Resolution of the County Board of Kankakee County, Illinois

RE: ZBA CASE #18-42; SPECIAL USE PERMIT #121-99.C.34 (SOLAR FARM) SECTION 35; ROCKVILLE TOWNSHIP (BOURBONNAIS SOLAR FARM)

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed Norman & Marjorie Schilling, property owner and SolarStone Illinois, LLC, (Bourbonnais Solar Farm) 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 November 5, 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 Norman & Marjorie Schilling, property owner and SolarStone Illinois, LLC, (Bourbonnais Solar Farm) applicant, be approved with conditions; 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 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:

1. All 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.

**PASSED** and adopted this 11th day of December 2018.

Andrew H. Wheeler, County Board Chairman

**ATTEST:**

Dan Hendrickson, County Clerk
LEGAL DESCRIPTION:
WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 32 NORTH,
RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANKAKEE COUNTY,
ILLINOIS DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF
THE EAST HALF OF SAID SOUTHWEST QUARTER; THENCE ON AN ASSUMED
BEARING OF NORTH 00 DEGREES 02 MINUTES 01 SECONDS WEST ALONG THE
WEST LINE OF THE EAST HALF OF SAID SOUTHWEST QUARTER ALSO BEING
WEST LINE OF LAND DESCRIBED IN WARRANTY DEED PER DOCUMENT NO. 74-
10586 A DISTANCE OF 1343.07 FEET TO AN EXISTING IRON PIPE; THENCE SOUTH 89
DEGREES 44 MINUTES 43 SECONDS EAST ALONG THE NORTH LINE OF LAND
DESCRIBED IN SAID WARRANTY DEED A DISTANCE OF 192.60 FEET TO AN IRON
ROD; THENCE SOUTH 00 DEGREES 03 MINUTES 04 SECONDS WEST A DISTANCE OF
1344.06 FEET TO MAG NAIL ON THE SOUTH LINE OF SAID SECTION 35, ALSO BEING
THE SOUTH LINE OF LAND DESCRIBED IN SAID WARRANTY DEED, SAID MAG
NAIL BEING 1295.95 FEET WEST OF THE SOUTHEAST CORNER OF LAND
DESCRIBED IN SAID WARRANTY DEED; THENCE NORTH 89 DEGREES 42 MINUTES
16 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 1392.19 FEET TO THE
POINT OF BEGINNING, CONTAINING 42.95 ACRES.
This is the findings of fact and the recommendation of the Kankakee County Zoning Board of Appeals concerning an application from property owners Norman and Marjorie Schilling and applicant SolarStone Illinois, LLC in ZBA Case No. 18-42. The applicant and owner are seeking a special use permit to allow the construction of a 2MWac community solar garden, known as Bourbonnais Solar, on property located along the north side of W 6000 N Road in Section 35 of Rockville Township.

The project will be utilizing the majority of the 42 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 November 5, 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 public comment. (Refer to transcripts for full details)

Randell Blume – A neighboring property owner had concerns with inverter noise and EMF emissions. He asked if the inverters could be moved further into the site. The applicant stated they would work with him to address the problem.

**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 solar projects provide public benefit by producing renewable energy to improve our quality of life. Please refer to the formal application memo for specifics on the establishment, maintenance and operation of the solar farm.

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 solar farm will adhere to all required setbacks and ordinance related to screening and fencing so as to mitigate potential impacts of the array on adjacent 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 the proposed use of the site will meet all use standards. The site is compatible with existing surrounding land uses and will not preclude the land from future agricultural use or other development.

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

The Board finds that the submitted site plan demonstrates the proposed plan for utilities, access roads, and drainage plans.

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 site plan indicates a single ingress and egress point for the project. Once established the solar farm will generate only minimal traffic from occasional site 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 the solar farm as proposed conforms to the applicable regulations of the A-1 Agricultural District.

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

Respectfully submitted this 5th day of November, 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 - Absent*
*Gene Raedemacher-Aye*

**Exhibit A – Site Map, Rockville Township**
Staff Report
ZBA Case 18-42

Rockville Township
P.I. No. 04-01-35-00-008
Bourbonnais Solar Farm
SUP Section 12T-99.C.34 (Solar Farm)
Solartone Illinois, LLC, LLC (Applicant)
Norman and Marjorie Schilling (Owner)
The applicant, SoarStone Illinois, LLC and owners, Norman & Marjorie Schilling, are seeking a special use permit to allow the construction of two 2MWac community solar gardens known as Bourbonnais Solar, on property located along the north side of W 6600 N Road in Section 35 of Rockville Township. The project will be utilizing the majority of the 4.40 acre parcel. The project will consist of solar panel arrays, access driveway, a security fence, and associated electrical equipment and wiring. An aerial photograph of the general area can be seen above.
Planning Department

County Kankakee

project. The site is located within the existing surrounding land uses and will not

be negatively impacted by future development.

The proposed use of the site will meet all use standards. The site is compatible with existing

C. Explain how the establishment of the special use will not substantially impair the normal and orderly development and improvement of the surrounding area.

ask the applicant to provide this finding at the public hearing.

The applicant should provide this finding to the public. However, the Board should ask the applicant to further explain this finding as the answer above is not very

hence any detrimental effects to or endanger the public health, safety and welfare at this time. Start may change its opinion once all testimony and evidence is

upon review the project narratively shall agree with the applicant and does not currently see how the construction and operation of this solar farm would

Planning Department Activities:

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

Planning Department Analysis:

The project will not impede or interfere with the surrounding properties. The board should ask the applicant to explain this finding in more detail.

Planning Department Analysis:

The submitted site plan demonstrates the proposed plan for utilities, access roads, and drainage plans. The Planning Department states that the project will not impact the surrounding properties.

Petitioner's Response:

The submitted site plan indicates a single ingress and egress point for the project. It does not appear there will be any access issues with access from 6000 N Road. Due to the limited traffic utilizing the site, staff does not anticipate any traffic issues arising from the operation of the solar farm.

Petitioner's Response:

The site plan indicates a single ingress and egress point for the project. It does not appear there will be any access issues with access from 6000 N Road. Due to the limited traffic utilizing the site, staff does not anticipate any traffic issues arising from the operation of the solar farm.
F.WILL THE SPECIAL USE, IN ALL OTHER ASPECTS, CONFORM TO THE APPROPRIATE REGULATIONS OF THE DISTRICT IN WHICH IT IS LOCATED, EXCEPT AS SUCH REGULATIONS MAY, IN EACH INSTANCE, BE MODIFIED BY THE BOARD.

PETITIONS, RESOLUTIONS, Yes, the solar farm as proposed conforms to the applicable regulations of the A-1 Agricultural District.

PROPOSED CONDITION(S) (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, shrubs, etc. to be any and all types as outlined in the weed and grass control plan and is subject to the same penalties as weed and grass.

By their nature, uses subject to a special use permit generally have a higher intensity or have a greater potential to adversely affect surrounding property. Board of appeals and the Kankakee County Board prior to approval.

Board of appeals and the Kankakee County Board prior to approval.

RECOMMENDED CONDITIONS—RECOMMENDED BY STAFF.

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.

1. All ground cover established on the site shall be of a type which is pollinator friendly to help support agriculture.

2. All landscaping, shrubs, etc. to be any and all types as outlined in the weed and grass control plan and is subject to the same penalties as weed and grass.