Resolution of the County Board
of
Kankakee County, Illinois

RE: ZBA CASE #18-33; SPECIAL USE PERMIT SECTION 121-99.C.34 (SOLAR FARM) IN THE A1-AGRICULTURAL DISTRICT SECTION 36 ROCKVILLE TOWNSHIP (MCGEE SOLAR)

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed by Sunshine Limited Partnership, property owner and McGee 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 August 6, 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 Sunshine Limited Partnership, property owner and McGee Solar, LLC, applicant, be approved with conditions; and,

WHEREAS, the Planning, Zoning, and Agriculture Committee (PZA), at its regularly scheduled and duly noticed meeting of August 22, 2018 having reviewed, discussed and considered the matter, has approved the request adopted the findings and the 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 September 11, 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 August 22, 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 conditions 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. The ground cover shall be planted with native "pollinator friendly" species.
   b. All required landscaping shall be subject to the maintenance requirements and penalties prescribed in the weed and grass control plan.

PASSED and adopted this 11th day of September 2018.

[Signature]
Andrew H. Wheeler, County Board Chairman

ATTEST:

[Signature]
Dan Hendrickson, County Clerk
EXHIBIT A (ZBA CASE#18-33)

LEGAL DESCRIPTION:
TRACT 1: BEING THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 22 AND PART OF THE NORTHWEST QUARTER OF SECTION 23, ALL IN TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANKAKEE COUNTY, ILLINOIS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A RAILROAD SPIKE IN THE NORTHEAST CORNER OF SAID SECTION 22; THENCE ON AN ASSUMED BEARING OF SOUTH 88 DEGREES 13 MINUTES 16 SECONDS EAST ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23 A DISTANCE OF 148.50 FEET TO A RAILROAD SPIKE; THENCE SOUTH 01 DEGREES 23 MINUTES 08 SECONDS WEST A DISTANCE OF 2670.69 FEET TO AN IRON ROD IN THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23; THENCE NORTH 88 DEGREES 15 MINUTES 59 SECONDS WEST ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 23 A DISTANCE OF 148.50 FEET TO AN IRON ROD AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 23; THENCE NORTH 87 DEGREES 57 MINUTES 54 SECONDS WEST ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22 A DISTANCE OF 1321.75 FEET TO AN IRON ROD; THENCE NORTH 01 DEGREES 29 MINUTES 46 SECONDS EAST ON THE WEST LINE OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SAID SECTION 22 A DISTANCE OF 2671.99 FEET TO A RAILROAD SPIKE IN THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22; THENCE SOUTH 87 DEGREES 54 MINUTES 40 SECONDS EAST ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 22 A DISTANCE OF 1316.61 FEET TO THE POINT OF BEGINNING, EXCEPT THE FOLLOWING DESCRIBED TRACT: ALL THAT PART OF THE EAST ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 31 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN IN KANKAKEE COUNTY, ILLINOIS, LYING NORTH AND WEST OF THE CENTER LINE OF SOLDIER'S CREEK, SAID CONVEYED PARCEL CONTAINING 74 ACRES, MORE OR LESS.
This is the findings of fact and the recommendation of the Kankakee County Zoning Board of Appeals concerning an application from property owner Sunshine Limited Partnership and applicant McGee Solar, LLC in **ZBA Case No. 18-33**. The applicant and owner are seeking a special use permit to allow the construction of a 2MW community solar energy facility, known as McGee Solar, on property located at the northwest corner of the intersection of 6000 N Road and Career Center Road in Rockville Township. A special use permit was granted to this property in 2000 (ZBA Case 00-19) for the establishment of a private school. However since the special use permit was never used it is now null and void.

After due notice required by law, the ZBA held a public hearing on this case on August 6, 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 was no public comment. (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.
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 McGee 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, Vulcan 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 recommends that the following conditions be placed on the approval of this special use permit.

1. The ground cover shall be planted with native “pollinator friendly” species.
2. 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 does meet 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 6th day of August, 2018 by the Kankakee County Zoning Board of Appeals.
John Fetherling, Chairman – Aye
David Deyoung – Absent
William Sawyer– Aye
Edwin Meents – Aye
William Hemm- Aye
Beth Scanlon - Aye
Gene Raedemacher-Absent

Exhibit A – Site Map, Rockville Township
Rockville Township
P.I. No. 04-01-36-400-002
SUP Section 121-99.C.34 (Solar Farm)
Mccae Solar, LLC (Applicant)
Sunshine Limited Partnership, (Owner)

STAFF REPORT

ZBA CASE 18-33
Background

The applicant, McGee Solar, LLC and owner, Sunshine Limited Partnership are seeking a special use permit to allow the construction of a 2MW community solar energy facility, known as McGee Solar, on property located at the northwest corner of the intersection of 6000 N Road and Career Center Road in Rockville Township. A special use permit was granted to this property in 2000 (ZBA 00-019) for the establishment of a private school. However, since the special use permit was never used, it is now null and void. An aerial photograph of the general area can be seen above.
The following sections highlight the Petitioners' responses to the findings and the Planning Department's comments for the proposed special use permit.

**A.** Explain how the special use will/will not be detrimental to or endanger the public health, safety, and welfare.

The Petitioners'_response: The erection of the solar farm, which will be used for the production of renewable energy, is not expected to have any adverse health, safety, or environmental impacts. The solar panels will be designed and manufactured to meet or exceed national standards for safety and efficiency. The Planning Department's_ response: The Planning Department agrees with the applicant and does not currently see how the construction and operation of the solar farm would have any detrimental effects on the public health, safety, and welfare.
Finding of Fact Responses - Special Use Permit

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.

Petitioners' Response: The implementation of the following special use permit will have negligible influence on the outlined present and future development of the surrounding properties of uses permitted in the A-Agriculture District or other districts that may lie within the Village of Bourbonnais. 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.

Planning Department Analysis:
Under Exhibit F in Section 2, Standard Equipment Detail, "Agricultural use is allowed..." This shall be achieved with the cooperation of the required Natural Resource Inventory Application, as outlined in the site plan. Where LCW will ensure all physical structures and surrounding environmental requirements are met. The project does not require sewer or water and it does not appear that there will be any effect on drainage or drainage patterns.

The project does not require sewer or water and it does not appear that there will be any effect on drainage or drainage patterns. Due to the limited traffic utilizing the site, staff does not anticipate issues with access.

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

Planning Department Analysis:
"Agricultural use is allowed..." This shall be achieved with the cooperation of the required Natural Resource Inventory Application, as outlined in the site plan. Where LCW will ensure all physical structures and surrounding environmental requirements are met. The project does not require sewer or water and it does not appear that there will be any effect on drainage or drainage patterns. Due to the limited traffic utilizing the site, staff does not anticipate issues with access.

In addition, the project under consideration is not expected to have any significant impact on the agricultural use of the surrounding property. The petitioner has indicated that the proposed solar farm will not substantially impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
BEXPLAINHOWANDIFADEQUATEMEASURESHAVEBEENORWILLBETAKENTOPROVIDEINGRESSANDEGRESSSODESIGNEDASTOMINIMIZETRAFFICCONGESTIONINTHEPUBLICSTREETS.

PetitionersResponse:Thissolarprojectwillrequireminimaltraffic;theanticipatednumberofvehiclesduringconstructionwillbenomorethan5truckvehiclesperday,whilenomorethan3vehiclesareanticipatedtovisitthesiteonaquarterlybasispostconstruction.Giventhelimitednumberofvehiclesvisitingthesiteovertheconstructionperiod,trafficpatternsarenotanticipatedtobeimpacted.Additionally,therewillbenosignificantincreaseoftrafficpostconstructionperiodresultinginnosignificantimpactsbeinganticipatedforthisproject."

PlanningDepartmentAnalysis:

Theapplicanthasstatedthatafterinitialconstruction,maintenancepersonnelwillvisitthesiteafewtimesperquarter.Ifthisistrue:thereshouldnotrafficissuearisingfromtheoperationofthesolarFarm.

F.WILLTHESPECIALUSE,INALLOTHERASPECTS,CONFORMTOTHEAPPLICABLEREGULATIONSOFTHE015—

Petitioner'sResponse:"Aspreviouslystated,thedevelopedsolarfarm,willadheretoallapplicationrequirementsandwillprovideallnecessarydocumentationinordertogetacurrence

PlanningDepartmentAnalysis:

ItappearsthatthepropertywillconformwithallotheraspectsoftheZoningOrdinance.

TheBoardshouldasktheapplicanttoconfirmthisatthehearing.

E. EXPLAIN HOW AND IF ACCURATE MEASURES HAVE BEEN OR WILL BE TAKEN TO PROVIDE INCREASE AND
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 property. 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. The ground cover shall be planted with native "pollinator friendly" species.
2. All required landscaping shall be subject to the maintenance requirements and penalties prescribed in the weed and grass control plan.

ZBA Case 1B-33
1. Reference: Municipal Planning Boundary
   Hearing Date: August 6, 2018
   Nearest Municipality: Village of Bourbonnais
   Applicant's Name: McGee Solar, LLC
   Distance: Adjacent
   Land Owner's Name: Sunshine Limited Partnership
   Legal Counsel: Mark Gershon (Polsinelli LP)

2. Location:
   Municipality: Agriculture
   Property Location: northwest corner of the intersection of Township: Commercial/Agriculture
   6000 N Road & Career Center Road
   Township: Rockville Township.

3. Dimensions:
   Size of Parcel: 80 acres (20 acres)
   Road Frontage: 3,900' +/- x 1,1320'
   Parcel Depth: 2,600' +/- x 1,1320'
   County Board District: Six (6) - Mr. Fairfield

4. Existing Land Use Features:
   Public Roads:
   6000 N Road & Career Center Road

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

6. Surrounding Land Use:
   North: Agriculture
   East: Agriculture
   South: Agriculture
   West: Public/Quasi-Residential

7. Municipal Planning Boundary:
   Village of Bourbonnais
   Nearest Municipality: Kankakee County

8. Comprehensive Planning Designation:
   Adjacent
   District: Agriculture
   Municipality: Kankakee County
   Community Development Area: Commercial/Agriculture

9. Distance to Public Services and Facilities:
   Police Protection: Manteno Police Department
   Fire Protection: 3 miles
   Existing Land Use:
   Agriculture (row crops)
   Public Roads:
   6000 N Road and Career Center Road
   Township:
   600 N Road & Career Center Road

10. Miscellaneous Information:
    Original Size of Parcel: 80 acres
    Special Use Permit for Solar Farm
    Applicant: McGee Solar, LLC
    Application Date: August 6, 2018
    Applicant's Name: McGee Solar, LLC