

January 11, 2024

**Kane County Zoning Board of Appeals
Findings of Fact**

Petition 4616

Petition Name: Blair Alexander and Richard Johnson

Special Use request in the Special Use request in the F-Farming District for a solar facility

Purpose: This report is per Section 4.8 Special Uses from the Zoning Board of Appeals (ZBA) to the Kane County Board as a result of the public hearing on November 14, 2023 and January 3, 2024.

Petitioner's Proposed Use: The petitioner is seeking a Special Use to allow a solar energy farm to be constructed on the property.

Findings of Fact by the Zoning Board of Appeals:

The Kane County Zoning Ordinance, as to special uses, states that uses as hereinafter enumerated, which may be proposed for classification as "special uses" shall be considered at a public hearing before the Zoning Board, and its report of findings or fact and recommendations shall be made to the County Board following the public hearing; provided that the County Zoning Board, in its report of findings or facts and recommendations to the County Board, shall not recommend a special use unless the Zoning Board shall find the application has met each of the six requirements specified in the Ordinance (Kane County Zoning Code sec. 4.8-2).

- A. That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;**
- B. 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;**
- C. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;**
- D. That adequate utility, access roads, drainage and/or other necessary facilities have been or are being provided;**
- E. 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 and roads;**
- F. That the special use shall 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 county board pursuant to the recommendations of the zoning board of appeals.**

On January 9, 2024, the Zoning Board of Appeals reviewed the petition, reports, testimony and public comments received during the public hearing held on November 14, 2023 and January 3, 2024.

After the conclusion of the public hearing, the motion to recommend the special use:

Passed by a vote of ___ yes ___ no

Failed by a vote of 6 yes 0 no

The following are the findings of facts in support of the elements of the recommendation of the majority of the Zoning Board of Appeals.

- A. That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;**

Meets standard

Does not meet standard

Findings of fact in support of the above:

Other parts of the petition process will determine and manage requirements on a technical aspect
This petition is similar to other like projects within the same type of land use with operations monitored and governed by certified agencies
The evidence produced are substantial to meet this standard

- B. 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;**

Meets standard

Does not meet standard

Findings of fact in support of the above:

No site specific appraisals or studies done for values of properties in this area

Several properties owners near this petition location are concerned for the enjoyment of the rural view

The topography is unique for screening for enjoyment of the properties surrounding this location
No compelling evidence that the solar location will not negatively impact the vineyard as well as within a high profile wedding venue

Does not meet the standard for enjoyment (protested by nearly 25%) of the near population but primarily would be the 4th solar field between Route 38 and Keslinger Road

C. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

Meets standard
 Does not meet standard

Findings of fact in support of the above:

No testimony of hindering development of surrounding areas within the Farming zone

D. That adequate utility, access roads, drainage and/or other necessary facilities have been or are being provided;

Meets standard
 Does not meet standard

Findings of fact in support of the above:

The petitioner has worked with Kaneville Fire Department to satisfy the access road for emergency equipment

No testimony that access would not be provided

The stipulations from Kane County will insure that there are no detrimental drainage issue

E. 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 and roads;

Meets standard
 Does not meet standard

Findings of fact in support of the above:

Testimony provided indicates once the field is established and in operation; site visits will be limited. Traffic is not considered a concern.

Stipulations between KDOT and IDOT will support this standard to be in conformance

F. That the special use shall 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 county board pursuant to the recommendations of the zoning board of appeals.

X__ Meets standard
__ Does not meet standard

Findings of fact in support of the above:

The stipulations imposed by the Kane County Board as presented by other agencies will manage the compliance to this standard

We hereby certify that the above is an accurate representation of the recommendation and findings of fact of the majority of the Zoning Board of Appeals in respect to Petition 4619.

Jerry K. Buis
William [Signature]

1-11-2024

Date 1-11-2024

Mary Lake
[Signature]

Date 1-11-2024

Date 1.11.2024

Date

Date

Date

Date