Resolution of the County Board of Kankakee County, Illinois

RE: ZBA CASE #18-43; SPECIAL USE PERMIT #121-99.C.34 (SOLAR FARM) SECTION 24; AROMA TOWNSHIP (PETERMAN II SOLAR, LLC)

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed Jeffery P. Geel & John Geel Jr., subject of Life Estate of Patricia L. Geel, property owners and Peterman II Solar, LLC, 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 Jeffery P. Geel & John Geel Jr., subject of Life Estate of Patricia L. Geel, property owners and Peterman II Solar, LLC, applicant, be approved with conditions; and,

WHEREAS, the Planning, Zoning, and Agriculture Committee (PZA), at its regularly scheduled and duly noticed meeting of 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:
THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 24,
TOWNSHIP 30 NORTH, RANGE 13 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN
KANKAKEE COUNTY, ILLINOIS, LYING NORTH OF THE RIGHT OF WAY OF THE
KANKAKEE, BEAVERVILLE AND SOUTHERN RAILROAD, EXCEPTING FROM SAID
PART OF THE WEST HALF THE WEST 687.80 FEET OF THE NORTH 950.00 FEET OF
SAID WEST HALF AND ALSO EXCEPT THE NORTH 129.30 FEET OF THE EAST 250.00
FEET OF SAID WEST HALF.
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 owners Jeffery P. Geel & John Geel Jr. subject to the Life Estate of Patricia L. Geel and applicant Peterman II Solar, LLC in ZBA Case No. 18-43. 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 south side of Vanderkarr Road approximately 600' west of 4500 E Road in Aroma Township.

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 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 establishment, maintenance and operation of the special use will have no negative impact on the health, safety, comfort, or general welfare of surrounding community members. Solar components will comply with the current edition of the National Electric Code, be UL listed (or equivalent), and be designed with an anti-reflective coating. All solar panels will be sourced from Tier 1 manufacturers as rated on the Bloomberg New Energy Finance PV Module Maker Tiering System. With this solar farm, Kankakee County will be benefiting due to associated economic development and the resulting sustainable clean renewable power production. Further, a 2MW solar facility can offset an estimated 3,198 tons of carbon dioxide annually, the equivalent of 311 cars on the road, while generating an anticipated power output of approximately 3,900,000 kilowatt/hours of clean renewable energy annually, thereby benefiting public health and general welfare.
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 primary use of property in the immediate vicinity is for agriculture uses, as well as some low density residential uses. The solar farm project being developed under the special use permit will not impact the use and enjoyment of those properties. Adjacent property owners will feel little to no change in the pre-existing use and enjoyment of their property. By adhering to the required site constraints and acknowledging the minimal impact associated with solar farms, there will be no unreasonable detrimental impact to neighboring property values. As a result of providing economic support for annualized income to farm owners not dependent on agricultural markets, while at the same time increasing the tax base available to support schools, local governments and other taxing bodies, which services those neighborhoods, the solar farm works to benefit the surrounding community and its property values.

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 implementation of the following special use permit will have negligible influence on the outlined present and future development of neighboring properties. Due to the minimal impact of solar farms, future development should see no deviation from the originally determined course of action established by the Kankakee County jurisdiction. Providing a stable income to farm owners, which is not subject to the normal agricultural market impacts and deviations, supports and enhances the economic viability of other farming operations and the communities which are dependent on them.

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

The Board finds that by following the outlined site constraints and developing a site plan, Peterman II Solar LLC will ensure all physical structures and surrounding environmental requirements are met. This shall be achieved with the completion of the required Natural Resource Inventory Application, as well as a strict adherence to the site constraints presented by the Zoning Code. Further information regarding site construction details can be found under Exhibit F in Binder 2, Standard Equipment Detail.

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 this solar project will require minimal traffic; the anticipated number of vehicles during construction will be approximately 1-10 truck vehicles and 2-15 personal cars per day, while no more than 3 vehicles are anticipated to visit the Property on a quarterly basis post
construction. Given the limited number of vehicles visiting the Property over the construction period, traffic patterns are not anticipated to be impacted. Additionally, there will be no significant increase to traffic post construction period, resulting in no significant impacts being anticipated for this Project.

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 as previously stated, the developed solar farm will adhere to all application requirements and will provide all necessary documentation in order to best facilitate the Special Use Permit application process. All district regulations, as well as relevant zoning requirement will be adhered to and established into the solar farm development process. Please refer to attached exhibits for further information.

**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**
Jeffery P. Geel & John Geel Jr., subject to Life Estate of Patricia L. Geel

Peterman II Solar, LLC (Owners)

Sup. Section 121-09, c.34 (Solar Farm)
P.L. No. 12-17-24-300-018

Aroma 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
Background

The applicant, Peterman II Solar, LLC and owners, Jeffrey P. Geel Jr. & John Geel Jr., are seeking a Special Use Permit to allow the construction of a 2MW Community Solar Energy Facility, known as Peterman Solar, on property located on the southside of Vanderkarr Road, approximately 600' west of 4500 E Road in Aurora Township.

An aerial photograph of the general area can be seen above.

Site Map
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/WILL NOT BE DETERIMENTAL TO OR ENDANGER THE PUBLIC HEALTH, SAFETY, MORALS, COMFORT, OR GENERAL WELFARE.**

**Petitioner’s Response:** The establishment, maintenance, and operation of the special use will have no negative impact on the health, safety, comfort, or general welfare of surrounding community members. Solar components will comply with the current edition of the National Electric Code, be UL listed (or equivalent), and be designed with an anti-reflective coating. All solar panels will be sourced from Tier I manufacturers as rated on the Bloomberg New Energy Finance PV Module Maker Tiering System. With this solar farm, Kankakee County will be bringing due to associated economic development and energy finance. By producing renewable energy, the solar farm will offset an estimated 3.198 tons of carbon dioxide annually, the equivalent of 311 cars on the road, while generating 3,900,000 kilowatt-hours of clean renewable energy annually, thereby benefiting public health, safety, and general welfare.

**Planning Department’s Analysis:** Staff agrees with the applicant and does not believe the siting of a solar farm at this location will have any detrimental impact on surrounding properties.

B. **EXPLAIN HOW THE SPECIAL USE WILL/WILL NOT BE INJURIOUS TO THE ENJOYMENT OF OTHER PROPERTY IN THE IMMEDIATE VICINITY FOR THE PURPOSES ALREADY PERMITTED, OR SUBSTANTIALLY DIMINISH OR IMPAIR PROPERTY VALUES WITHIN THE NEIGHBORHOOD.**

**Petitioner’s Response:** The primary use of property in the immediate vicinity is for agricultural uses, as well as some low-density residential uses. The solar farm project being developed under the special use permit will not impact the use and enjoyment of those properties. Adjacent property owners will feel little to no change in their pre-existing use and enjoyment of their property. The solar farm project being developed under the special use permit will not impact the use and enjoyment of those properties. Adjacent property owners will feel little to no change in their pre-existing use and enjoyment of their property. The solar farm project being developed under the special use permit will not impact the use and enjoyment of those properties. Adjacent property owners will feel little to no change in their pre-existing use and enjoyment of their property.

**Planning Department’s Analysis:** Staff agrees with the applicant and does not believe the siting of a solar farm at this location will have any detrimental impact on surrounding properties or their property values.
Finding of Fact Responses - Special Use Permit

**C. EXPLAIN HOW THE ESTABLISHMENT OF THE SPECf AU SWILL NOT SUBSTANTIALLY IMPede THE NORMAL AND ORDERLY DEVELOPMENT AND IMPROVEMENT OF THE SURROUNDING PROPERTIES.**

Petitioner's Response: The implementation of the following special use permit will have negligible influence on the overall present and future development of the surrounding properties. It will not negatively impact the normal and orderly development and improvement of the surrounding properties due to the limited traffic utilizing the site, staff does not anticipate issues with access.

Planning Department Analysis:

Located under Exhibit F in Volume 2, Standard Equipment Detail, found under Exhibit F in Volume 2, Standard Equipment Detail, the construction details can be reviewed. The site development permits are met. This will be addressed by the implementation of the regulations and environmental requirements. The following exhibits outline the constraints and developing a site plan, Petitioner's LLC Solar, LLC, will ensure all physical structures permitted in the A1-Agriculture District.

Staff does not believe the siting of a solar farm at this location would have any impact on the future development of the surrounding properties or uses.

Planning Department Analysis:

Implementing the standard equipment detail, the construction details can be reviewed. The site development permits are met. This will be addressed by the implementation of the regulations and environmental requirements. The following exhibits outline the constraints and developing a site plan, Petitioner's LLC Solar, LLC, will ensure all physical structures permitted in the A1-Agriculture District.

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Staff does not believe the siting of a solar farm at this location would have any impact on the future development of the surrounding properties or uses.
It appears that the property will conform with all other aspects of the Zoning Ordinance. The applicant has stated that after initial construction, maintenance personnel will visit the solar farm a few times per quarter. If this is true, there should be no traffic issue arising from the operation of the solar farm.

The applicant has stated that after initial construction, maintenance personnel will visit the site.

Planning Department Analysis:

Board should ask the applicant to confirm this at the hearing.

Please refer to attached exhibits for further information.

The applicant has stated that after initial construction, maintenance personnel will visit the site. It appears that the property will conform with all other aspects of the Zoning Ordinance. Therefore, the solar farm will be approved.

The Board should ask the applicant to confirm this at the hearing.

In fact, TFA is located in a special use area. In such instances, it will be modified by the Board.

If the Special Use Permit application requirements are met, all other aspects of the Zoning Ordinance will be adhered to and established into the permit development process. The applicant has stated that after initial construction, maintenance personnel will visit the site. It appears that the property will conform with all other aspects of the Zoning Ordinance. Therefore, the solar farm will be approved. This solar project will require minimal traffic and ingress and egress so designed to minimize traffic congestion in the public streets.
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.

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 be any and all rules as outlined in the weed and grass control plan and is subject to the same penalties as weed and grass.

Recommended Conditions—Recommended by Staff

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 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.
1. Reference: Municipal Planning Boundary
Hearing Date: November 5, 2018
Nearest Municipality, Village of Aroma Park
Applicant's Name: Peterman II Solar, LLC
Distance: Adjacent

2. Location: Township: N/A
Property Location: South of Vanderkarr Road and approx.
-
- 1/2 mile west of 4500 E Road

3. Dimensions:
- Size of Parcel: 38.6 acres (18.54 Solar)
- Road Frontage: 1320 +/-
- Parcel Depth: Irregular

4. Existing Land Use:
- Public Road: 3500 S Road (CH22)
- Fire Protection: Aroma Fire Protection District—911 Address: No address
- Sewer: KRMA—Adjacent
- Water: Aqua—Adjacent

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

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

7. Municipal Planning Boundary:

8. Comprehensive Plan Designation:

9. Existing Land Use Features:
- Public Road: 3500 SRoad (CH22)
- Floodplain: None
- Wetland: None

10. Miscellaneous Information:
- Township: N/A
- Municipality: Aroma
- Agricultural Conservation Area: Adjoining
- Village of Aroma Park: Nearest Municipality:

Kankakee County Planning Department