

November 20, 2023

VIA EMAIL TO: [vankerkhoffmark@co.kane.il.us](mailto:vankerkhoffmark@co.kane.il.us)

Kane County Development Committee

Attn: Mark D. VanKerkhoff

719 S. Batavia Avenue

Geneva, Illinois 60134

Building A, 1st Floor Auditorium

**Re: Petition 4616, Property Owner: Blair Alexander and Richard Johnson, Property Location: 47W829 Route 38 (10-03-100-015)**

Dear Chair Ford and Development Committee Members:

My name is Gala Argent. I live at 47W831 II Route 38 with my husband, James Light. Our property sits directly north of the proposal solar project and borders on the east the flagpole of the lot they wish to use for the project.

I am home ill with COVID and cannot attend the meeting. I therefore ask that this message be read into the record at your November 20 meeting, and that it and the attached PDF file of the Powerpoint I presented at last week's Zoning Appeals Board also be entered into the record here.

At the September Zoning Board meeting, at the request of Keith Berkhout who had asked me to do so, I made that Board aware of a real property dispute concerning easement to the access road on the flagpole of Petitioners' property that concerns my and two other properties. The petition was tabled with the request that the dispute be resolved (and because some of Petitioners' Findings of Fact that were questionable). No resolution has been reached in this property dispute. Now Petitioners are seeking to put that aside by seemingly asking the county to decide on this matter of law. I will not address or counter their assertions here, because this is not the place. On this I will simply refer you to the letter from my attorney Ed Boula, asking for this Petition 4616 to be tabled while we work to resolve the property dispute.

I will comment on two issues related to the project itself that do not meet the standards set out in the Illinois Code and Kane County Ordinances related to solar projects. And I will note that Petitioners Findings of Fact are exactly, word-for-word the same for all of the KaneSolar Petitions you have seen—except that the project's names have been changed.

First, Illinois law says that there SHALL be setback distances and the Kane Co Ordinance requires that a commercial solar energy facility shall have "setback distances of 50' measured from the nearest edge of any component of the facility measured from the nearest point on the property line of any non-participating property." (§ 25-5-4-9.S.1.c) (§25.5.4.9.E.7.a.(3))

This is not possible, given that the flagpole of the lot through which the electrical tie-in facilities are to be placed is only 60' wide, with two separate nonparticipating properties on either side of it.

How have petitioners addressed this in their application? They haven't said a word, because it is not possible for them to meet this requirement. They argue, however, that the Ordinance defines "Component of the Facility" as the panels themselves only and thus does not apply here. That is not the case. The Ordinance defines "Supporting Facilities" as "The transmission lines, substations, access roads, storage containers, and equipment associated with the generation and storage of electricity by the Commercial Solar Energy Facility." (Kane Co. 25.5.4.9.A) Clearly, "Supporting Facilities" are also a part of "the Facility." To attempt to exclude Supporting Facilities from the setback requirements under Petitioners' argument would be like saying that the "components of a car" consist only of the car's motor, but not the drivetrain. If this is unclear, then I ask that the County, or a Court, clarify this meaning.

Second, Illinois law requires and the Kane County Ordinance mandates that “A vegetative screen **SHALL** be provided for **ANY PART OF** the Commercial Solar Energy Facility that is visible to Non-participating Residence(s).” (25-5-4-9.P.1) The Petition for this project includes no screening for my property to the north. How have petitioners addressed screening my property in their application? They state: “The site is ideal for a solar project because it is ... naturally screened from view on the north by existing vegetation.” (Application for Special Use Permit narrative. P. 4: Setting). And “The project will have no offsite impacts and will only be marginally visible from any neighbors.” (Petition 4616 Findings of Fact #8).

These statements are not true. My house sits on a hill at 892 feet. The end of field below is 846 feet. I am thus 46 feet above the proposed solar project. Please see the images below, that are also in the PDF of the Powerpoint I have attached. Figure 1 is a line-of-sight tool showing on the map what will be visible to my property. Note the topography is far from flat, as the Petition wrongly stated. Figure 2 shows the view from my house and back yard showing the view of the land the facility will take up. NO efforts have been made to even attempt to adhere to the necessary screening for my property as required by law.

Given that this project cannot meet these requirements set out by the State and County, I ask that you deny this permit due to the injurious impacts on myself and other adjoining nonparticipating landowners. These impacts exist despite Petitioners’ assertions in their Findings of Fact that they do not. For the record, I am not anti-solar, quite the opposite. I did not contest KaneSolar’s project going in directly across the street from me. But as you will hear from others today, the site of Petition 4616 has many things wrong with it and is not a good site.

Since the offer has been made by Petitioners for you to come out and see this property, I will also make the same offer. Please let’s set up a time.

Thank you and please let me know if I can provide further information or help in any other way.

Kind regards,  
Gala

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she|her|hers  
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