Resolution of the County Board
of
Kankakee County, Illinois

RE: ZBA CASE #18-25; SPECIAL USE PERMIT SECTION 121-99.C.34 (SOLAR FARM) IN THE A1-AGRICULTURE DISTRICT SECTION 04 AROMA TOWNSHIP (SPRING CREEK SOLAR FARM)

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed by David Deyoung, property owner and Community Power Group, LLC (Spring Creek 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-Agriculture 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 June 25, 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 David Deyoung, property owner and Community Power Group, LLC (Spring Creek Solar Farm), applicant, be approved with conditions; and,

WHEREAS, the Planning, Zoning, and Agriculture Committee (PZA), at its regularly scheduled and duly noticed meeting of July 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 August 14, 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 June 25, 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 with condition on a parcel legally described in Exhibit A, a copy of which is attached herein and made a part hereof.

4. The conditions for the Special Use Permit Section 121-99.c.34 (Solar Farm) are as follows:
   a. A “game style” fence be permitted around the site in lieu of the required chain link fence.
   b. The ground cover be planted with native “pollinator friendly” species.
   c. All required landscaping shall be subject to the maintenance requirements and penalties prescribed in the weed and grass control plan.

PASSED and adopted this 14th day of August 2018.

[Signature]
Andrew H. Wheeler, County Board Chairman

ATTEST:

[Signature]
Dan Hendrickson, County Clerk
LEGAL DESCRIPTION:
BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 30 NORTH, RANGE 12 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN KANKAKEE COUNTY, ILLINOIS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON ROD AT THE SOUTHWEST CORNER OF SAID SECTION 4; THENCE NORTH 01D26'14" WEST ALONG THE WEST LINE OF SAID SECTION 4 A DISTANCE OF 1088.54 FEET TO A POINT IN THE DRAINAGE DITCH; THENCE NORTH 79D22'05" EAST ALONG THE CENTERLINE OF SAID DITCH A DISTANCE OF 1438.76 FEET TO A POINT IN THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 4; THENCE NORTH 88D34'01" EAST ALONG LAST DESCRIBED LINE A DISTANCE OF 1220.00 FEET TO A "PK" NAIL IN THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 4; THENCE SOUTH 01D16'04" EAST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 4 A DISTANCE OF 1304.29 FEET TO A "PK" NAIL; THENCE SOUTH 88D36'56" WEST A DISTANCE OF 1337.00 FEET TO AN IRON ROD; THENCE SOUTH 01D16'04" EAST A DISTANCE OF 16.50 FEET TO AN IRON ROD IN THE SOUTH LINE OF SAID SECTION 4; THENCE SOUTH 88D36'56" WEST ALONG THE SOUTH LINE OF SAID SECTION 4 A DISTANCE OF 1299.37 FEET TO THE POINT OF BEGINNING, CONTAINING 75.672 ACRES, MORE OR LESS, SUBJECT TO EASTMENTS AND RIGHTS-OF-WAY OF RECORD.
EXHIBIT B (ZBA CASE#18-25)

Kankakee County Zoning Board of Appeals

Mr. John Fetherling, Chairman
189 East Court Street
Kankakee, IL 60901
(615) 937-2940

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 owner David Deyoung and applicant Community Power Group, LLC in ZBA Case No. 18-25. The applicant and owner are seeking a special use permit to allow the construction of a 2MWac community solar garden, known as Spring Creek Solar Farm, on property located along the west side of Illinois Route 1 in Section 4 of Aroma Township.

The project will be utilizing approximately 13 acres on the south side of the 76.11 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. 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 June 25, 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)

Wayne Osterhoff – An adjoining property owner and area resident stated that he fully supported the project and does not understand why anyone would be against renewable energy generation. He further stated that the site had no drainage issues, the ground cover would keep the sandy soil from blowing away, and that a property owner should have the right to develop their land the way they see fit.

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 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 agricultural which are the primary uses of adjacent properties due to the benign nature of its operation. Residential properties to the west will likely not be able to see it and will not be affected by it in any way.

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 solar farm will not impede any development of any surrounding land for the future. Farmland will still be able to be farmed in the surrounding area. Other development will not be impeded either, however, there is little non-ag land in the surrounding area.

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

The Board finds that CPG is establishing and recording an easement agreement with the neighboring property to use the existing access road on the adjacent parcel. Drainage is a natural characteristic of the ag land and will not be negatively affected by solar as there will be no additional impervious surface created.

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 special use will not create additional traffic except slightly during construction.

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 has recommended the placement of the following conditions on the approval of this special use permit.
1. A “game style” fence be permitted around the site in lieu of the required chain link fence.
2. The ground cover shall be planted with native “pollinator friendly” species.
3. All required landscaping shall be subject to the maintenance requirements and penalties prescribed in the weed and grass control plan.

**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 four (4) members for the motion to recommend granting, zero (0) opposed.

Respectfully submitted this 25th day of June, 2018 by the Kankakee County Zoning Board of Appeals.

**John Fetherling, Chairman – Aye**  
**David Deyoung – Absent**  
**William Sawyer – Aye**  
**Edwin Meents – Aye**  
**William Hemm – Absent**  
**Beth Scanlon - Absent**  
**Gene Raedemacher-Aye**
ZBA CASE 18-25

STAFF REPORT

David Deyoung (Owner)
Community Power Group, LLC (Applicant)
SUP Section 121-99.c.34 (Solar Farm)
Spring Creek Solar Farm
P.I. No. 12-18-04-300-008
Aroma Township
The applicant, Community Power Group, LLC and owner, David Deyounq, are seeking a special use permit to allow the construction of a 2MWac community solar garden, known as Spring Creek Solar Farm, on property located along the west side of Illinois Route 1 in Section 4 of Aroma Township.

The project will be utilizing approximately 13 acres on the south side of the 76.11 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 OR 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 agricultural which are the primary uses of adjacent properties due to the benign nature of its operation. Residential properties to the west will likely not be able to see it and will not be affected by it in any way."

*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 or disturb nearby residential uses. The Board should consider items such as noise, traffic, effects from electromagnetic fields, and how they may affect the neighborhood. Likewise, 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 solar farm will not impede any development of any surrounding land for the future. Farmland will still be able to be farmed in the surrounding area. Other development will not be impeded either, however, there is little nonag land in the surrounding area."

*Planning Department Analysis:* Staff does not feel that the establishment of a solar farm in this location will have any effect on current or future development within the area.
D. Explain how and if adequate measures have been or will be provided for utilities, access roads, and drainage.

**Petitioner's Response:** "CPG is establishing and recording an easement agreement with the neighboring property to use the existing access road on the adjacent parcel. Drainage is a natural characteristic of the ag land and will not be negatively affected by solar as there will be no additional impervious surface created."

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. Access will be provided by a single gravel driveway from Illinois Route 1. 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 special use will not create additional traffic except slightly during construction."

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 121-99, 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."

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. All ground cover established on the site shall be of a type which is pollinator friendly to help support agriculture.
2. All landscaping shall abide by any and all rules as outlined in the weed and grass control plan and is subject to the same penalties as weed and grass.
1. **Reference:**
- **Hearing Date:** June 25, 2018
- **Applicant’s name:** Community Power Group, LLC
- **Land Owner’s Name:** David Deyoung
- **Legal Counsel:** None

2. **Location:**
- **Property Location:** West side of Illinois Route 1 approximately 1 mile south of Illinois Route 17.
- **Township:** Aroma Township
- **Parcel Number:** 12-18-04-000-008
- **911 Address:** No address assigned.
- **Existing Land Use:** Agriculture (row crops)
- **Applicant Request:** Special Use Permit for Solar Farm

3. **Dimensions:**
- **Size of Parcel:** 76.11 acres (13 acres used)
- **Road Frontage:** 1313’
- **Parcel Depth:** 2584’
- **Parcel History:** Original

4. **Existing Land Use Features:**
- **Public Road:** Illinois Route 1
- **Floodplain:** None
- **Wetland:** None

5. **Surrounding Zoning:**
- **North:** R1—Single Family Residential
- **West:** A1 - Agriculture
- **South:** A1 - Agriculture
- **East:** A1 - Agriculture

6. **Surrounding Land Use:**
- **North:** Agriculture
- **West:** Residential
- **South:** Agriculture
- **East:** Agriculture

7. **Municipal Planning Boundary:**
- **Nearest Municipality:** Village of Sun River Terrace
- **Distance:** .75 miles north.

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 - 9 miles.
- **Fire Protection:** Aroma Fire Protection District - .5 miles.
- **School District:** St. Anne - 6 miles.
- **Sewer:** Sun River Terrace — .75 miles.
- **Water:** AQUA — .75 miles.

10. **Miscellaneous Information:**
- **County Board District:** Five (5) - Mrs. Parker