existing Land Use Features:
   Public Road: 4000 N Road & 9000 W Road (CH 47)
   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 Bonfield
   Distance: 1.75 miles south

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

9. Distance to Public Services and Facilities:
   Police Protection: Kankakee County - 16 miles
   Fire Protection: Salina Fire Protection District - 1.75 miles
   School District: Herscher - 1.75 miles
   Water: KRMA - 11 miles
   Sewer: None
   Aquifer: 7 miles

10. Miscellaneous Information:
    County Board District: Twelve (12) - Mrs. Evans