



Zoning Board of Appeals  
Gregory Koeppen  
Chair

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May 8, 2025

TO: Gregory Koeppen, Chair  
Lake County Zoning Board of Appeals

FROM: Frank Olson, Senior Planner  
Lake County Department of Planning, Building and Development

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CASE NO: CUP-001072-2025

REQUESTED ACTION: Conditional Use Permit to establish a Commercial Solar Energy System.

HEARING DATE: May 15, 2025

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#### **GENERAL INFORMATION**

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OWNER: Frank Ryser as successor trustee under a Trust Agreement dated July 11, 1993

# OF PARCELS: One

SIZE: 68.82 Acres, per Lake County Maps Online

LOCATION: 14422 W 9<sup>th</sup> Street, Zion, Illinois

PIN: 03-11-200-013

EXISTING ZONING: Agricultural (AG)

EXISTING LAND USE: Agricultural (field crops)

PROPOSED LAND USE: Commercial Solar Energy System

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### **SURROUNDING ZONING / LAND USE**

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NORTH:	Agricultural (AG) / Residential and Agricultural
SOUTH:	Right of way and Rural Estate (RE) / W 9 <sup>th</sup> St., Residential
EAST:	Agricultural (AG) / Residential, Agricultural
WEST:	Right of way, Agricultural (AG) / N Kilbourne Bay Road, Agricultural

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### **COMPREHENSIVE PLANS**

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LAKE COUNTY:	Agricultural and Public and Private Open Space.	
MUNICIPALITIES WITHIN 1 ½ MILES:	Village of Wadsworth:	5+ Acre Residential and Open Space
	City of Zion:	Not Listed

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### **DETAILS OF REQUEST**

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ACCESS:	The subject property is accessed from N Kilbourne Road.
CONFORMING LOT:	The subject property is a conforming zoning lot in the Agricultural (AG) zoning district.
WETLAND/FLOODPLAIN:	The subject property has wetlands, floodplain, and floodway in the central and southern portion of the property.
SEWER AND WELL:	The subject property does not have any water or sewer service. Neither service is necessary to support the proposed use.

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### **LAKE COUNTY AND EXTERNAL AGENCY COMMENTS**

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#### McHenry – Lake County Soil & Water Conservation District (SWCD)

- The Board recommends that areas between panels and within the buffers be planted to a native prairie mix to help increase water infiltration and reduce runoff from the site. It is recommended that a planting and maintenance plan be developed with the landowner to

ensure that noxious weeds are controlled, and native plantings are properly installed and managed. The petitioner should refer to the planting requirements of the Illinois Department of Natural Resources.

- SWCD is in receipt of the applicant's Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.

#### Illinois Department of Agriculture

- The applicant has submitted a copy of an Agricultural Impact Mitigation Agreement executed April of 2024.

#### Illinois Department of Natural Resources (IDNR)

- The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation is terminated.

The Department (IDNR) recommends:

- Establishing pollinator-friendly habitat as groundcover wherever feasible.
- The site should be de-compacted before planting. Long term management of the site should be planned prior to development to ensure successful native pollinator habitat establishment and prevent the spread of invasive species throughout the lifetime of this project. An experienced ecological management consultant should be hired to assist with long-term management.
- Required fencing, excluding areas near or adjacent to public access areas, should have a 6-inch gap along the bottom to prevent the restriction of wildlife movement. Woven wire or a suitable habitat wildlife friendly fence should be used. Barbed wire should be avoided.
- Trees should be cleared between November 1st and March 31st. All night lighting should follow DarkSky International (IDA) guidance.

#### Lake County Engineering Division - Comments by Joel Krause

- The Engineering Division has no objection to this Conditional Use Permit.
- Please be advised that there are remaining site development items that will need to be addressed at the time of the Site Development Permit application, including wetlands which may be impacted by the proposed development, resulting in the need for wetland permitting from the Lake County Stormwater Management Commission (SMC).

#### Lake County Building Division - Comments by Ieva Donev

- The Building Division has no objection to this Conditional Use Permit. Building permits will be required.

Lake County Division of Transportation – Comments by Joe Meyer

- Lake County Division of Transportation (LCDOT) has no objections to this Conditional Use Permit. A LCDOT Minor Access Permit for Kilbourne Road is required.

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**ADDITIONAL COMMENTS**

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- Lake County is subject to *Illinois State Statute 55 ILCS 5/5-12020*, which enumerates the most restrictive standards a county may require for the establishment of commercial solar and wind energy facilities. A County may elect not to adopt such standards but in no case shall a County adopt a standard more restrictive than those set forth in the statute. Further, per the statute, conditional use permit applications shall be approved if found to be in compliance with the statutory standards.
- *Illinois State Statute 55 ILCS 5/5-12020(h)* states that a county may not adopt zoning regulations that disallow, permanently or temporarily, commercial solar energy facilities from being developed or operated in any district zoned to allow agricultural or industrial uses. The Lake County, Illinois Code of Ordinances (Lake County Code) allows for agricultural uses in any zoning district; therefore, the use of a commercial solar energy facility would be allowed on the subject property in the Agriculture (AG) zoning district.
- Pursuant to LCC Section 151.112(WW)(1), staff conducted a Site Capacity and Site Plan review and have determined the proposed project meets the standards required for the establishment of a Commercial Solar Energy System on the subject property.

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**RECOMMENDATION FOR CONDITIONAL USE PERMIT**

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Staff recommends approval of the proposed Conditional Use Permit. Staff finds the request will meet the criteria for a Conditional Use Permit (CUP) in the following manner:

**Conditional Use Approval Criteria – Section 151.112 (WW)**

**Fencing**

Commercial Solar Energy Systems shall be enclosed with an approved fence that restricts access to the public. Such fencing shall, at a minimum, encompass the entire system's facility, contain a locking mechanism, and be subject to the fence regulations of Lake County Code Section 151.113(L)(1). The maximum height of fences surrounding Commercial Solar Energy Systems shall be eight feet:

**Comment:**

The applicant will be enclosing the proposed Commercial Solar Energy System with an approved 8-foot fence.

### **Height**

The total height of the panels shall not exceed 20 feet, as measured from grade to the highest point of the solar arrays when the Solar Energy Facility's arrays are at full tilt:

#### **Comment:**

The maximum height of the proposed solar arrays will not exceed 20 feet.

### **Location and Setbacks**

Commercial solar energy systems must meet the setback requirements for a principal structure in the underlying zoning district or be waived by the written consent of the owner(s) of each affected nonparticipating property:

#### **Comment:**

The proposed Commercial Solar Energy System complies with all LCC setback requirements. The applicants are requesting a variation to modify the required transition landscape requirement from 3 plant units per 100 linear feet and a minimum 6-foot fence with 95% opacity to 2 evergreen shrubs per 100 linear feet and an 8-foot fence with 95% opacity. They have also provided a plan that meets the Lake County requirements in the event that the variation is denied.

### **Decommissioning Plan and Assurances**

The applicant (or owner, if different from applicant) must submit a decommissioning plan with cost estimation to the County as part of the siting application and provide testimony supporting the calculation of costs provided in said plan during the public hearing on the application.

#### **Comment:**

A decommissioning plan and calculated costs have been provided by the applicants.