Resolution of the County Board
of
Kankakee County, Illinois


WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed by Yonke Farms, LLC (Mr. Tim Yonke), property owner and SolAmerica Energy, applicant, in the Office of the County Clerk of Kankakee County for a Rezoning from I2-General Industrial District to A1-Agricultural District and 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 July 23, 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 Yonke Farms, LLC (Mr. Tim Yonke), property owner and SolAmerica Energy, 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 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 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 rezoning and 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. Rezoning from I2-General Industrial District to A1-Agricultural District and a 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. All ground cover established on the site shall be of a type which is pollinator friendly to help support agriculture.

   b. 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.

PASSED and adopted this 11th day of September 2018.

Andrew H. Wheeler, County Board Chairman

ATTEST:

Dan Hendrickson, County Clerk
LEGAL DESCRIPTION:
THE NORTHEAST QUARTER (NE\(\frac{1}{4}\)) OF SECTION EIGHTEEN (18), TOWNSHIP THIRTY (30) NORTH, RANGE THIRTEEN (13) WEST OF THE SECOND PRINCIPAL MERIDIAN WHICH LIES NORTH AND EAST OF THE CENTER OF GAR CREEK DRAINAGE DITCH, SITUATED IN THE COUNTY OF KANKAKEE, IN THE STATE OF ILLINOIS; AND

THE SOUTH 35.52 ACRES, EAST OF THE ILLINOIS CENTRAL RAILROAD, OF THE SOUTHEAST QUARTER (SE\(\frac{1}{4}\)) OF SECTION SEVEN (7), TOWNSHIP THIRTY (30) NORTH, RANGE THIRTEEN (13) WEST OF THE SECOND PRINCIPAL MERIDIAN, SITUATED IN THE COUNTY OF KANKAKEE, IN THE STATE OF ILLINOIS, EXCEPT THE FOLLOWING DESCRIBED TRACTS: BEGINNING AT A POINT IN THE WEST RIGHT-OF-WAY LINE OF HIGHWAY NO 49, 133.2 FEET NORTH OF THE SOUTH LINE OF SECTION 7; THENCE WEST AT RIGHT ANGLES TO SAID HIGHWAY; 225 FEET, THENCE NORTH, PARALLEL TO SAID HIGHWAY, 100 FEET, THENCE EAST 225 FEET TO A POINT ON THE WEST LINE OF SAID HIGHWAY; THENCE SOUTH ALONG SAID HIGHWAY, 100 FEET TO THE POINT OF BEGINNING. BEGINNING AT A POINT IN THE WEST RIGHT-OF-WAY LINE OF HIGHWAY NO. 49; 233.2 FEET NORTH OF THE SOUTH LINE OF SECTION 7; THENCE WEST AT RIGHT ANGLES TO SAID HIGHWAY, 225 FEET; THENCE NORTH PARALLEL TO SAID HIGHWAY, 100 FEET, THENCE EAST, 225 FEET TO A POINT ON THE WEST LINE OF SAID HIGHWAY; THENCE SOUTH ALONG SAID HIGHWAY, 100 FEET TO THE POINT OF BEGINNING; COMMENCING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. ROUTE #54, SAID POINT BEING 333.2 FEET NORTH OF THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 7, THENCE PROCEEDING WEST ON A LINE MAKING A RIGHT ANGLE WITH SAID RIGHT-OF-WAY LINE OF U.S. ROUTE #54 A DISTANCE OF 210.6 FEET TO A POINT; THENCE PROCEEDING NORTH ON A LINE PARALLEL WITH SAID RIGHT-OF-WAY LINE OF U.S. ROUTE #54 A DISTANCE OF 100.0 FEET TO A POINT, THENCE PROCEEDING EAST ON A LINE MAKING A RIGHT ANGLE WITH SAID RIGHT-OF-WAY LINE OF U.S. ROUTE #54 A DISTANCE OF 210.6 FEET TO A POINT, THENCE SOUTH ALONG SAID RIGHT-OF-WAY LINE OF U.S. ROUTE #54 A DISTANCE OF 100 FEET TO THE PLACE 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 Yonke Farms, LLC and applicant SolAmerica Energy in ZBA Case No. 18-24. The applicant and owner are seeking rezoning from I2-General Industrial to A1-Agriculture and a special use permit to allow the construction of a 2 MW community solar garden, known as Yonke Farms Solar, on property located at the northwest corner of the intersection of U.S. Route 45/52 and River Road in Kankakee Township. The City of Kankakee is on the north, east, and west of this property. 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 July 23, 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).

**Communications:** The Zoning Board of Appeals received a letter regarding this matter. Please refer to the letters for details, a synopsis and staff response is below.

**City of Kankakee** – A letter was received on June 20, 2018 from Frank Koehler Interim Community Development Director from the City of Kankakee. This letter asked that the Zoning Board of Appeals delay the public hearing on this matter until a discussion could be had about annexation.

Staff Response - The City of Kankakee can have discussions about annexation at any time and therefore there is no impending need to delay the public hearing process.

**Public Comments:** (Refer to transcripts for full details)

**Jolene Maas** – A resident of Irwin who lives several miles away questioned what would happen if the panels were to break. She claimed that they contain gallium arsenite and are hazardous.

**Tim Yonke** – The property owner stated the farm has been in existence for over 100 years and no one has contacted them concerning industrial or commercial development of the property. He also stated that the solar farm
would be well hidden and close to a power station and Kankakee Community College.

David Crawford – He owns a billboard next door to the property and is also an Alderman for the City of Kankakee. He had questions about an easement that he has rights to that cross the subject site and he had questions about the decommissioning process.

Analysis of Ten Standards: After considering all the evidence and testimony presented at the public hearing, the Board makes the following analysis of the ten (10) standards listed in Section 17.03.E3 (Standards for Map Amendments) of the Kankakee County Zoning Ordinance that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed rezoning is consistent with the purpose and intent of the Zoning Ordinance.

The Board finds that the property will meet all regulations outlined in code of ordinances, Part II Land Development, Chapter 121 Zoning, Article III Zoning Districts, Division 2 Agriculture Districts, Section 34 “Solar Farms”.

2. That the proposed rezoning is consistent with the goals, objectives, and policies of the County Comprehensive Plan.

The Board finds that Solar Power Generation Farms are consistent with future planning as they allow for existing agriculture areas to remain with minimal impact to the area creating green, renewable energy sources in the county in a park like setting. No permanent structures will be built or land disturbance to existing areas.

3. Explain how and if all required utilities, drainage, access to public rights-of-way, recreational facilities, educational facilities, and public safety facilities have been or will be provided, and possess adequate capacity or manpower.

The Board finds that utilities are not required for Solar Generation Farms. Solar plants are completely self-sufficient and will only require to be tied into existing electrical distribution grid.

4. That the proposed rezoning is compatible with the existing uses of property and the zoning classification of property within the general area.

The Board finds that currently surrounding areas are commercial, industrial and agriculture. South of parcel is an industrial plant. North of parcel is a hotel and residential mobile homes with storage.
5. That the permitted uses in the zoning classification being requested will not substantially increase the level of congestion on public rights-of-way.

The Board finds that Solar Generation Facility will not have day to day traffic or require day to day operations and the construction period to last 20-30 craft to construct.

6. That the subject property is suitable for the permitted uses under the existing zoning classification.

The Board finds that the existing zoning is I2. Per the county ordinance, the zoning classification must be changed to A1 to enable the solar generation to be permitted.

7. That the subject property is suitable for the permitted uses under the proposed zoning classification.

The Board finds that A1 permits solar generation farms under the ordinance.

8. What is the trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification?

The Board finds that there is no change in development. It is currently cropland/farmland.

9. Is the proposed rezoning/amendment within one and a half miles of a municipality?

The Board finds that the proposed map amendment borders the town limits of Kankakee.

10. Does the LESA report reflect the suitability of the site for the proposed amendment requested and uses allowed therein?

The Board finds that the conclusion of the Kankakee County Soil & Water Conservation District’s Site Assessment and LESA score reflects the suitability of this site for the intended use.

**Recommendation:** We find that the proposed rezoning requested does meet all the standards for recommending granting as found in Section 17.03.E3 of the Kankakee County Zoning Ordinance and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the zoning district classification of the property described above be changed from I2-General Industrial to A1-Agriculture.
**Roll Call Vote:** A motion was made to approve the rezoning. The roll call vote was four (4) members for the motion to recommend granting, zero (0) opposed.

Respectfully submitted this 23rd day of July, 2018 by the Kankakee County Zoning Board of Appeals.

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

**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 applicant is proposing to develop a renewable energy solar farm on parcel. Please see attached information pamphlet on solar energy in your community.

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 information provided adequately explained how the proposed solar farm would not be detrimental or injurious to the enjoyment of surrounding properties.

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 there are no restrictions on development of surrounding properties due to passive solar energy.

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

   The Board finds that no utilities are required. Access road will be constructed of dirt/gravel post construction.

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 plant does not require day to day operation and traffic will not be effected in the area.

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 project will conform to all regulations for solar power generation outlined in the county ordinances.

Conditions: The Board has recommended the placement of the following conditions on the approval of this special use permit.

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.

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: A motion was made to approve the rezoning. The roll call vote was four (4) members for the motion to recommend granting, zero (0) opposed.

Respectfully submitted this 23rd day of July, 2018 by the Kankakee County Zoning Board of Appeals.

John Fetherling, Chairman – Aye
David Deyoung – Aye
William Sawyer – Aye
Edwin Meents – Absent
William Hemm – Aye
Beth Scanlon – Absent
Gene Raedemacher – Absent
ZBA CASE 18-24

STAFF REPORT

Yonke Farms, LLC (Owners)
SolarAmerica Energy (Applicant)

Sup Section 121-99.c.34 (Solar Farm)
P.I. No. 16-17-07-801-018
Kankakee Township

Kankakee County Planning Department
109 E. Court Street, Room 201
Kankakee, IL 60901
Phone: 815-937-2940 Fax: 815-937-2974
Email: planning@k3county.net
The applicant, SolAmerica Energy and owner, Yonke Farms LLC, are seeking to change the zoning of parcel 16-T-07-06-018 from II - General Industrial to AL - Agriculture and requesting a special use permit to allow the construction of a 2MW community solar energy facility, known as Yonke Farms Solar, on property located at the northwest corner of the intersection of U.S. Route 45/52 and River Road in Kankakee Township. The City of Kankakee is on the north, east, and west of the property. 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 rezoning from General Industrial to Agriculture.

A. How is the proposed rezoning/amendment consistent with the purpose and intent of the zoning ordinance?

Petitioner's Response:

"Will meet all regulations outlined in code of ordinances, Part II Land Development, Chapter 12, Zoning Districts, Division 2, Agriculture Districts, Article 34, Solar Farms."

B. How is the proposed rezoning/amendment consistent with the goals, objectives, and policies of the County's Comprehensive Plan?

Planning Department Analysis:

"The property in question was designated General Industrial in 1967 with the passage of the County's first zoning ordinance. This designation was based on a plan at that time which envisioned the area between U.S. Route 45/52 and the Kankakee River developing into industrial uses. This development occurred on many parcels in the area but the subject site never developed with industrial uses and has remained in agricultural use."

Petitioner's Response:

"Solar Power Generation Farms are consistent with future planning as they allow for existing agricultural areas to remain with minimal impact to the area's cleaning green. Renewable energy sources in the County in a park like setting. No permanent structures will be built or permanent impact to the area's cleaning green. Renewable energy sources in the County in a park like setting."

Planning Department Analysis:

The County's Comprehensive Plan designates this property a Community Growth Area which means the County should consider this type of rezoning as they allow for existing agricultural areas to remain with minimal impact to the area's cleaning green. Renewable energy sources in the County in a park like setting. No permanent structures will be built or permanent impact to the area's cleaning green. Renewable energy sources in the County in a park like setting.
Is the site selected proper for the use permitted under the existing zone classification? If "no," explain why.

The existing zone is Z1. No existing zoning is I2. For the county ordinance, the zoning classification must be changed to A1 to enable the solar farm.

Have any traffic patterns in the area been changed?

Due to the limited number of trips required by a solar farm once the initial construction period has ended, staff does not feel that the solar farm will have any affect on traffic patterns in the area.

Solar Generation Facility will not have day to day traffic or require day to day operations. Construction period to last 20-30 days.

Planning Department Analysis:

F. Explain how the permitted uses in the existing zone classification being requested will not substantially increase the level of congestion on the public right-of-way.

Utilities and other public facilities are not required for solar generation farms. Solar plants are completely self sufficient and will only require to be tied into the grid.
Planning Department Analysts:

The planning staff agrees with the petitioner.

Certainly, the parcel borders the town limits of Kankakee.

Does the parcel border a municipality?

Petitioner’s Response: "Yes, the parcel borders the town limits of Kankakee."

Is the parcel within one and a half miles of a municipality?

Planning Department Analysts:

Petitioner’s Response: "Yes, the parcel borders the town limits of Kankakee."

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Is the parcel within one and a half miles of a municipality?
The Petitioner's Response: "Please see attached information pamphlet on solar energy in your community.

Planning Department Analysis:

"Petitioner's Response: "No restrictions on development of surrounding properties due to passive solar energy. Please see attached information pamphlet on solar energy in your community."

The board should ask the applicant to further explain this finding at the hearing.

Planning Department Analysis:

The Petitioner's Response: "Please see attached information pamphlet on solar energy in your community."

The board should ask the applicant to further explain this finding at the hearing.

Planning Department Analysis:

The Petitioner's Response: "Please see attached information pamphlet on solar energy in your community."

The board should ask the applicant to further explain this finding at the hearing.

Planning Department Analysis:

The following sections highlight the Petitioner's responses to the findings and the Planning Department's comments for the proposed special use permit.
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.

Planning Department Analysis:

Petitioner's Response: "Yes, will conform to all regulations for solar power generation outlined in the county ordinances."

"Without exception, be approved by the board."

In the Special Use, without all other aspects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in the opinion of the Planning Board, require or permit.

The planning board shall have discretion to modify the regulations of the district in which the property is located, except as such regulations may, in the opinion of the Planning Board, require or permit.

The applicant has stated that after initial construction, maintenance personnel visits will be minimal. If this is true, there should be no traffic issue arising.

Planning Department Analysis:

Petitioner's Response: "Yes, plant does not require a day to day operation and traffic will not be affected in the area."

"Without exception, be approved by the board."

E. Explain how and if adequate measures have been or will be taken to provide access and ingress to minimize traffic congestion on the public street.

Traffic extending the site, shall not result to any further issue with access.

The property 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

Planning Department Analysis:

Petitioner's Response: "No utilities required. Access road will be constructed at driveway and have no day to day traffic for operations."

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

Finding of Fact Responses - Special Use Permit
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. 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 the special use permit.

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.

**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.
ZBA Case 18-24

1. Reference; Hearing Date:
   Applicants name: Land Owners Name:
   Legal Counsel:

2. Location; Property Location:
   Township: Parcel Number:
   Address:
   Existing Land Use:
   Applicant Request:

3. Dimensions:
   Road Frontage:
   Parcel Depth:
   Size of Parcel:

4. Existing Land Use Features:
   Original
   Irregular
   +/- 5.50
   27.1 acres.

5. Surrounding Zoning:
   North: West: South: East:
   Incorporated & R-Single Family Res.
   Incorporated. 1 Z General Industrial
   Incorporated
   Incorporated

6. Surrounding Land Use:
   East: South: West: North:
   General
   Incorporated
   Industrial
   Agriculture
   Residential
   Commercial

7. Municipal Planning Boundary:
   Nextee Municipal: City of Kankakee
   Nearest Municipl: None
   Distance: None

8. Comprehensive Plan Designation:
   Adjacent
   Community Growth Area
   Industrial
   N/A

9. Distance to Public Services and Facilities:
   Water:
   Sewer:
   Police Protection:
   Fire Protection:
   Township:
   School District:

10. Miscellaneous Information:
    N/A
    Adjacent
    Community Growth Area
    Industrial
    Kankakee Fire Protection District
    Kankakee County - 1.5 miles.
    Kankakee Fire Protection District
    Kankakee County - 1.5 miles.
    Kankakee County - 1.5 miles.
    Kankakee County - 1.5 miles.
    Kankakee County - 1.5 miles.
    Kankakee County - 1.5 miles.
    Kankakee County - 1.5 miles.

11. Applicant Request:
    Existing Land Use:
    Address:
    Parent Number:
    Parent Address:
    Parent Name:
    Applicant Name:
    Home:
    Yonker Farms, LLC
    Solar Energy
    June 25, 2018
    Hearing Date:
    Reference:
    Kankakee County Planning Department