Resolution of the County Board of Kankakee County, Illinois

RE: ZBA CASE #18-45; SPECIAL USE PERMIT #121-99.C.34 (SOLAR FARM) SECTION 35; ROCKVILLE TOWNSHIP (KANKAKEE SOLAR 2, LLC)

WHEREAS, an application pursuant to the terms of the Kankakee County Zoning Ordinance, has been filed by Rockville Farms, LLC, property owner and Kankakee Solar 2, 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 Rockville Farms, LLC, property owner and Kankakee Solar 2, 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 11\textsuperscript{th} day of December 2018.

Andrew H. Wheeler, County Board Chairman

ATTEST:

Dan Hendrickson, County Clerk
LEGAL DESCRIPTION:
THAT PART OF THE NORTH 60 ACRES OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 32, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANKAKEE COUNTY, ILLINOIS, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF SAID EAST HALF OF THE NORTHEAST QUARTER, WHICH POINT IS 1613.75 FEET SOUTH FROM THE NORTHWEST CORNER OF SAID EAST HALF OF THE NORTHEAST QUARTER, SAID POINT BEING THE POINT OF BEGINNING FOR THIS TRACT OF LAND, AND RUNNING: THENCE NORTH 88 DEGREES 45 MINUTES 19 SECONDS EAST, PERPENDICULAR TO SAID WEST LINE, 480.00 FEET; THENCE NORTH 01 DEGREES 14 MINUTES 41 SECONDS WEST, PARALLEL WITH SAID WEST LINE, 453.75 FEET; THENCE NORTH 88 DEGREES 45 MINUTES 19 SECONDS EAST; PERPENDICULAR TO SAID WEST LINE; 604.99 FEET; THENCE SOUTH 01 DEGREES 14 MINUTES 41 SECONDS EAST; PARALLEL WITH SAID WEST LINE, 805.70 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTH 60 ACRES OF THE EAST HALF OF THE NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 01 MINUTES 01 SECONDS WEST, ALONG SAID SOUTH LINE 1085.00 FEET TO A POINT ON SAID WEST LINE; AND THENCE NORTH 01 DEGREES 14 MINUTES 41 SECONDS WEST, ALONG SAID WEST LINE 347.00 FEET TO THE POINT OF BEGINNING, CONTAINING 15.01 ACRES, MORE OR LESS
This is the findings of fact and the recommendation of the Kankakee County Zoning Board of Appeals concerning an application from property owner Rockville Farms, LLC and applicant Kankakee Solar 2, LLC in **ZBA Case No. 18-45**. The applicant and owner are seeking a special use permit to allow the construction of a 2MWac community solar garden on property located on the east side of 2250 W Road approximately 1500’ south of 7000 N Road in Rockville 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 development of clean, renewable energy will benefit the surrounding community. Providing clean energy resources to the community will improve the health and welfare of the County. The statewide legislation, as mentioned above, allows for clean energy and long term job growth throughout Illinois. Community solar will also bolster the utilities’ distribution grid, to support the local infrastructure. Additionally, Pivot Energy is subscribing individual shares of the solar garden with local businesses, residents, school districts, low income housing authorities, and municipalities with long-term contracts. Subscribers to this solar garden will save money on their utility bills from day one.
The solar array will operate every day during daylight hours. There is negligible impact on the local community after construction is complete because the array only requires 2-4 annual visits from maintenance technicians completing routine tasks such as vegetation management and basic equipment maintenance. The equipment moves imperceptibly slowly throughout the day, silently following the sun across the sky to maximize energy yield. As mentioned, there is no sound, smell, noise, pollution, emission, or other negative external impact attributable to the solar array’s operation. To properly maintain the safety and operation of the facility, we use sophisticated onsite monitoring equipment. We monitor voltage, current, frequency, and overall kWh production in real time. We also have 24/7 video surveillance to monitor weather, theft, and vandalism.

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 community Solar Gardens are a compatible land use with the adjacent parcels in the surrounding area. Currently, the neighboring parcels are zoned for agricultural use, and the non-disruptive nature of solar PV technology lends itself to be a quiet neighbor. Our solar PV system will not impede upon current agricultural use and will not negatively impact existing drainage infrastructure in place to allow for farming to continue without impact. Many of our projects across the State and country exist in agricultural communities. We are considered a harmonious use and a low-impact neighbor since we don’t create any traffic, noise, or pollution, and will provide pollinator friendly seed mixes when we reseed the site. In addition, our sites are kept clean and neat. Numerous studies on the impact of wind energy generation on neighboring property values were found to be negligible, and the impact of solar PV on property values is anticipated to be less than wind farms, according to the National Renewable Energy Laboratory (NREL). In Illinois, community solar garden operators will be paying property taxes to the local jurisdictions.

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 surrounding property of the proposed community solar garden is currently zoned for agricultural use. The establishment of a community solar garden would not impede on normal, or future, development or improvements to the adjacent properties in the district. Many of our projects under development are located adjacent to, or are in, agricultural communities. As stated above, the solar PV technology will not negatively impact existing drainage infrastructure. Throughout this district, there is already a significant amount of existing utility infrastructure to the south and east of this parcel, including transmission and distribution lines and an electrical substation. The natural vegetation will remain intact in between and underneath the solar equipment. The solar equipment is not much taller than the average human and to the extent technically possible it follows the existing topography further lowering the visual impact it may cause to surrounding properties.
After the operational life of the facility is over, the Applicant will decommission the facility and restore the land to its original condition. This will involve the safe removal of all structural steel and aluminum, conductors, modules, inverters, transformers, concrete and fencing. Any future uses would be able to proceed in the same manner they would if the solar array had never been built.

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

The Board finds that in our enclosed civil drawing set, we have provided our plan for access roads and drainage. Our proposed special use permit will not require utilities. The project does not require sewage, water, irrigation, or potable water services. It will not require trash or recycling services, or natural gas. The project will require electrical service from ComEd, and Pivot Energy is in the process of completing our interconnection agreement with ComEd.

The project can interconnect into the existing electrical infrastructure (distribution lines) on site at an acceptable cost which will be the developer’s responsibility.

Our access road will be 20 feet wide, or the desired width of the local fire department, and will be placed off N 2250 (2500) W Road. The road will meet all requirements set forth by the local fire department and National Electric Code. Much of the project will be non-impervious materials, to allow for adequate drainage on the site. The existing surface water drainage and subsurface drainage system will retain existing drainage patterns. For further information on Stormwater management, erosion, and drainage, see the preliminary engineering set included in our application package.

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 provide ingress and egress from the existing county road N 2250 W Road, approximately 1900’ from the existing county road intersection of W 7000 N Road and N 2250 W Road. The intersection of W 7000 N road and N 2250 W Road easily accommodates trucks bringing materials to the site during construction without creating a traffic hazard.

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 community solar garden special use will conform to the applicable regulations of the district in which it is located.
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
ZBA CASE 18-45

STAFF REPORT

Rockville Township
P.I. No. 04-01-35-200-001
Sup Section 121-99, C-34 (Solar Farm)
Kankakee Solar 2, LLC (Applicant)
Rockville Farms, LLC (Owner)
The applicant, Kankakee Solar 2, LLC and owner, Rockville Farms LLC are seeking a special use permit to allow the construction of a community solar garden on property located on the east side of 2250 W Road in Rockville Township. Please refer to the application packet for detailed information about the project.

Site Map
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 special use will/will not be injurious to the enjoyment of other property in the immediate vicinity for the purposes already permitted. Our solar garden community-operated solar gardens are a compatible land use with the adjacent parcels in the surrounding area. Currently, the neighbors endorse the public health, safety and welfare of this type. Staff may change its opinion once all testimony and evidence is presented at the public hearing. 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 our neighbors.

Petitioner's Response: Community Solar Gardens are compatible with the adjacent parcels in the surrounding area. Currently, the neighbors endorse the public health, safety and welfare of this type. Staff may change its opinion once all testimony and evidence is presented at the public hearing.

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 our neighbors.

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. Our solar garden community-operated solar gardens are a compatible land use with the adjacent parcels in the surrounding area. Currently, the neighbors endorse the public health, safety and welfare of this type. Staff may change its opinion once all testimony and evidence is presented at the public hearing. 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 our neighbors.

Petitioner's Response: Community Solar Gardens are compatible with the adjacent parcels in the surrounding area. Currently, the neighbors endorse the public health, safety and welfare of this type. Staff may change its opinion once all testimony and evidence is presented at the public hearing. 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 our neighbors.

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 our neighbors.
Planning Department Analysis:

Staff agrees with the applicant. Throughout the many different public hearings that the County has conducted regarding solar farm development and research by staff, there has been no evidence that has come to light that would indicate the signing of a solar facility will have any negative impacts on the farmland surrounding the proposed site.

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

Planning Department Analysis:

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

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

PETITIONER'S RESPONSE: In our enclosed drawing set, we have provided our plan for access roads and drainage. Our proposed special use permit will not require utilities.

Planning Department Analysis:

The project does not require services. The project does not require services, water, or electricity.

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

Planning Department Analysis:

The project does not require services. The project does not require services, water, or electricity.

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

Planning Department Analysis:

The project does not require services. The project does not require services, water, or electricity.
The project can interconnect into the existing electrical infrastructure (distribution lines) on site at an acceptable cost which will be the developer's responsibility.

Our access road will be 20 feet wide or the desired width of the local road department and will conform to all other aspects of the local road department's requirements. The project has been designed to minimize traffic congestion in the public streets.

The project will provide ingress and egress from the existing county road to the site. The existing surface water drainage and subsurface drainage patterns will remain. The project will provide ingress and egress from the existing county road to the site. The existing surface water drainage and subsurface drainage patterns will remain.

The project has been designed to minimize traffic congestion in the public streets. The project will provide ingress and egress from the existing county road to the site. The existing surface water drainage and subsurface drainage patterns will remain.

The project does not require a sewer or water and does not appear that there will be any direct impact issue with access to existing traffic patterns. The project does not require a sewer or water and does not appear that there will be any direct impact issue with access to existing traffic patterns.

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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.

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 weeds and grass.

3. 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 weeds and grass. 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.

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

   b. All landscaping shall abide by any and all rules as outlined in the weed and grass control plan and is subject to the same penalties as weeds and grass.
1. Reference:

2. Location:

3. Dimensions:

4. Existing Land Use:

5. Surrounding Zoning:

6. Surrounding Land Use:

7. Municipal Planning Boundary:

8. Comprehensive Plan Designation:

9. Distance to Public Services and Facilities:

10. Miscellaneous Information:

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**Applicant:** Kankakee Solar 2, LLC

**Applicant’s Name:** November 5, 2018

**Legal Counsel:** None

**Land Owner’s Name:** Rockville Farms, LLC

**Property Location:** Approximately 1,500 south of 7000 North Road, east side of 2250 W Road (CH 30)

**Parcel Number:** 04-01-35-200-011

**Township:** Rockville Township

**Municipality:** Kankakee County

**County:** Kankakee County

**Planning Department:** Kankakee County Planning Department

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**Existing Land Use:** Agriculture (row crops)

**Size of Parcel:** 14.75 acres.

**Road Frontage:** 786.26’

**Parcel Depth:** 436.2’

**Road:** 2250 W Road (CH 30)

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**Surrounding Zoning:**

**Surrounding Land Use:**
- **East:** Agriculture
- **South:** Agriculture
- **West:** Agriculture
- **North:** Agriculture

**Surrounding Zoning:**
- **None**

**Surrounding Zoning:**

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**Nearest Municipality:** Manteno

**Distance:** 2.75 miles.

**Public Road:** 2250 W Road (CH 30)

**Flood Plain:** None

**Wetland:** None

**Public Road:** None

**Public Roads:** 104.367’

**Water:** Aqua—1 mile.

**Sewer:** Manteno—2.75 miles.

**School District:** None

**Public Protection:** Manteno Fire Protection District—3.75 miles.

**Police Protection:** Kankakee County—12 miles.

**Fire Protection:** Manteno—2.75 miles.

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**County Board District:** Kankakee County

**South:** Agriculture

**West:** Agriculture

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**Public Protection:** Manteno—2.75 miles.

**School District:** None

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**Fire Protection:** Manteno—2.75 miles.

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**Distance:** 2.75 miles.

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