

KANE COUNTY DEVELOPMENT DEPARTMENT
Zoning Division, Kane County Government Center
719 S. Batavia Avenue
Geneva, Illinois 60134
(630) 444-1236

INSTRUCTIONS AND APPLICATION FOR ZONING MAP AMENDMENT
AND/OR SPECIAL USE

A request for the rezoning of property or for a special use in Kane County must be filed with all of the attached forms filled out completely.

The application must be signed by the owner of record of the property. In the case of property under purchase contract, the owner of record must sign and the contract purchaser should also sign the application as such purchaser is usually the person who will eventually establish the proposed zoning. Owner and contract purchaser must include their address and phone number on the application.

A **Land Use Opinion Report** from the Kane-DuPage Soil & Water Conservation District Office must accompany the application for rezoning or special use. Information on obtaining their report is available on their website which is noted below. Their report will be forwarded directly to our office.

An **Endangered Species Consultation Agency Action Report** from the Illinois Department of Natural Resources must accompany any rezoning request involving land zoned F-District Farming. Information on obtaining their report is available on their website which is noted below. Their report will be forwarded directly to our office.

Contact with local and/or state highway departments may be necessary. Authority for the location of entrances and exits from the property to be rezoned must be obtained from the highway department having jurisdiction. If a township, county, or state road is adjacent to the property involved in the rezoning, it may be necessary to dedicate right-of-way. To determine this, contact the Kane County Department of Transportation.

In submitting an application for rezoning, the required fees are as follows: **Residential Use:** \$800.00 for areas of less than two (2) acres; \$900.00 for two (2) acres but less than five (5) acres; \$1,125.00 for the (5) acres but less than ten (10) acres; \$1200.00 for ten (10) acres or more, plus \$50.00 per acre or portion thereof over 10 acres. **Non-Residential Use:** \$1,500.00 for areas of less than two (2) acres; \$1,800.00 for two (2) acres but less than five (5) acres; \$2,250.00 for five (5) acres but less than ten (10) acres; \$2,250.00 for ten (10) acres or more, plus \$75.00 per acre, or portion thereof over ten acres. Also, each request for a variation, as part of a rezoning or special use petition, shall be assessed a fee of one hundred dollars (\$100.00). The said fee must accompany the application for rezoning or special use.

When land and/or the use of land (for which rezoning, special use, or variance is required by Appendix B), is maintained, used or commenced prior to obtaining said rezoning, special use, or variance by one who knows or should have known the requirements for said rezoning, special use, or variance the fees above specified shall be **increased by one hundred (100) percent.** The payment of such an additional fee

shall not relieve any persons from fully complying with the requirements of Appendix B, in the execution of the rezoning, special use, or variance, nor from any other penalties prescribed therein.

Mark VanKerkhoff, Director
Development and Community Services Dept.

Dated: April 12, 2019

Please make note of the addresses below:

Kane County Zoning Board of Appeals
Attn: Zoning Enforcement Officer
719 Batavia Avenue
Geneva, IL 60134
(630) 444-1236

Kane DuPage Soil & Water
Conservation District Office
2315 Dean Street
St. Charles, IL 60174
(630) 584-7961
www.kanedupageswed.org/luo.pdf

Endangered and Threatened Species Program Manager
EcoCAT Consultation Program
Office of Realty & Capital Planning
217-785-5500
<http://dnr.illinois.gov/ecopublic/>

Kane County Department of Transportation
41W011 Burlington Road
St. Charles, IL 60175
(630) 584-1170

KANE COUNTY DEVELOPMENT DEPARTMENT

Zoning Division, Kane County Government Center

719 S. Batavia Avenue

Geneva, Illinois 60134

Office (630) 444-1236 Fax: (630) 232-3411

Received Date

**APPLICATION FOR ZONING MAP AMENDMENT
AND/OR SPECIAL USE**

Instructions:

To request a map amendment (rezoning) for a property, complete this application and submit it with all required attachments to the Subdivision and Zoning Division.

When the application is complete, we will begin the review process.

The information you provide must be complete and accurate. If you have a question please call the subdivision and zoning division, and we will be happy to assist you.

1. Property Information:	Parcel Number (s): 01-01-100-002
	Street Address (or common location if no address is assigned): Dietrich Rd Hampshire, IL 60140, The northeast corner of Dietrich Rd and Brier Hill Rd

2. Applicant Information:	Dietrich Road Solar 1, LLC	Phone: (401)644.6824
	Address 55 Technology Dr. Suite #102, Lowell, MA 01851	Fax
	Nicholas Bellone	Email nbellone@newleafenergy.com

3. Owner of record information:	Name Quality Real Investors LLC – Quality Land Series	Phone (847)683-7944
	Address PO Box 672 Hampshire, IL 60140-0672	Fax
		Email grei76@gmail.com

Zoning and Use Information:

2040 Plan Land Use Designation of the property:

Current zoning of the property: F -Farming District.

Current use of the property: Agricultural

Proposed zoning of the property: Agricultural

Proposed use of the property: 4.99-megawatt AC solar photovoltaic system

If the proposed Map Amendment is approved, what improvements or construction is planned? (An accurate site plan may be required)

The Project encompassed approximately 35 acres of a large 59.509-acre parent parcel consisting of a single-axis tracking ground-mounted solar array, associated electrical equipment, an access driveway, and fencing.

Attachment Checklist

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description
- Completed Land Use Opinion (Available in pdf form at www.kanedupageswed.org/luo.pdt), as required by state law, mailed to The Kane DuPage Soil and Water Conservation District, 545 S. Randall Road, St. Charles, IL 60174.
- Endangered Species Consultation Agency Action Report (available in pdf form at <http://dnr.illinois.gov/ecopublic/>) to be filed with the Illinois Department of Natural Resources. (* Ibis report may best be accessed with Internet Explorer on some computers, per the State)
- List of record owners of all property within 250 feet of the subject property
- Trust Disclosure (If applicable)
- Findings of Fact Sheet
- Application fee (make check payable to Kane County Development Department)

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

See the attached Exhibit F for owners authorization

Record Owner _____ Date _____

Nicholas Bellon

6/5/2024

Applicant or Authorized Agent _____ Date _____

Findings of Fact Sheet - Map Amendment and/or Special Use

- The Kane County Zoning Board is required to make findings of fact when considering a rezoning. (map amendment)
- You should "make your case" by explaining specifically how your proposed rezoning relates to each of the following factors.

Dietrich Road Solar 1, LLC

6/5/2024

Name of Development/Applicant

Date

1. How does your proposed use relate to the existing uses of property within the general area of the property in question?

The property's existing use is agricultural, classified as an F District—Farming. Approximately 35 acres of the 59.509-acre parcel will be used as a Commercial Solar Energy facility.

2. What are the zoning classifications of properties in the general area of the property in question?

The Zoning classifications of the properties in the general area are F District—Farming., except for the properties to the northeast of the property, which is in incorporated Huntley and is zoned SF-2 Garden Residential.

3. How does the suitability of the property in question relate to the uses permitted under the existing zoning classification?

The property in question is suitable for its existing zoning classification, F – Farming District or agricultural.

4. What is the trend of development, if any, in the general area of the property in question?

There is no development trend in the general area of the property in question. The property is bordered by agricultural land, which is also zoned as F District—Farming., except for a small portion in the northeast corner adjacent to Del Webb Sun City Neighborhood 37 in the Village of Huntley.

5. How does the projected use of the property relate to the Kane County 2040 Land Use Plan?

The Kane County 2040 Land Use Plan designates the property as a resource management area. After the proposed 4.99-megawatt AC solar photovoltaic system is decommissioned, the property will be returned to its current agricultural use.

Findings of Fact Sheet - Special Use

Special Use Request

Date

- *The Kane County Zoning Board is required to make findings of fact when considering a special use.*
 - *Special Uses shall be considered at a public hearing before the Zoning Board of Appeals. In its report of findings of facts, recommendations shall be made to the County Board following the public hearing. The Zoning Board **will not** recommend a special use **unless** the following items are addressed:*
6. Explain how 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.

Once approved, the special-use permit for the Commercial Solar Energy Facility will be maintained and operated under the Agricultural Impact Mitigation Agreement (AIMA). It will not detrimentally affect or endanger the public health, morals, comfort, or general welfare of the adjacent property owners or the community.

7. Explain how the special use will not be injurious to the use, enjoyment, and value of other property in the immediate vicinity.

The special use permit for the Commercial Solar Energy Facility will not cause damage or harm, affect the enjoyment of, or impact other properties in the immediate vicinity. The property is surrounded by natural vegetation, which acts as a buffer, screening it from adjacent property owners.

8. Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property.

The Commercial Solar Energy Facility will not impede the normal, orderly development of the surrounding properties. At the end of the lease agreement, the Commercial Solar Energy Facility will be decommissioned, and the land will be restored to its original agricultural use as per the agreement.

9. Will adequate utility, access roads, drainage, and other necessary facilities be provided?
Please explain:

The Commercial Solar Energy Facility has been designed and will be constructed with adequate utilities, road access, and drainage.

10. Will adequate measures be provided for ingress and egress and so designed to minimize the traffic and congestion? Please explain:

Adequate measures have been taken in the design to ensure safe, easy access to the project. Once the Commercial Solar Energy Facility is built, there will be minimal traffic due to monthly maintenance and service.

11. Will the special use conform to the regulations of the district in which it is located? Please explain:

The Project parcel is in the F District—Farming zoning code, which allows solar generating facilities to be constructed and operated by special use permit.

**CERTIFICATION OF NOTIFICATION
OF PROPERTY OWNERS WITHIN 250 FEET OF THE SUBJECT
PROPERTY**

Date: _____

To: KANE COUNTY ZONING BOARD OF APPEALS

From: Dietrich Road Solar 1, LLC
55 Technology Dr Suite #102
Lowell, MA 01851

(Ph#) (339) 203-0148

The undersigned, being sworn upon this oath, deposes and says that the list below includes the names and addresses of all owners of property within 250 feet of the property referred to in the petition for

(circle one) Variance Rezoning Special Use

for the purpose of a 4.99-megawatt AC solar photovoltaic system

and, further, that all persons owning property within 250 feet of the parcel referred to in the petition have been notified of the intent of the petitioner(s).

Petitioner's property is located in Section 1 Township 42N County of Kane. (Legal Description Attached)

List names of property owners below. (Property Owners do not have to sign this form)

See Attached

By: *Nicholas Bellone* 6/6/2024
Nicholas Bellone
(Property Owner or Agent)

Subscribed and sworn to before me

this 6th day of June 20 24

Daria M Barbasa
Notary

TIME ESTIMATE
REZONINGS AND SPECIAL USES
(After all required documents have been submitted)

<u>ACTION</u>	<u>AVERAGE NUMBER OF DAYS</u>
KDS & WCD AND IDOC APPLICATIONS (Kane-DuPage Soil & Water Conservation District; Illinois Department of Natural Resources)	30
TECHNICAL STAFF REVIEW (Meeting held each Monday morning- Petitions scheduled as time permits.)	20
ZONING BOARD PUBLIC HEARING (Hearing held as needed- published 15 days prior to hearing-Statutory requirement)	30
DEVELOPMENT COMMITTEE Agenda set for County Board Meeting (Meeting held third Tuesday of each month)	20
COUNTY BOARD MEETING Final Decision (Meeting held second Tuesday of each month)	20
	<hr/> TOTAL 120 (4 MONTHS)

List names of property owners below. (Property Owners do not have to sign this form)

APN/PIN	Name	Attn	Street Address	City	State	Zip
0101251010	Mueller Family 2015 Dclm Of Trust	FRANK D & CAROL JEAN MUELLER, TRUSTEES	12455 COPPER LN	HUNTLEY	IL	60142-6422
0101200003	Brier Hill Farm LLC	JOSEPH HEMMER	464 MENOMINEE LN	NAPERVILLE	IL	60563-1320
0101300003	Brier Hill Farm LLC	JOSEPH HEMMER	464 MENOMINEE LN	NAPERVILLE	IL	60563-1320
0101100001	Brier Hill Farm LLC	JOSEPH HEMMER	464 MENOMINEE LN	NAPERVILLE	IL	60563-1320
0101400001	Brier Hill Farm LLC	JOSEPH HEMMER	464 MENOMINEE LN	NAPERVILLE	IL	60563-1320
0102200005	Watermann Patricia L David R Revoc Trusts	PATRICIA L & DAVID R WATERMANN TRUSTEES	45W254 DIETRICH RD	HAMPSHIRE	IL	60140
0101251014	Sun City Community Assoc Of Huntley Inc		12940 DEL WEBB BLVD	HUNTLEY	IL	60142
0101251007	Aloysius & Carol Musur		12425 COPPER LN	HUNTLEY	IL	60142-6422
0101251012	Terry R Eland		12475 COPPER LN	HUNTLEY	IL	60142-6422
0101251009	Aiello Cosimo Frank Revoc Liv Trust		12445 COPPER LN	HUNTLEY	IL	60142-6422
0101251011	Lawrence & Brenda Rostis		12465 COPPER LN	HUNTLEY	IL	60142-6422
0101300004	Wheeling Trust Savings Bank Trustee	CHICAGO TITLE LAND TRUST CO	10 S LASALLE ST STE 275	CHICAGO	IL	60603-1108
0101300005	Walter & Carol Quandt		PO BOX 672	HAMPSHIRE	IL	60140-0672
0102200001	Light Real Estate LLC	WADE B LIGHT	104 S WYNSTONE PARK	D NORTH BARRIN	IL	60010-6967
0101251013	Kathleen & Philip Stallone		12485 COPPER LN	HUNTLEY	IL	60142-6422
0101251008	Reese Warren L Kathryn A Revoc Trust		12435 COPPER LN	HUNTLEY	IL	60142-6422
0102400011	Thomas & Kristine Pienkowski		45W107 DIETRICH RD	HAMPSHIRE	IL	60140-8793

EXHIBIT F

Date: 2/15/2024

To Whom It May Concern

New Leaf Energy, Inc. and its employees and affiliates are hereby authorized to act as our agent for submission of applications and related plans and documents, and to appear before boards and other officials, with respect to obtaining approvals for solar installations and/or energy storage systems to be constructed on my properties located on Dietrich Road, Hampshire - Kane County, IL 60140 {01-01-100-002.}

Sincerely,

**Quality Real Estate Investors LLC - Quality Land Series
an Illinois limited liability company**

**BY: Quality RE Property Management, Inc.
its sole member and manager**

By: Carol Quandt, President

Name: Carol Quandt

Title: President