Resolution of the County Board
of
Kankakee County, Illinois

RE: ZBA CASE #18-36; SPECIAL USE PERMIT SECTION 121-99.C.34 (SOLAR FARM) IN THE A1-AGRICULTURAL DISTRICT SECTION 01 PILOT TOWNSHIP (IRWIN SOLAR)

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed by Kacija Living Trust, property owner and Irwin 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 Kacija Living Trust, property owner and Irwin 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 mailers 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.

Andrew H. Wheeler, County Board Chairman

ATTEST:

Dan Hendrickson, County Clerk
LEGAL DESCRIPTION:
The South 50 acres of the East half of the Southeast Quarter of Section 1, in Township 30 North, Range 10 East of the Third Principal Meridian, in Kankakee County, Illinois, except the South 465.00 feet of said East half, and also, except a tract of land beginning at a point on the East line of the Southeast Quarter of said Section 1, 893.20 feet North of the Southeast corner of said Southeast Quarter; thence Westerly at right angles to the East line of the said southeast quarter, 1018.90 feet; thence North parallel with the East line of the said Southeast Quarter, 405.15 feet, more or less, to a point on the North line of the Southeast Quarter of the Southeast Quarter of said Section 1; thence East on the said North line 1019.00 feet to the Northeast corner of the Southeast Quarter of the Southeast Quarter of said Section 1; thence South on the East line of the Southeast Quarter of the Southeast Quarter of said Section 1, 449.80 feet to the point beginning. The property contains approximately 26.00 acres.
This is the findings of fact and the recommendation of the Kankakee County Zoning Board of Appeals concerning an application from property owner Kacija Living Trust (Tekine Kacija) and applicant Irwin Solar, LLC in ZBA Case No. 18-36. The applicant and owner are seeking a special use permit to allow the construction of a 2MWac community solar garden, known as Irwin Solar Farm, on property located along the west side of S 8000 W Road in Section 1 of Pilot Township.

The project will be utilizing approximately 20.7 acres on the south and west sides of the 25.35 acre parcel. The project will consist of solar panel arrays, an access driveway, a security fence, and associated electrical equipment and wiring. Also included in the proposal is the planting of a native pollinator friendly seed mix across the project area and buffering plants along the south and western edge in the southwest corner of the property.

After due notice required by law, the ZBA held a public hearing on this case on August 13, 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 Irwin does not anticipate being detrimental to or endangering the public health, safety, morals, comfort or general welfare to any person or property in Kankakee County as permitted. Solar as a use has been implemented across the country in the form of both ground mounted and rooftop systems, and the over 1.6 million systems currently installed nationwide have generally been found to not impact public health, safety, and welfare. The Project is low-profile, odorless and virtually noiseless.
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 Irwin does not anticipate negative impacts on the
use and enjoyment of other property in the immediate vicinity or effect
property values in the immediate area. Due to the low-impact, low-profile
aspect of solar and the landscape plan, it is not anticipated that Irwin will
have an adverse effect on development of the district where the Project is
proposed. Routine maintenance will keep the site clear of garbage and
debris. See the vegetative management plan and site plan for additional
details. With the prevalence of solar increasing, a number of
organizations have conducted property value impact studies on areas
surrounding solar projects. They have concluded that the presence of
solar does not affect property values. See Appendix H Property Value
Impact Studies.

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 primary land use in the surrounding area is
agriculture. The proposed location of Irwin is not anticipated to alter the
character of the surrounding uses because it is low-profile, odorless,
virtually noiseless and compatible with agricultural uses.

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

The Board finds that Irwin does not require public services such as water, sewer or
school districts, with the exception of police and fire, if needed. The Project will seek
access road permits from the appropriate road authorities. Irwin will institute Best
Management Practices (BMP’s) and industry standard practices will be implemented for
drainage and soil erosion control. Permits for construction, including NPDES, and SWPPP
plans will be completed prior to construction. The conversion of tillable acreage to the
proposed seed mix cover is anticipated to increase infiltration, decrease runoff and
improve drainage.

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 Irwin will not cause a traffic hazard or congestion.
Typical traffic during construction is estimated to be 25-35 trucks daily.
During the operational phase traffic will be limited to periodic vegetative
and site maintenance. See site plan for proposed ingress location. Irwin
will seek access road permits from the appropriate road authorities.

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
The Board finds that Irwin meets or exceeds the requirements of the Special Use Permit. The Project’s facilities will be sited so as to comply with the County’s setback requirements, where applicable, as well as other voluntarily-imposed setbacks. To the extent applicable, the Project will also comply with all other local, state, and federal regulatory standards.

**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 seven (7) members for the motion to recommend granting, zero (0) opposed.

Respectfully submitted this 13th day of August, 2018 by the Kankakee County Zoning Board of Appeals.

**John Fetherling, Chairman – Aye**  
**David DeYoung – Aye**  
**William Sawyer – Aye**  
**Edwin Meents – Aye**  
**William Hemm – Aye**  
**Beth Scanlon – Aye**  
**Gene Raedemacher – Aye**
Exhibit A – Site Map, Pilot Township
Pilot Township
P.L. No. 14-14-01-400-011
Irwin Solar Farm
Sup Section 121-99, C.34 (Solar Farm)
Irwin Solar, LLC (Applicant)
Kacja Living Trust (Tekiema Kacja) (Owner)

STAFF REPORT

ZBA CASE 18-36
The applicant, Irwin Solar LLC and owner, Kacija Living Trust (Takine Kacija), are seeking a special use permit to allow the construction of a 2MWac community solargarden, known as Irwin Solar Farm, on property located along the west side of 5800 W Road in Section 1 of Plate 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.

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

**A. EXPLAIN HOW THE ESTABLISHMENT, MAINTENANCE, OR OPERATIONS OF THE SPECIAL USE WILL/WILL NOT HAZARDOUSLY ENDEAVOR TO ENDANGER THE PUBLIC HEALTH, SAFETY, MORALS, COMFORT, OR GENERAL WELFARE OF THE PEOPLE OF KANKAKEE COUNTY.**

**Petitioner’s Response:** The establishment, maintenance, or operation of the solar farm will not pose any danger to the public health, safety, morals, comfort, or general welfare of the people of Kankakee County.

**Planning Department Analysis:** The solar farm is designed to have minimal impact on the environment and is expected to have a negligible impact on the public health, safety, and general welfare of the people of Kankakee County.

**B. EXPLAIN HOW THE SPECIAL USE WILL/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 IN THE IMMEDIATE VICINITY.**

**Petitioner’s Response:** The establishment, maintenance, or operation of the solar farm will not negatively impact the enjoyment of other property in the immediate vicinity.

**Planning Department Analysis:**

- The property to the north of the subject site is a natural area and is owned by the same property owner. The property to the east is zoned I-2 General and is being used as a grain storage facility.
- The property to the west is zoned A-1 General and is being used for agricultural purposes.
- The property to the south is zoned A-1 General and is being used as a residential property.

The Planning Department has determined that the establishment, maintenance, or operation of the solar farm will not have a negative impact on the enjoyment of the property in the immediate vicinity.
The primary land use in the surrounding area is agriculture.

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

Planning Department Analysis:

The project does not require sewer or water and it does not appear that there will be any impact on drainage or drainage patterns.

Access will be provided by a single gravel driveway.

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

Planning Department Analysis:

Because it is low-profile, odorless, virtually noiseless and compatible with agricultural uses, the proposed location of Irwin is not anticipated to alter the character of the surrounding area.
In the ZBA Case 18-36, the Petitioners are seeking a special use permit to operate a solar farm on their property. The Planning Department has analyzed the proposal and recommends conditions for approval.

**Planning Department Analysis:**

The applicants have 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. The applicants have also stated that they will provide access road permits to the appropriate road authorities.

**Recommended Conditions—Recommended by Staff:**

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 and regulations in the zone and shall not adversely affect the same in terms of weed and grass.

**PROPOSED CONDITIONS (if approved):**

- Board of Appeals and the Kankakee County Board prior to approval
- Approved conditions may be imposed by the Zoning Board of Appeals and the Kankakee County Planning Department
- The Planning Department has recommended conditions for approval, which include:
  - Ground cover shall comply with all other local, state, and federal regulatory standards.
  - The project will be subject to the applicable regulations of the district in which it is located, except as such regulations may, in the discretion of the Board, be modified by the Board.

- If the special use is not subject to a special use permit generally have a higher intensity of use and a greater potential to adversely affect surrounding properties.

- **Proposed Conditions:**
  - All ground cover established on the site shall be of a type which is pollinator friendly to help support agriculture.
  - All landscaping shall abide by any and all rules and regulations in the zone and shall not adversely affect the same in terms of weed and grass.

**Planning Department Analysis:**

The applicants have 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. The applicants have also stated that they will provide access road permits to the appropriate road authorities.