Resolution of the County Board
of
Kankakee County, Illinois

RE: ZBA CASE #18-38; REZONING I1-LIGHT INDUSTRIAL DISTRICT TO A1-AGRICULTURAL DISTRICT AND SPECIAL USE PERMIT #121-99.C.34 (SOLAR FARM) SECTION 13 KANKEEKE TOWNSHIP (GAR CREEK SOLAR, LLC)

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed Silk Road Holdings V, LP c/o Rob Rotering, property owner and Gar Creek Solar, LLC c/o Trajectory Energy Partners, LLC, applicant, in the Office of the County Clerk of Kankakee County for a Rezoning from I1-Light Industrial District to A1-Agricultural District and a Special Use Permit #121-99.C.34 (Solar Farm), 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 September 24, 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 Silk Road Holdings V, LP c/o Rob Rotering, property owner and Gar Creek Solar, LLC c/o Trajectory Energy Partners, LLC, applicant, be approved with conditions; and,

WHEREAS, the Planning, Zoning, and Agriculture Committee (PZA), at its regularly scheduled and duly noticed meeting of October 17, 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 November 13, 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 October 17, 2018 are also
supported by the record and are in the public interest and are also approved, confirmed, ratified and adopted.

3. Rezoning from I1-Light Industrial District to A1-Agricultural District and a Special Use Permit #121-99.c.34 (Solar Farm), 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 13th day of November 2018.

Andrew H. Wheeler, County Board Chairman

ATTEST:

Dan Hendrickson, County Clerk
LEGAL DESCRIPTION:
BEING THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13,
TOWNSHIP 30 NORTH, RANGE 14 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN
KANKAKEE COUNTY, ILLINOIS, AND MORE PARTICULARLY DESCRIBED AS
FOLLOWS: BEGINNING AT A "PK" NAIL AT THE NORTHEAST CORNER OF SAID
SECTION 13; THENCE SOUTH 00 DEGREES 51 MINUTES 29 SECONDS EAST ALONG
THE EAST LINE OF SAID SECTION 13 A DISTANCE OF 1332.87 FEET TO AN IRON
ROD; THENCE SOUTH 87 DEGREES 08 MINUTES 35 SECONDS WEST A DISTANCE OF
1358.13 FEET TO AN IRON ROD; THENCE NORTH 00 DEGREES 58 MINUTES 55
SECONDS WEST A DISTANCE OF 1332.61 FEET TO A "MA" NAIL IN THE NORTH
LINE OF SECTION 13; THENCE NORTH 87 DEGREES 08 MINUTES 10 SECONDS EAST
A DISTANCE OF 1361.02 FEET TO THE POINT OF BEGINNING, CONTAINING 41.57
ACRES, MORE OR LESS, SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF
RECORD.
This is the findings of fact and the recommendation of the Kankakee County Zoning Board of Appeals concerning an application from property owner Silk Road Holdings V, LP and applicant Gar Creek Solar, LLC c/o Trajectory Energy Partners, LLC in **ZBA Case No. 18-38**. The applicant and owner's are seeking to change the zoning from the subject site from I-I-Light Industrial to A1-Agriculture and are requesting a special use permit to allow the construction of two 2MWac community solar gardens, known as Gar Creek Solar, on property located at the southwest corner of 2000 S Road and 1000 W Road in Kankakee Township. The City of Kankakee is across the street from this property.

After due notice required by law, the ZBA held a public hearing on this case on September 24, 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:** (Refer to transcripts for full details)

Steve Magruder – President of the IBEW and county resident spoke about the applicant’s willingness to use local labor in the construction of the solar farm and how the jobs are needed in our community.

**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 17.038 (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 since the passage of Kankakee County's first zoning ordinance in 1967, the Project Parcel has been zoned I-I, Light Industrial. At the time, industrial development was expected to occur immediately west of Cognis (then General Mills) which had been in existence since 1948. The balance of the neighboring parcels were zoned RE, Rural Estate with the intended purpose that the balance of the area would be developed for residential purposes. Neither development has occurred in 50 years. The land is undeveloped and...
continues to remain in agricultural use. See Table 1 (application page 6).

The proposed rezoning /amendment is consistent with the purpose of the zoning code as described in the provisions of Section 121-2(7) of the Kankakee County, Illinois Code of Ordinances purpose assuring orderly growth. Because the surrounding area continues to retain the character and use of agriculture for five decades, rezoning to Ag-1 is consistent with its historical and perceived future. The proposed rezoning/amendment is intended to allow the development of a project that would be consistent with the existing uses of the Project Parcel and the adjacent parcels, and that would maintain the character of the Project Parcel for future uses after the useful life of the Solar Project.

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

The Board finds that the 2030 Kankakee County Comprehensive Plan points out the significant amount of “undeveloped land” in Kankakee County. Undeveloped land defined as land that is not currently developed according to its zoned use. The plan further explains that land designated for residential and industrial use is especially excessive in rural Kankakee County. The Project Parcel is located in such an area that is primarily used for agricultural row crop purposes. The Comprehensive Plan notes that this pattern is not consistent with retaining the character of the rural areas. Changing the Project Parcel’s zoning designation from I1-Industrial to Ag-1-Agricultural is consistent with the County’s comprehensive plan and management of the identified excess land zoned for residential use. In addition, the Solar Project allowed by the rezoning will generate additional tax revenues to the County that will help address the maintenance and education cost burdens identified in the Comprehensive Plan.

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 Ag-1, Agricultural zoning area permitted uses require less utilities and public facilities than those needed for both the I-1, Industrial and RE, Residential Estate zones.

In addition, the proposed solar project does not require water and sanitary facilities, recreational facilities, or educational facilities and places minimal burden on the public rights-of-way and public safety facilities.

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 the existing and historic uses of the Project Parcel and the parcels surrounding it are predominantly agricultural (row crops) in nature. The land transitions to industrial use to the east and residential use to the west. The rezoning/amendment is compatible and consistent with the area's current land use with no impact to current industrial or residential uses. The Solar Project will not affect the existing uses or those enabled by the zoning classification of property within the general area of the Project Parcel. See Table 1 (application page 6).

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 agricultural use generates limited levels of congestion on public rights-of-way. The permitted uses under current zoning designation I-1, Light Industrial have the potential to greatly increase congestion on public-rights-of-way. As described above, the proposed Solar Project will have limited impact on traffic during the construction period, and effectively no impact on traffic once operational and for the remainder of the useful life of the Solar Project.

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

The Board finds that the subject site might not be suitable for all permitted light industrial uses. Significant infrastructure upgrades such as roads, water, waste, and local gas and electric utility access would likely be required to accommodate most light industrial uses.

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

The Board finds that the subject property is suitable for the permitted uses under the proposed A-1, Agricultural zone as evidenced by its continued use for agricultural purposes, as well as the proposed use as a Solar Project, which is also a use consistent with the zoning 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 the Project Parcel has been zoned I-1, Light Industrial since 1967 as is the parcel to the south. No trend in industrial development has occurred on those parcels adjacent to the City of Kankakee and the Cognis facility since the plant was founded by General Mills in 1948. The Project Parcel is bound to the west and north by parcels zoned Re, Rural Estate that continue to be used
in agricultural production. No trend in residential development has been observed.

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

   The Board finds that the proposed map amendment is within one and a half miles of the City 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 Applicant has applied to the Kankakee Soil and Water Conservation District for a Natural Resource Information (NRI) Report which includes a LESA report. The results of that report will be forwarded to the Kankakee County Planning Department for review. See Exhibit C: Natural Resources Information Report Application Submittal.

**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 Solar Project will produce clean, renewable energy that will not be detrimental to or endanger the public health safety, morals, comfort, or general welfare. The Solar Project supports the Illinois Future Energy Jobs Act’s (FEJA) goal of diversifying Illinois’ electricity supply through the development of new renewable energy resources helping to “avoid and reduce pollution, reduce peak demand, and enhance public health and well-being of Illinois residents.”

   The Solar Project will provide economic and environmental benefits to the community. Kankakee County residents and businesses will have an opportunity to subscribe to the Solar Project. These subscribers will support clean energy in their community while benefiting from fixed electricity prices and electricity bill savings. The proposed Solar Project will serve the electricity needs of 600 to 800 homes. In addition, the Solar Project will create new tax revenues for Kankakee County, provide steady income to the Landowners, and generate local economic activity through local construction, materials, and services.

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 Zoning Ordinance anticipates that the Solar Energy Generation Facilities will be appropriately located in the A-1, Agricultural Zoning District. The Project Parcel is surrounded by ongoing agricultural activities and is adjacent to an intersection. The Solar Project will not affect the existing use and enjoyment of property in the immediate vicinity, nor the values in the neighborhood. The Solar Project will be designed to enclose the solar panels and associated electrical equipment with fencing, and to comply with applicable state and local laws and ordinances designed to maintain the use and enjoyment of adjacent property and to maintain property values. The Solar Project is consistent with the uses contemplated in the current Zoning Ordinance, as well as with the existing and future uses of surrounding property in the district.

Property valuation experts from Cohn Reznick have studied the value of properties that adjoin solar farms in Illinois and Indiana and concluded that the solar farms do not adversely affect the property values in either the short or long term. The study included solar farms in LaSalle and Winnebago Counties in Illinois; as well as Elkhart, Lake, Madison, Marion and Porter Counties in Indiana. Experts analyzed property sale prices and marketability of single family homes and agricultural land that adjoins solar farms and compared this data to comparable properties in the same county. The study also included interviews with county assessors and local real estate professionals, all of whom concluded that solar farms in their area had not impacted property values. Similar research has been conducted in other states across the U.S. and none of these studies have found that solar farms adversely affect nearby property values. See Exhibit D: Property Value Impact Study.

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 operation of the Solar Project will not interfere with the development and improvement of surrounding property for uses contemplated in the Zoning Ordinance. The Solar Project will provide local clean energy generation while minimizing impact on the landscape and preserving long-term optionality for the use of the parcel.

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

The Board finds that utilities: The Solar Project will not require additional utilities. Access Roads: Ingress and egress will be provided from W 2000 S Road by an improved, gravel access road that ill enter
the project through a gate with a maximum width of 24’. Drainage: Prior to construction, the Applicant will consult the Gar Creek Drainage District as well as perform a tile survey to locate drainage tile that may exist on the site. Any damage to drainage field tiles caused by construction or maintenance of the solar farm will be repaired to near original condition. The Solar Project will adhere to the Illinois Environmental Protection Agency (IEPA) Construction Stormwater Permit Requirements, including obtaining a NPDES storm water permit. After construction, cover vegetation is expected to enhance drainage, erosion, and runoff through the improved absorption of rain and melting snow and ice.

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 ingress and Egress will be provided from W 2000 S Road by an improved, gravel access road. During the installation period, trucks no larger than a typical 18-wheeler will deliver materials, and equipment to the site. Trucks will unload and turn around onsite without having to back out onto or sit idle on W 2000 S Road, thereby minimizing traffic congestion. Smaller, pick-up trucks will be utilized by the installers and construction workers. All worker vehicles will be parked onsite during construction hours. Post-construction, the Solar Project will generate minimal traffic, solely in connection with ongoing operations and maintenance. Engineers and maintenance technicians will visit the Solar Project in pick-up trucks and vans a few times a year for routine maintenance and any required repairs. Landscaping vehicles will visit the Solar Project periodically during the growing season.

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 Solar Project will conform to the applicable regulations of the Ag-1 zoning district in compliance with the requirements set forth under Section 121-99(c)(34) of the Kankakee County, Illinois, Code, except as such regulations that may, in this instance, be modified by the board.

Conditions: The Board did not place any conditions upon their approval of this request.

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 I1-Light Industrial to A1-Agriculture.

We also 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 six (6) members for the motion to recommend granting, zero (0) opposed.

Respectfully submitted this 24th day of September, 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
Exhibit A – Site Map, Kankakee Township
ZBA CASE 18-38

STAFF REPORT

Silk Road Holdings V, L.P. (Owners)
Gar Creek Solar, LLC (Applicant)
SUP Section 121-99.c.34 (Solar Farm)
P.I. No. 16-16-13-200-003
Kankakee Township

Kankakee County Planning Department
189 E. Court Street, Room 201
Kankakee, IL 60901
Phone: 815-937-2940 Fax: 815-937-2974
Email: planning@k3county.net

Prepared By: Delbert Skimerhorn, Sr., AICP,GISP, CFM
Planning Manager / GIS Manager
The applicant, Car Creek Solar, LLC and owner, Silk Road Holdings V, L.P. are seeking to change the zoning of parcel 16-16-13-200-003 from II-Light Industrial to A1-Agriculture and requesting a special use permit to allow the construction of a 2 - 2MW community solar energy facility, known as Car Creek Solar, on property located 3/4 mile west of Kennsington Avenue on W 2000 S Road in Kankakee Township. The City of Kankakee is across the street from this property.

An aerial photograph of the general area can be seen above.
Finding of Fact Responses - Rezoning

The following sections highlight the Petitioner’s responses to the findings and the Planning Department’s comments for the proposed rezoning from R1-Single Family Residential to A1-Agriculture.

A. HOW IS THE PROPOSED REZONING/AMENDMENT CONSISTENT WITH THE PURPOSE AND INTENT OF THE ZONING ORDINANCE?

**Petitioner’s Response:** “Since the passage of Kankakee County’s first zoning ordinance in 1967, the Project Parcel has been zoned I-1, Light Industrial. At the time, industrial development was expected to occur immediately west of Cognis (then General Mills) which had been in existence since 1948. The balance of the neighboring parcels were zoned RE, Rural Estate with the intended purpose that the balance of the area would be developed for residential purposes. Neither development has occurred in 50 years. The land is undeveloped and continues to remain in agricultural use. See Table 1 (application page 6).

The proposed rezoning/amendment is consistent with the purpose of the zoning code as described in the provisions of Section 121-2(7) of the Kankakee County, Illinois Code of Ordinances purpose assuring orderly growth. Because the surrounding area continues to retain the character and use of agriculture for five decades, rezoning to Ag-1 is consistent with its historical and perceived future. The proposed rezoning/amendment is intended to allow the development of a project that would be consistent with the existing uses of the Project Parcel and the adjacent parcels, and that would maintain the character of the Project Parcel for future uses after the useful life of the Solar Project.”

**Planning Department Analysis:**

The property in question was designated residential 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 entire area being developed for residential and industrial purposes. This development did not occur and 50+ years later the property and its surroundings remain undeveloped and are still being used for agricultural purposes. Item seven (7) under the “Purpose” section of the ordinance describes provisions that should guide the zoning of property. Based on these guidelines and coupled with the fact that the property has not developed for its intended purpose in over 50 years, rezoning of the property for use consistent with its historical and perceived future use may be appropriate.

B. HOW IS THE PROPOSED REZONING/AMENDMENT CONSISTENT WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE COUNTY COMPREHENSIVE PLAN?

**Petitioner’s Response:** “The 2030 Kankakee County Comprehensive Plan points out the significant amount of “undeveloped land” in Kankakee County. Undeveloped land defined as land that is not currently developed according to its zoned use. The plan further explains that land designated for residential and industrial use is especially excessive in rural Kankakee County. The Project Parcel is located in such an area that is primarily used for agricultural row crop purposes. The Comprehensive Plan notes that this pattern is not consistent with retaining the character of the rural areas. Changing the Project Parcel’s zoning designation from I-1, Industrial to Ag-1, Agricultural is consistent with the County’s comprehensive plan and management of the identified excess land zoned for residential use. In addition, the Solar Project allowed by the rezoning will generate additional tax revenues to the County that will help address the maintenance and education cost burdens identified in the Comprehensive Plan.”
Planning Department Analysis:

The County’s comprehensive plan designates this property a community growth area which means the county should consider and follow the municipalities recommendation for this property. In this case, the City of Kankakee’s comprehensive plan designates the eastern half of this property be used for industrial purposes and the western half be used for agricultural purposes. Staff feels that the request for rezoning is consistent with both the County’s comprehensive Plan and that of the City of Kankakee. A map of the City’s comprehensive plan is on the next page.

C. Explain how and if all required utilities, such as water and sanitary facilities, drainage, access to public rights-of-way, recreational facilities, educational facilities, and public safety facilities have been or will be provided, and possess or will possess adequate capacity and/or manpower to accommodate the permitted use within the zoning classification being requested.

Petitioner’s Response:

- Ag-1, Agricultural zoning area permitted uses require less utilities and public facilities than those needed for both the I-1, Industrial and RE, Residential Estate zones.
- In addition, the proposed solar project does not require water and sanitary facilities, recreational facilities, or educational facilities and places minimal burden on the public rights-of-way and public safety facilities.

Planning Department Analysis:

Staff agrees, solar farm developments require no public utilities and minimal public services.

D. Explain how the proposed rezoning/amendment will be compatible with the existing uses of property and zoning classification of property within the general area of the property in question.

Petitioner’s Response: “The existing and historic uses of the Project Parcel and the parcels surrounding the are predominantly agricultural (row crops) in nature. The land transitions to industrial use to the east and residential use to the west. The rezoning/amendment is compatible and consistent with the area’s current land use with no impact to current industrial or residential uses. The Solar Project will not affect the existing uses or those enabled by the zoning classification of property within the general area of the Project Parcel. See Table 1 (application page 6).”

Planning Department Analysis:

The majority of the surrounding area is used for agricultural purposes in the form of row crops. As you radiate further away, there are industrial uses to the east and agricultural uses to the south and west which transition into residential uses about a half mile away.

E. Explain how the permitted uses in the zoning classification being requested will not substantially increase the level of congestion on the public rights-of-way.

Petitioner’s Response: “Agricultural use generates limited levels of congestion on public rights-of-way. The permitted uses under current zoning designation I-1, Light Industrial have the potential to greatly increase congestion on public-rights-of-way. As described above, the proposed Solar Project will have limited impact on traffic during the construction period, and effectively no impact on traffic once operational and for the remainder of the useful life of the Solar Project.”
Planning Department Analysis:

The applicant has stated that after initial construction, maintenance personnel will visit the site a few times per quarter. If this is true, there should be no traffic issue arising from the operation of the solar farm.

F. IS THE SUBJECT PROPERTY SUITABLE FOR THE PERMITTED USES UNDER THE EXISTING ZONING CLASSIFICATION?

Petitioner’s Response: “The subject site might not be suitable for all permitted light industrial uses. Significant infrastructure upgrades such as roads, water, waste, and local gas and electric utility access would likely be required to accommodate most light industrial uses.”

Planning Department Analysis:

The site appears to be suitable for the permitted uses listed in the I1 district, however, none of these uses have been established on the property over the past 50 years the property has held this designation. Staff also agrees with the applicant that some permitted uses would require a significant investment in improvements to be suitable. Staff feels that it may be time for a change.

G. IS THE SUBJECT PROPERTY SUITABLE FOR THE PERMITTED USES UNDER THE PROPOSED ZONING CLASSIFICATION?

Petitioner’s Response: "The subject property is suitable for the permitted uses under the proposed A-1, Agricultural zone as evidenced by its continued use for agricultural purposes, as well as the proposed use as a Solar Project, which is also a use consistent with the zoning ordinance."

Planning Department Analysis:

Staff believes it is. The property is currently and has historically been used for agricultural purposes and because a solar farm is a use that is largely compatible with agriculture, staff feels the property would be suitable.

H. 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.

Petitioner’s Response: “The Project Parcel has been zoned I-1, Light Industrial since 1967 as is the parcel to the south. No trend in industrial development has occurred on those parcels adjacent to the City of Kankakee and the Cognis facility since the plant was founded by General Mills in 1948. The Project Parcel is bound to the west and north by parcels zoned Re, Rural Estate that continue to be used in agricultural production. No trend in residential development has been observed.”

Planning Department Analysis:

There is little “trend of development” in the area. Most of the uses in the area were established decades ago and little has changed since. The surrounding area is a mix of urban residential uses, rural residential uses, small commercial uses, and large industrial uses. However, agricultural uses are arguably the most predominate use of the land. Note: The property to the north and west of the subject site is zoned R1-Single Family Residential and not RE—Rural Estate as the applicant has eluded to.
I. Is the proposed rezoning/amendment within one and a half miles of a municipality?

**Petitioner's Response:** "Bounded to the east by the City of Kankakee, the proposed rezoning/amendment is within one and a half miles of a municipality."

**Planning Department Analysis:**
The planning staff agrees with the petitioner.

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

**Petitioner's Response:** "The Applicant has applied to the Kankakee Soil and Water Conservation District for a Natural Resource Information (NRI) Report which includes a LESA report. The results of that report will be forwarded to the Kankakee County Planning Department for review. See Exhibit C: Natural Resources Information Report Application Submittal."

**Planning Department Analysis:**
The planning staff agrees with the petitioner.

**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 not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

**Petitioner's Response:** "The Solar Project will produce clean, renewable energy that will not be detrimental to or endanger the public health safety, morals, comfort, or general welfare. The Solar Project supports the Illinois Future Energy Jobs Act's (FEJA) goal of diversifying Illinois' electricity supply through the development of new renewable energy resources helping to "avoid and reduce pollution, reduce peak demand, and enhance public health and well-being of Illinois residents."

The Solar Project will provide economic and environmental benefits to the community. Kankakee County residents and businesses will have an opportunity to subscribe to the Solar Project. These subscribers will support clean energy in their community while benefiting from fixed electricity prices and electricity bill savings. The proposed Solar Project will serve the electricity needs of 600 to 800 homes. In addition, the Solar Project will create new tax revenues for Kankakee County, provide steady income to the Landowners, and generate local economic activity through local construction, materials, and services."

**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 OF OTHER PROPERTY IN THE IMMEDIATE VICINITY FOR THE PURPOSES ALREADY PERMITTED, OR SUBSTANTIALLY DIMINISH ORIMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD.**

**Petitioner's Response:** "The Zoning Ordinance anticipates that the Solar Energy Generation Facilities will be appropriately located in the A-1, Agricultural Zoning District. The Project Parcel is surrounded by ongoing agricultural activities and is adjacent to an intersection. The Solar Project will not affect the existing use and enjoyment of property in the immediate vicinity, nor the values in the neighborhood. The Solar Project will be designed to enclose the solar panels and associated electrical equipment with fencing, and to comply with applicable state and local laws and ordinances designed to maintain the use and enjoyment of adjacent property and to maintain property values. The Solar Project is consistent with the uses contemplated in the current Zoning Ordinance, as well as with the existing and future uses of surrounding property in the district.

Property valuation experts from Cohn Reznick have studied the value of properties that adjoin solar farms in Illinois and Indiana and concluded that the solar farms do not adversely affect the property values in either the short or long term. The study included solar farms in LaSalle and Winnebago Counties in Illinois; as well as Elkhart, Lake, Madison, Marion and Porter Counties in Indiana. Experts analyzed property sale prices and marketability of single family homes and agricultural land that adjoins solar farms and compared this data to comparable properties in the same county. The study also included interviews with county assessors and local real estate professionals, all of whom concluded that solar farms in their area had not impacted property values. Similar research has been conducted in other states across the U.S. and none of these studies have found that solar farms adversely affect nearby property values. See Exhibit D: Property Value Impact Study."

**Planning Department Analysis:**

Staff agrees, the area surrounding the subject site is predominately used for agricultural purposes and always has been. In addition the Property Value Impact Study provides evidence from an unbiased source that indicates that property values will not be harmed by the installation and siting of a 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 operation of the Solar Project will not interfere with the development and improvement of surrounding property for uses contemplated in the Zoning Ordinance. The Solar Project will provide local clean energy generation while minimizing impact on the landscape and preserving long-term optionality for the use of the parcel."

**Planning Department Analysis:**

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 permitted in the A1-Agriculture District, R1- Single Family Residential District, or the Industrial Districts within the City of Kankakee.
Finding of Fact Responses - Special Use Permit

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

*Petitioner’s Response:* "Utilities: The Solar Project will not require additional utilities. Access Roads: Ingress and egress will be provided from W 2000 S Road by an improved, gravel access road that will enter the project through a gate with a maximum width of 24’. Drainage: Prior to construction, the Applicant will consult the Gar Creek Drainage District as well as perform a tile survey to locate drainage tile that may exist on the site. Any damage to drainage field tiles caused by construction or maintenance of the solar farm will be repaired to near original condition. The Solar Project will adhere to the Illinois Environmental Protection Agency (IEPA) Construction Stormwater Permit Requirements, including obtaining a NPDES storm water permit. After construction, cover vegetation is expected to enhance drainage, erosion, and runoff through the improved absorption of rain and melting snow and ice."

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. 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:* "Ingress and Egress will be provided from W 2000 S Road by an improved, gravel access road. During the installation period, trucks no larger than a typical 18-wheeler will deliver materials, and equipment to the site. Trucks will unload and turn around onsite without having to back out onto or sit idle on W 2000 S Road, thereby minimizing traffic congestion. Smaller, pick-up trucks will be utilized by the installers and construction workers. All worker vehicles will be parked onsite during construction hours.

Post-construction, the Solar Project will generate minimal traffic, solely in connection with ongoing operations and maintenance. Engineers and maintenance technicians will visit the Solar Project in pick-up trucks and vans a few times a year for routine maintenance and any required repairs. Landscaping vehicles will visit the Solar Project periodically during the growing season."

Planning Department Analysis:

The applicant has stated that after initial construction, maintenance personnel will visit the site a few times per quarter. 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: "The Solar Project will conform to the applicable regulations of the Ag -1 zoning district in compliance with the requirements set forth under Section 121-99(c)(34) of the Kankakee County, Illinois, Code, except as such regulations that may, in this instance, be modified by the board."

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.

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 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: September 24, 2018
   Applicant's name: Gar Solar Solar, LLC
   Land Owner's Name: Silk Road Holdings V, L.P.
   Legal Counsel: None

2. Location:
   Property Location: 3/4 mile west of Kennsington Avenue on W 2000 S Road
   Township: Kankakee Township.
   Parcel Number: 16-16-13-200-003
   911 Address: No Address
   Existing Land Use: Agriculture (row crops)
   Applicant Request: Rezoning: R1 to A1 and a Special Use Permit for Solar Farm

3. Dimensions:
   Size of Parcel: 41.57 acres.
   Road Frontage: 2600' +/-
   Parcel Depth: 1320' +/-
   Parcel History: Original

4. Existing Land Use Features:
   Public Road: 2000 S. Road
   Floodplain: None
   Wetland: None

5. Surrounding Zoning:
   North: R1-Single Family Residential
   West: R1-Single Family Residential
   South: R1-Single Family Residential
   East: Incorporated

6. Surrounding Land Use:
   North: Agriculture
   West: Agriculture
   South: Agriculture
   East: Agriculture, Industrial
7. Municipal Planning Boundary:
   Nearest Municipality: City of Kankakee
   Distance: Adjacent

8. Comprehensive Plan Designation:
   Kankakee County: Community Growth Area
   Municipality: N/A
   Township: N/A

9. Distance to Public Services and Facilities:
   Police Protection: Kankakee County - 1.5 miles.
   Fire Protection: Kankakee Fire Protection District
       .5 miles.
   School District: Kankakee - 1 mile.
   Sewer: KRMA - .5 miles.
   Water: Aqua - .5 miles.

10. Miscellaneous Information:
    County Board District: Ten (10) - Mr. Tholen