Resolution of the County Board of Kankakee County, Illinois

RE: ZBA CASE #18-41; SPECIAL USE PERMIT #121-99.C.34 (SOLAR FARM)  
SECTION 12; GANEER TOWNSHIP

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed Roberta Griggs, property owner and AES Distributed Energy, Inc., applicant, in the Office of the County Clerk of Kankakee County for 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 October 29, 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 Roberta Griggs, property owner and AES Distributed Energy, Inc., applicant, be approved; and,

WHEREAS, the Planning, Zoning, and Agriculture Committee (PZA), at its regularly scheduled and duly noticed meeting of November 21, 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 December 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 November 21, 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 #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 11th day of December 2018.

Andrew H. Wheeler, County Board Chairman

ATTEST:

Dan Hendrickson, County Clerk
LEGAL DESCRIPTION:
THE NORTH HALF (N1/2) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION TWELVE (12), TOWNSHIP THIRTY-ONE (31) NORTH, RANGE THIRTEEN (13) EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANKAKEE COUNTY, ILLINOIS, EXCEPTING THEREFROM THE FOLLOWING PARCEL: A TRACT OF LAND IN THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SECTION TWELVE (12), TOWNSHIP THIRTY-ONE (31) NORTH RANGE THIRTEEN (13) EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION TWELVE (12) WITH THE WESTERLY RIGHT-OF-WAY LINE OF THE S.B.I. ROUTE 1, SAID RIGHT-OF-WAY LINE BEING 60 FEET FROM THE CENTER LINE OF SAID HIGHWAY; THENCE WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION TWELVE (12), 348.48 FEET TO A POINT; THENCE NORTH ON A LINE PARALLEL WITH THE WEST RIGHT-OF-WAY LINE OF S.B.I. ROUTE 1, 250.0 FEET TO A POINT, THENCE EAST ON A LINE PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION TWELVE (12), 348.48 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF S.B.I. ROUTE 1; THENCE SOUTH 250.0 FEET TO THE PLACE OF BEGINNING.
EXHIBIT B (ZBA Case #18-41)
Kankakee County Zoning Board of Appeals
Mr. John Fetherling, Chairman

FINDINGS OF FACT AND RECOMMENDATION
OF THE KANKAKEE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Kankakee County Zoning Board of Appeals concerning an application from property owner Roberta Griggs and applicant AES Distributed Energy, Inc., in ZBA Case No. 18-41. The applicant and owner are seeking a special use permit to allow the construction of two 2MWac community solar gardens on property located at the southwest corner of the intersection of 5000 N Road and IL Route 17 in Ganeer Township. The property is within 1.5 miles of the City of Momence.

The project will be utilizing approximately 58 acres on the north portion of the 78 acre parcel. The project will consist of solar panel arrays, an access driveway, a security fence, and associated electrical equipment and wiring.

After due notice required by law, the ZBA held a public hearing on this case on October 29, 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 development, maintenance, and operation of this proposed Special Use is not expected to create any negative impacts on the health, safety, morals, comfort, or welfare of the surrounding area. Once operational, the Projects will create almost no noise, emit no pollution, and will blend with the character of the immediate vicinity of the parcel, which is largely farmland.

   The Projects will be secured with fencing with locked gates and signage to prevent unwarranted access by unauthorized personnel. Local emergency services will be provided with access information and site plans in the unlikely case that an event should occur at the site. Public
health will not be impacted since all componentry of the solar farms is non-hazardous and there are not any toxic materials that could be released into the surroundings.

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 development, maintenance, and operation of the Projects is not expected to create negative impacts and will be consistent with the community character of the immediate vicinity of the parcel. Due to the minimal impact of solar facility and the adherence to district regulations, as well as relevant zoning requirements, the surrounding community character will not be negatively impacted.

Adjacent properties are not expected to experience a change in the pre-exisiting use and enjoyment of their land, nor do we expect them to realize a notable change in property value due to the development of the Projects.

Specifically, research available from the National Association of Realtors references several case studies for larger, far more visible wind farms, and demonstrated by and large that properties are largely unaffected by renewable energy development. Given that the Proposed projects will adhere to the required setbacks, will not exceed 10’ in height and do not produce pollution nor noticeable noise, we feel the impact to properties should be negligible. When in operation, the solar facilities will be virtually silent. The PV inverters and transformers will emit minimal noise at 50 decibels when standing within 10 feet, which is equivalent to a conversation level.

The Projects will be secured with fencing with locked gates to prevent unwarranted access by unauthorized personnel. Local emergency services will be provided with access information and site plans in the unlikely case that an event should occur at the site. Public health will not be impacted since all componentry of the solar farms is non-hazardous and there are not any toxic materials that could be released into the surroundings.

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 AES does not believe the solar Projects will impact the development and improvement of the surrounding properties given the farming zoning districts in the immediate vicinity. As mentioned earlier, the low profile of the Projects themselves no noise, 10’ height, minimal traffic, ample setbacks should not in any way affect the ability of neighboring properties to develop or improve their properties in any manner.
4. That adequate utilities, access roads, drainage, or necessary facilities have been or will be provided.

The Board finds that the proposed projects will not require any public utilities and there will be no facilities onsite, except for temporary facilities during construction. Drainage flow through the property will be maintained throughout the life of the project. A full drain tile survey will be performed prior to construction.

The solar facility will be interconnected into ComEd’s distribution system and energy produced will be delivered directly into the electrical grid through existing and/or upgraded utility lines. The proposed Projects will be financially responsible for any upgrades required by ComEd and the electrical grid will benefit from an added, distributed energy resource that produces emissions-free, renewable energy that is not subject to volatile fuel prices or global energy uncertainty.

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 Project will feature a 20' wide access road to serve as a singular point of ingress and egress from IL-17 with temporary parking and construction staging areas located within the project perimeter, to minimize local congestion. The access road will circulate within the proposed site boundaries to facilitate access for operation, maintenance, and emergency services minimizing the impact of traffic flow on adjacent roads. County and local authorities will be consulted to minimize traffic impacts and ensure compliance with all applicable laws.

The project is not predicted to have a significant impact on traffic patterns or traffic safety. Although there will be a temporary rise in traffic during construction, only 20-40 vehicle visits per day are anticipated. Post construction traffic is only expected to be 5-7 visits per year for vegetative management and system performance maintenance.

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 based on the best of our knowledge of Kankakee County Zoning Ordinances and other regulations of Kankakee County, the proposed solar Projects two 2 MW AC community solar gardens—adhere to all application requirements. Furthermore, AES will provide all necessary documentation to best facilitate the Special Use Permit application process and take all necessary actions to resolve any identified and incidental non-conformities in the attached site plan. Any conditions attached to the Special Use Permit will be satisfied prior to applying for a building permit or their otherwise applicable timeframe.
Conditions: The Board did not recommend that any conditions be placed on the approval of this special use permit.

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

Respectfully submitted this 29th day of October, 2018 by the Kankakee County Zoning Board of Appeals.

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

Exhibit A – Site Map, Ganeer Township
Staff Report

ZBA Case 18-41

Ganeer Township
P.I. No. 06-10-12-200-003
Sup. Section 121-99-C.34 (Solar Farm)
AES Distributed Energy Inc (Applicant)
Robert Griggs, (Owner)
The applicant, AES Distributed Energy, Inc., and owner, Roberta Griggs, are seeking a special use permit to allow the construction of two 2MW community solar energy facilities on property located at the southwest corner of the intersection of 5000 N Road and IL Route 17 in Ganee Township. The property is within 1.5 miles of the City of Momence.

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

Planning Department Analysis:

The property is surrounded by an agricultural property being cultivated with no row crop with the exception of a few scattered large lots. Based on the content of the application and staff knowledge of the construction, operation, and maintenance of the community solar garden, staff does not believe the granting of the special use permit will have any effect on crop yields or drainage patterns. Due to the limited agricultural zoning district in the immediate vicinity of the property, staff does not believe the special use permit will have any effect on the enjoyment of other properties in the area.

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

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 agricultural zoning district in the immediate vicinity of the property, staff does not believe the special use permit will have any effect on the enjoyment of other properties in the area.

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

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 agricultural zoning district in the immediate vicinity of the property, staff does not believe the special use permit will have any effect on the enjoyment of other properties in the area.

The project is surrounded by agricultural property being cultivated with no row crop with the exception of a few scattered large lots. Based on the content of the application and staff knowledge of the construction, operation, and maintenance of the community solar garden, staff does not believe the granting of the special use permit will have any effect on crop yields or drainage patterns. Due to the limited agricultural zoning district in the immediate vicinity of the property, staff does not believe the special use permit will have any effect on the enjoyment of other properties in the area.
ZBA Case 18-41

Location Map - Kankakee County

The Petitioner's Response:

The Petitioner's Response:

The Petitioner's Response:

Planning Department Analysis:

Planning Department Analysis:

Planning Department Analysis:

E. Explain how any adequate measures have been or will be taken to provide access and egress to minimize traffic congestion in the public streets.
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 and neighboring 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 or the Kankakee County Board prior to approval.

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.

PROPOSED CONDITIONS [If Approved]

I. 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.
1. Reference:
   Municipal Planning Boundary: Kankakee County Planning Department

2. Location:
   Location: 5000 N Road and IL Route 17

3. Dimensions:
   Size of Parcel: 58 acres
   Road Frontage: 3,960 +/- feet
   Parcel Depth: 2,640 +/- feet

4. Existing Land Use Features:
   - Water: None
   - Wetland: None
   - Floodplain: None
   - Police Protection: Kankakee County—1.3 miles
   - Fire Protection: Momence—1.3 miles, Kankakee County—17 miles
   - County Board District: Two (2) Mr. Vickery
   - School District: Momence
   - Sewer: Momence—1.3 miles
   - Municipal Water: Momence—1.3 miles

5. Surrounding Land Use:
   - North: Agriculture
   - West: Agriculture
   - South: Agriculture
   - East: Agriculture

6. Surrounding Zoning:
   - North: Agriculture
   - West: Agriculture
   - South: Agriculture
   - East: Agriculture

7. Municipal Planning Boundary:
   - Nearest Municipality: Momence
   - Distance: 1.3 miles

8. Comprehensive Plan Designation:
   - North: Agriculture Conservation Area
   - South: Agriculture
   - West: Agriculture
   - East: Agriculture / RE—Rural Estate

9. Distance to Public Services and Facilities:
   - School District: Momence
   - Police Protection: Momence—1.3 miles
   - Fire Protection District: Momence
   - Municipal Water: Momence—1.3 miles
   - County Board District: Two (2) Mr. Vickery

10. Parcel Information:
    - Parcel Number: 0610-12-200-003
    - Existing Land Use: Agriculture (low crops)
    - Applicant Request: Special Use Permit for Solar Farm

11. Applicant Name:
    AES Distributed Energy, Inc.

12. Hearing Date:
    October 29, 2018

13. Applicant Name:
    Roberta Griggs

14. Legal Counsel:
    None