Resolution of the County Board of Kankakee County, Illinois

RE: ZBA CASE #18-18; SPECIAL USE PERMIT SECTION 121-99 C.34 (SOLAR FARM) IN THE A1-AGRICULTURAL DISTRICT SECTION 31 MANTENO TOWNSHIP (KANKAKEE SOLAR 3, 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 3, 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 14, 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 3, 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:

THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 32 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANKAKEE COUNTY, ILLINOIS, EXCEPTING THEREFROM THE FOLLOWING: A STRIP OF LAND ACROSS THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 32 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANKAKEE COUNTY, ILLINOIS, SAID STRIP BEING OF A UNIFORM WIDTH OF 50 FEET LEFT OF THE TRANSIT LINE FROM THE SOUTH PROPERTY LINE WHICH INTERSECT THE TRANSIT LINE AT STATION 306+01.2 TO STATION 331+42.47, INCREASING UNIFORMLY FROM A WIDTH OF 50 FEET AT STATION 331+42.47 TO A WIDTH OF 112 FEET AT THE SOUTH EXISTING RIGHT OF WAY LINE OF THE EAST-WEST TOWNSHIP ROAD, WHICH INTERSECT THE TRANSIT LINE AT STATION 332+26.79, EXCEPT THAT PORTION ALREADY BEING USED AS PERMANENT RIGHT OF WAY.
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. 18-18. The applicant and owner s are seeking a special use permit to allow the construction of a community solar garden, known as Kankakee Solar 3, on property located at the southwest corner of 7000 N Road and U.S. Route 45/52 in Manteno 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 14, 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: There were no objectors present. (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 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 six (6) members for the motion to recommend granting, zero (0) opposed.

Respectfully submitted this 14th day of May, 2018 by the Kankakee County Zoning Board of Appeals.

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

ZBA CASE 18-18

Manteno Township
P.1. No. 03-02-31-00-001
SUP Section 121-99, C.34 (Solar Farm)
Microgrid Energy IL LLC (Applicant)
Alexander Real Properties LLC (Owner)
The applicant, Alexander Real Property, LLC, is seeking a special use permit to allow the construction of a community solar garden, known as Kankakee Solar 3, on property located at the southwesterly corner of 7000 N Road and U.S. Route 45/52 in Manhattan Township. Please refer to the application packet for additional information about the project. An aerial photograph of the general area can be seen above.

Site Map
The following section highlights the Planning Department's response to the findings and the Planning Department's comments for the proposed special use permit.

**Finding of Fact Responses - Special Use Permit**

ZBA Case 18-18

**Main Points**

1. **Explain How the Establishment of a Solar Farm Will Not Be Inconsistent With the Purposes of the Zoning Ordinance for the Immediate Vicinity for the Prior Use/Activity Known to be Located.**
   - The solar farm will not conflict with the existing uses or activities in the vicinity.

2. **Explain How the Special Use Will Not Be Inconsistent with the Natural Resources, Environment, or Future Development of the Surrounding Area.**
   - The solar farm will not harm the natural resources or hinder future development.

3. **Explain How the Special Use Will Not Be Inconsistent with the Health, Safety, and Welfare of the Public and Other Persons.**
   - The solar farm will not pose a threat to public health and safety.

4. **Explain How the Special Use Will Not Be Inconsistent with the Public Health, Safety, and Welfare of the Public.**
   - The solar farm will not negatively impact public health and safety.

5. **Explain How the Establishment of a Solar Farm Will Not Be Inconsistent With the Natural Resources, Environment, or Future Development of the Surrounding Area.**
   - The solar farm will not harm the natural resources or hinder future development.

6. **Explain How the Special Use Will Not Be Inconsistent with the Future Use of Other Property in the Immediate Vicinity.**
   - The solar farm will not interfere with future uses of adjacent properties.

7. **Planning Department Analysis:**
   - The solar farm will not disrupt existing activities or harm the environment.

8. **Concerns:**
   - Additional concerns include potential noise and visual impacts.

9. **Conclusion:**
   - Despite these concerns, the Planning Department is in favor of the solar farm, provided certain conditions are met.
Finding of Fact

Responses - Special Use Permit

Staff agrees with the Applicant. Throughout the many different public hearings that the County has conducted regarding solar farm development and its placement in the Al-Rural District, there has been no evidence that would indicate the siting of a solar facility will have any negative impacts on surrounding property or any manner.

Planing Department Analyses:

EXPLAIN HOW AND IF ACQUATIC MEASURES HAVE BEEN OR WILL BE PROVIDED FOR ULTIMATE ACCESS ROADS AND CHANNELS.

In our enclosed civil drawing set, we have provided our plan for access roads and drainage. Our proposed special use permit would be able to proceed in the same manner they would if the solar array had never been built.

EXPLAIN HOW AND IF ADEQUATE MEASURES HAVE BEEN OR WILL BE PROVIDED 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 any of the above for operation.

C. EXPLAIN HOW THE ESTABLISHMENT OF THE PROPOSED COMMUNITY SOLAR GARDEN WILL NOT SUBSTANTIALLY IMPACT THE NORMAL AND ORDINARY DEVELOPMENT AND IMPROVEMENT OF THE SURROUNDING PROPERTY.

The proposed community solar garden would not impact the normal or ordinary development of the area. Many of our projects under development are located adjacent to, or in, agricultural and rural communities. As stated above, this solar PV technology will not negatively impact existing drainage infrastructure. Throughout this district, there is already a significant amount of existing utility infrastructure in the soil and floodplain. The solar facility will not negatively impact existing drainage infrastructure. Therefore, the site of this solar facility will not negatively impact existing drainage infrastructure.

The surrounding property of the proposed community solar garden is currently used for agricultural use. The establishment of a community solar garden would not impact the normal or ordinary development of the area. Many of our projects under development are located adjacent to, or in, agricultural and rural communities. Existing properties have been used for agricultural purposes for many years.

The project does not require sewage, water, irrigation, or potable water services. It will not require any of the above for operation.

C. Explain the creation of the special use permit will not substantially impact the normal and ordinary development and improvement of the surrounding property.

Planning Department Analyses:

The surrounding property of the proposed community solar garden is currently used for agricultural use. The establishment of a community solar garden would not impact the normal or ordinary development of the area. Many of our projects under development are located adjacent to, or in, agricultural and rural communities. As stated above, this solar PV technology will not negatively impact existing drainage infrastructure. Therefore, the site of this solar facility will not negatively impact existing drainage infrastructure.

The surrounding property of the proposed community solar garden is currently used for agricultural use. The establishment of a community solar garden would not impact the normal or ordinary development of the area. Many of our projects under development are located adjacent to, or in, agricultural and rural communities. Existing properties have been used for agricultural purposes for many years.
The project can interconnect into the existing electrical infrastructure (distribution lines) on site at an acceptable cost without the developer's responsibility.

Planning Department

The project does not require sewer or water and it does not appear that there will be any traffic issues with access.

Planning Department

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

Planning Department

The Board.

The project will provide access to the existing surface water drainage system for adequate drainage and will not require sewer or water.

Planning Department

Location Map - Manteno Township

Location Map - Kankakee County
By their nature, these uses in a zoning district, because of the fact and the need for these uses to gain special approval, conditions can be placed on a special use permit generally have a higher intensity or have a greater potential to adversely affect surrounding properties. These uses permit generally have a higher potential to adversely affect surrounding properties.

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.

1. Staff will wait until after questions have been answered at the hearing to determine if recommending any conditions would be warranted.

2005 Comprehensive Plan Map

Kankakee County Zoning Map

Kankakee County Planning Department
1. Reference:
Municipal Planning Boundary:
Hearing Date: May 14, 2018
Nearest Municipality: Village of Bourbonnais
Applicants Name: Midgrid Energy IL, LLC
Distance: Adjacent
Land Owners Name: Alexander Real Property, LLC
Legal Code: None
Comprehensive Plan Designation:
Kankakee County: Community Growth Area

2. Location:
Municipality: Agriculture (Bourbonnais), Property Location: southwest corner of 7000 N Road and US Route 45
Township: Manteno Township
Parcel Number: 03-02-31-20-001
Distance to Public Services and Facilities:
911 Address: Manteno Fire Protection District—2.75 miles
School District: Six (6) - NE. Field
3. Dimensions:
Kankakee County—10 miles
Sewer: KRMA—.5 mile
Water: Aqua—.5 mile
Road Frontage: 1279.3+1
Parcel Depth: 737.22
Miscellaneous Information:
Parcel History: Original

4. Existing Land Use Features:
Public Road: 2250 W Road (CH 30)
Floodplain: None
Wetland: None

5. Surrounding Zoning:
North: Agriculture
West: Agriculture
South: Agriculture/Incorporated
East: Agriculture/Incorporated

6. Surrounding Land Use:
South: Agriculture
West: Agriculture/Incorporated
North: Agriculture

7. Municipal Planning Boundary:
Adjacent
Village of Bourbonnais

8. Comprehensive Plan Designation:
Adjacent
Nearest Municipality: Alexander Real Property, LLC
Midgrid Energy IL, LLC
May 14, 2018

Kankakee County Planning Department