Resolution of the County Board
of
Kankakee County, Illinois

RE: ZBA CASE #18-17; SPECIAL USE PERMIT SECTION 121-99.C.34 (SOLAR FARM) IN THE A1-AGRICULTURAL DISTRICT SECTION 35 ROCKVILLE TOWNSHIP (KANKAKEE SOLAR 1, LLC)

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed by Alexander Real Properties, LLC, property owner and Kankakee Solar 1, LLC / Microgrid Energy IL, 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 May 7, 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 Alexander Real Properties, LLC, property owner and Kankakee Solar 1, LLC / Microgrid Energy IL, LLC, applicant, be approved; and,

WHEREAS, the Planning, Zoning, and Agriculture Committee (PZA), at its regularly scheduled and duly noticed meeting of May 16, 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 June 12, 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 May 16, 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 12th day of June 2018.

Andrew H. Wheeler, County Board Chairman

ATTEST:

Dan Hendrickson, County Clerk
LEGAL DESCRIPTION:

TRACT 1: THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 32 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN IN KANKAKEE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 02 MINUTES 51 SECONDS EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER A DISTANCE OF 271.06 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 05 SECONDS EAST A DISTANCE OF 726.00 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 51 SECONDS WEST A DISTANCE OF 300.00 FEET; THENCE NORTH 89 DEGREES 44 MINUTES 05 SECONDS WEST A DISTANCE OF 726.00 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER; THENCE NORTH 00 DEGREES 02 MINUTES 51 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 28.94 FEET TO THE POINT OF BEGINNING.

TRACT 2: THAT PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 32 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN IN KANKAKEE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 02 MINUTES 51 SECONDS EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER A DISTANCE OF 271.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 02 MINUTES 51 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 395.81 FEET TO THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 43 MINUTES 26 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER A DISTANCE OF 1334.39 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 01 MINUTES 57 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 666.62 FEET TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 01 MINUTES 57 SECONDS EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SOUTHEAST QUARTER A DISTANCE OF 28.94 FEET; THENCE NORTH 89 DEGREES 44 MINUTES 05 SECONDS WEST A DISTANCE OF 609.36 FEET; THENCE NORTH 00 DEGREES 02 MINUTES 51 SECONDS EAST A DISTANCE OF 300.00 FEET; THENCE NORTH 89 DEGREES 44 MINUTES 05 SECONDS WEST A DISTANCE OF 726.00 FEET TO THE POINT OF BEGINNING.
This is the findings of fact and the recommendation of the Kankakee County Zoning Board of Appeals concerning an application from property owner Alexander Real Property, LLC and applicant Microgrid Energy IL, LLC in ZBA Case No. 18-17. The applicant and owner s are seeking a special use permit to allow the construction of a community solar garden, known as Kankakee Solar 1, on property located at 6523 N 2250 W Road in Rockville Township. Please refer to the application packet for detailed information about the project.

After due notice required by law, the ZBA held a public hearing on this case on May 7, 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)

Kathleen Kennedy - A resident of Kankakee had questions concerning the decommissioning bond.

**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 development of clean, renewable energy will benefit the surrounding community. Providing clean energy resources to the community will improve the health and welfare of the County. The statewide legislation, as mentioned above, allows for clean energy and long term job growth throughout Illinois. Community solar will also bolster the utilities' distribution grid, to support the local infrastructure. Additionally, Microgrid Energy is subscribing individual shares of the solar garden with local businesses, residents, school districts, low income housing authorities, and municipalities with long-term contracts. Subscribers to this solar garden will save money on their utility bills from day one.

The solar array will operate every day during daylight hours. There is negligible impact on the local community after construction is complete.
because the array only requires 2-4 annual visits from maintenance technicians completing routine tasks such as vegetation management and basic equipment maintenance. The equipment moves imperceptibly slowly throughout the day, silently following the sun across the sky to maximize energy yield. As mentioned, there is no sound, smell, noise, pollution, emission, or other negative external impact attributable to the solar array's operation. To properly maintain the safety and operation of the facility, we use sophisticated onsite monitoring equipment. We monitor voltage, current, frequency, and overall kWh production in real time. We also have 24/7 video surveillance to monitor weather, theft, and vandalism.

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 Community Solar Gardens are a compatible land use with the adjacent parcels in the surrounding area. Currently, the neighboring parcels are zoned for agricultural use, and the non-disruptive nature of solar PV technology lends itself to be a quiet neighbor. Our solar PV system will not impede upon current agricultural use and will not negatively impact existing drainage infrastructure in place to allow for farming to continue without impact. Many of our projects across the State and country exist in agricultural communities. We are considered a harmonious use and a low-impact neighbor since we don't create any traffic, noise, or pollution, and will provide pollinator friendly seed mixes when we reseed the site. In addition, our sites are kept clean and neat. Numerous studies on the impact of wind energy generation on neighboring property values were found to be negligible, and the impact of solar PV on property values is anticipated to be less than wind farms, according to the National Renewable Energy Laboratory (NREL). In Illinois, community solar garden operators will be paying property taxes to the local jurisdictions.

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 surrounding property of the proposed community solar garden is currently zoned for agricultural use. The establishment of a community solar garden would not impede on normal or future, development or improvements to the adjacent properties in the district. Many of our projects under development are located adjacent to, or are in, agricultural communities. As stated above, the solar PV technology will not negatively impact existing drainage infrastructure. Throughout this district, there is already a significant amount of existing utility infrastructure to the south and east of this parcel, including transmission and distribution lines and an electrical substation. The natural vegetation will remain intact in between and underneath the solar equipment. The solar equipment is not much taller than the average human and to the extent technically possible it follows the existing topography further lowering the visual impact it may cause to surrounding properties.

After the operational life of the facility is over, the Applicant will
decommission the facility and restore the land to its original condition. This will involve the safe removal of all structural steel and aluminum, conductors, modules, inverters, transformers, concrete and fencing. Any future uses would be able to proceed in the same manner they would if the solar array had never been built.

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

The Board finds that in our enclosed civil drawing set, we have provided our plan for access roads and drainage. Our proposed special use permit will not require utilities. The project does not require sewage, water, irrigation, or potable water services. It will not require trash or recycling services, or natural gas. The project will require electrical service from ComEd, and Microgrid Energy is in the process of completing our interconnection agreement with ComEd.

The project can interconnect into the existing electrical infrastructure (distribution lines) on site at an acceptable cost which will be the developer’s responsibility.

Our access road will be 20 feet wide, or the desired width of the local fire department, and will be placed off N 2250 W Road. The road will meet all requirements set forth by the local fire department and National Electric Code. Much of the project will be non-impervious materials, to allow for adequate drainage on the site. The existing surface water drainage and subsurface drainage system will retain existing drainage patterns. For further information on Stormwater management, erosion, and drainage, see the preliminary engineering set included in our application package.

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 the project will provide ingress and egress from the existing county road N 2250 W Road, approximately 2500’ from the existing county road intersection of W 7000 N Road and N 2250 W Road. The intersection of W 7000 N road and N 2250 W Road easily accommodates trucks bringing materials to the site during construction without creating a traffic hazard.

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 the community solar garden special use will conform to the applicable regulations of the district in which it is located.

**Conditions:** The Board does not recommend any conditions be placed on the approval 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 7th day of May, 2018 by the Kankakee County Zoning Board of Appeals.

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

**Exhibit A – Site Map, Rockville Township**
Rockville Township
P.I. No. 04-01-35-200-004 A-005
SUP Section 12T-99.34 (Solar Farm)
Microgrid Energy Il, LLC (Applicant)
Alexander Real Properties, LLC (Owner)

Staff Report

ZBA Case 18-17
The applicant, Microwind Energy IL LLC and owner, Alexander Real Property, LLC are seeking a special use permit to allow the construction of a community solar garden, known as Kankakee Solar 1, on property located at 6523 N 2225 W Road in Rockville Township. Please refer to the application packet for detailed information about the project. An aerial photograph of the general area can be seen above.

Site Map
The following section highlights the petitioner's responses to the findings and the planning department's comments for the proposed special use permit.

Finding of Fact Responses - Special Use Permit

ZBA Case 18-17

Kankakee County Planning Department

Petitioners' Response to Public Hearing:

(continued)

Planning Department Analysis:

The solar power system will be located to minimize impact to existing property. This is consistent with the Real Estate Standards and Guidelines for the County. The solar system will be located to minimize impact to existing property and will be designed to blend into the surrounding landscape. The solar system will be located to minimize impact to existing property and will be designed to blend into the surrounding landscape. The solar system will be located to minimize impact to existing property and will be designed to blend into the surrounding landscape. The solar system will be located to minimize impact to existing property and will be designed to blend into the surrounding landscape.

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Kankakee County Planning Department

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agreement will be included.

vices, or project. The project does not require services, nor does it require access to or impact on existing infrastructure.

EXPLANATION

How and if any specific measures have been or will be provided for utilities, access roads, and drainage.

Drainage permitted in the 4-18-13

shall not restrict the location of a solar farm at this location would have any impact on the future development of surrounding properties or uses.

Planning Department Analysis:

This does not mean the solar array at this location will never be built.

involve the total removal of structural steel and aluminum, condenser, motor, turbine, transformers, modules, and a significant amount of electrical infrastructure to the solar farm. The solar farm's support structures will cause significant visual impacts to the land and its original condition.

Existing topography further lowering the visual impact may cause to surrounding properties.

The solar array is not much larger than the original structure. The solar array will remain intact in existing and adjacent existing drainage infrastructure. The solar array will not exceed a significant amount of visual intrusion into the solar and surrounding property of the adjacent facilities. The solar array will not negatively impact the agricultural use of the land.

In our community solar garden would not impair public or private development or infrastructure or improvements to the adjacent properties in the district. Any of our solar community garden solar array is currently used for agricultural use. The establishment of a community solar garden is currently used for agricultural use.

PROPOSED SPECAL USE PERMIT

impact on its surroundings.

surrounding in any manner. In fact, the evidence supports the position of the applicant and staff that no negative impacts are caused by the solar farm will not have any negative

PROPOSED SPECAL USE PERMIT

C. EXPLAIN HOW AND IF ANY SPECIFIC MEASURES HAVE BEEN OR WILL BE PROVIDED FOR UTILITIES, ACCESS ROADS, AND DRAINAGE.

Finding of Fact Responses - Special Use Permit

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Kankakee County Planning Department

It appears that the property will conform with all other aspects of the Zoning Ordinance. The

Planning Department Analyst:

The regulations of the district in which the lot is located:

- Wetland Permit Required: Yes
- Zoning Ordinance Special Use Will Conform to the Applicant's Requiremen
- Fills Will the Existing Use

1. The property has selected the special construction maintenance protocol will be minimal.

Planning Department Analyst:

The project will provide access and access to the public streets.

- Easement was created as to minimize traffic congestion in the public streets.

The project does not appear to have any significant impact on drainage or drainage patterns. Due to the limited traffic utilizing the site, there does not appear to be any affect on the local roads or traffic patterns. The swimming pool will be a private use of the developer, and will be located on the rear of the property, not allowing access to the public areas.

The project can interact with the existing electrical infrastructure (distribution lines) on the

ZBA Case 18-17
By their nature, uses subject to a special use permit generally have a greater potential to adversely affect surrounding properties than uses permitted generally. These uses are subject to special conditions in order to lessen the 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.

2. Use permits sued to a special use permit generally have a greater potential to adversely affect surrounding properties than uses permitted generally.
ZBA Case 18-17

1. Reference: Municipal Planning Boundary
   Hearing Date: May 1, 2018
   Nearest Municipality: Village of Bourbonnais
   Applicants Name: Midrogrid Energy IL, LLC
   Distance: One mile, northeast.
   Landowners Name: Alexander Real Property LLC
   Legal Counsel: Third Lake
   Hearing Date: May 13, 2018

2. Site Information:
   Location: Municipal: Agriculture
   Property Location: 6S23N2250W Road
   Township: Agriculture
   Parcel Number: 04-01-35-200-0048-0059
   Distance to Public Services and Facilities:
   911 Address: 6523 N 2250 W Road, Kankakee County - 12 miles.
   Existing Land Use: Agriculture (Row crops) 
   Fire Protection: Manteno Fire Protection District - 1.75 miles.
   Village or Borough: Nearest Municipal: Kankakee County
   Municipal Planning Boundary: ZBA Case 18-17

3. Dimensions:
   Sawer: KINMA - 1 mile
   Size of Parcel: 2086 acres
   Water: AQUA - 1 mile
   Road Frontage: 1279.3 feet
   Parcel ID Number: 737-22-0.4
   Miscellaneous Information:
   Parcel Number: 04-01-35-200-0048-0059
   Municipal: Agriculture
   Township: Agriculture
   Section District: Section 5, Township 23N, Range 20W
   Kankakee County Planning Department

4. Existing Land Use Features:
   Public Road: 2250 W Road (CH 30)
   Flood Plain: None
   Wetland: None
   Surrounding Zoning:
   North: AL-Agriculture
   South: AL-Agriculture
   West: AL-Agriculture
   East: AL-Agriculture

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

6. Surrounding Zoning:
   North:
   South:
   West:
   East:

Kankakee County Planning Department