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Kane County Development Committee Chairman Ron Ford

rford@kanecoboard.org

RE: Solar Farm Petition Special Use Petition 4616 and General notice provisions for special use permit applications to governmental agencies

Dear Kane County Development Committee Chair Ron Ford:

As you may be aware I am attorney Stuart Petersen representing the owners Aquaviva Winery and the adjacent property to property set forth in special use petition 4616.

Amongst one of many objections and concerns is the method of notifying adjacent property owners and property owners located within 250 feet of the subject property along with notices to interested governmental agencies.

I have noticed that the certificate of service is lacking and in some other petitions were completely left blank.

Specifically, as to petition 4616 another property owner who reviewed the file indicated that it appears no certificate of service was timely filed prior to the first ZBA meeting on September , 14, 2023.

As you know there has been easement issues raised in petition 4616, which also effects the ingress and egress to the proposed site from Illinois Route 38. I have spoken to Captain Kovach of the Kaneville Fire Department who has indicated he did not receive any notice of petition 4616 from the Petitioner and has not spoken to the Zoning Department about the Fire Departments concerns.

At the last hearing in front of the ZBA, Board Member Micheal Stoffa stated he found it hard to believe the Kaneville Fire Department had no response or concerns regarding the Petition.

Captain Kovach indicated he is going to attempt to appear at the Development Committee on the 21st of November as he has objections and concerns to the proposed petition specifically to but not limited to ingress and egress from Route 38. Additionally,

I believe he is going to indicate any notice it might have received was just informative rather than a request for input.

This seems to be becoming a pattern as I also spoke to Chief Peterson from the Maple Park Fire Department and he indicated his department did not receive notice from the Petitioner on this project but more importantly special use Petition 4609, which is subject to a pending lawsuit.

The pattern I have observed in the petition I appeared on and others I observed is that if a government agency having not responded to alleged service of notice is that the ZBA seems to take the position they must have no objections or concerns which now is clearly becoming not the case, especially when it is coming to the Fire Departments. The Zoning Department should be affirmatively getting written responses from the interested governmental agencies or seek them out and/or requiring the Petitioner to provide written documentation as to the interested governmental agencies position relating to the petition.

I believe the Development Committee should be requiring that ZBA request a written response from the Fire Departments be provided as these petitions are specifically impacting the and Life Safety Issues.

All of the studies provided by the Petitioner indicating property values are not impacted are completed primarily by biased parties as the study's authors are either completed by energy companies, solar companies or firms that are retained by them to compete said studies: or universities that seem to be pro-solar and alternative energy. It is likely you won't find many studies otherwise as these studies cost money and individual land owners do not have the finances to conduct said studies. However, the saying goes when valuing real estate location, location, location, and to argue "what's the big deal to look out your window of your home to see the solar farm" is absurd and to think a prospective buyer will not consider the view of the solar farm in any purchase price they may offer is just burying your head in the sand.

Furthermore, there is no question cutting off the easement access to the other concerned property owners will make their property that is farmed worthless, as it will no longer be able to be used as farmland as it will be landlocked. The alternative methods for access proposed by the Petitioner are not economically feasible if allowed at all. Additionally, a variance for said access will likely be denied.

Petition 4616 should be sent back to the ZBA and not recommended to the County Board.

Sincerely,

Stuart A. Petersen

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