



Kane County

KC County Development Committee

Government Center
719 S. Batavia Ave., Bldg. A
Geneva, IL 60134

Meeting Minutes

FORD, Williams, Berman, Daugherty, Iqbal, Kenyon, Linder & ex-officios Davoust
(Transportation Chair), Kious (Forest Preserve President), Pierog (County Chair) and Tepe
(County Vice Chair)

Tuesday, November 21, 2023

10:00 AM

County Board Room

1. Call To Order

Chairman Ford called the meeting to order at 10:10 AM.

2. Roll Call

PRESENT	Board Member Ron Ford Board Member Dale Berman Board Member Mo Iqbal Board Member Michael Kenyon Board Member Michael Linder Ex-Officio (Transportation Chairman) Mark Davoust Ex-Officio (Forest Preserve President) Chris Kious Ex-Officio County Board Chair Corinne M. Pierog Ex-Officio County Board Vice Chair Vern Tepe
REMOTE	Board Member Rick Williams Board Member Gary Daugherty

Also present: Co. Bd. members Allan*, Juby*, Lenert, Molina*, Roth, Strathmann*; Dev. Dir. VanKerkhoff & staff Berkhout, Mall; Environ. & Water Res. Dir. Wollnik; Spec. ASA Shepro; ASA O'Brien; KDOT staff Forbes, Nika, Hohertz; OCR Dir. Berger*; ITD staff Peters; and members of the press and public.

3. Remote Attendance Requests

Chairman Ford announced the remote attendance requests for today's meeting. He asked the Committee if there were any objections to Committee Member Daugherty and Williams attending today's meeting remotely. There were no objections.

4. Approval of Minutes: October 17, 2023

RESULT:	APPROVED BY UNANIMOUS CONSENT
MOVER:	Chris Kious

5. Monthly Financials**A. Monthly Finance Reports**

Chairman Ford stated the monthly financial reports were on file. No additional report was made.

6. Public Comment (Agenda Items)

All public comments were held until the petition was discussed.

7. Building & Zoning Division**A. Building & Zoning Report**

Dev. Dir. VanKerkhoff stated the monthly Building and Zoning Report was on file. He stated his department continues to be busy with building permits and community solar applications. (Committee Member Davoust left at 10:22 a.m.)

B. Zoning Petitions**1. Petition # 4616 Petitioner: Alexander/Johnson (KaneSolar2, LLC)**

Dev. Dir. VanKerkhoff commented that in the last 12 to 24 hours, he has received multiple emails and letters from attorney's offices regarding information on this petition. He asked that these letters be attached to the meeting minutes for public record. VanKerkhoff mentioned that solar project petitions do have a time frame per state statute. Once a petition is submitted, it needs to be heard by the Zoning Board of Appeals (ZBA). Then within 30-days, it needs to be heard by the County Board for a vote. Under staff recommendation, if a petitioner were to ask a continuance, this would pause the 30-day requirement process. However, it is not recommended that the Development Committee table this matter because it would take the petition pass the 30-day mark. If the Development Committee is seeking more information or has concerns because of the late inquiries, VanKerkhoff advised them to consider moving this petition forward to the full County Board without a recommendation.

Dev. Dir. VanKerkhoff introduced Zoning Petition 4616: Alexander/Johnson. This petition is for a Special Use request in the F-Farming District for a solar facility. VanKerkhoff provided numerous maps and a site plan for this petition. He shared the revised site plan emailed to staff this morning depicting additional screening that would be added to the project. Development staff has recommended approval of the Special Use to allow a solar facility to be constructed on the property. VanKerkhoff reviewed Kane County's Water Resource Department's and KDOT's stipulations. He stated that the Zoning Board of Appeals (ZBA) has approved this petition with the staff recommended stipulations as well as two additional ones. Currently, this petition has objections from the neighboring property owners. VanKerkhoff reviewed an email from Horizon Solar Power, LLC, to the ZBA referring to the surrounding land owner's claims regarding access. He provided several photographs of the surrounding properties. VanKerkhoff addressed questions and comments from the

Committee. Iqbal shared the two additional stipulations that he would like added to the petition. Much discussion ensued. Committee Member Iqbal motioned to amend this petition to include the added stipulations, Kenyon seconded. Motion to Amend passed by a 5-3 vote. (Committee Member Iqbal left at 10:34 a.m.)

Petitioner and property owner, Richard Johnson, shared his support of Horizon Solar's project. His family believes that the community solar farm proposed by Horizon Solar is an appropriate and worthy use of their land. He noted that the Committee will hear objections on this petition. However, he is prepared to respond to each of them. Johnson specifically spoke on the claims of easement against his property, since they may feature prominently in the objections. He read aloud the last paragraph of his attorney's letter that has been submitted as part of the petition.

Horizon Solar Power Lead Developer, Andy Melka, commented on the added stipulations to the project. He stated that this petition was always meant to be compliant with all applicable County, State, and Federal laws. Regarding decommissioning, Melka explained that a plan was submitted to the ZBA, which included provisions for the removal and disposal of the solar project at the end of useful life. Along with, financial security to do this.

Carrie Svihlik, 1N700 Meredith Road, Maple Park, provided a presentation on her objection to this petition. She explained that her residence borders the proposed solar farm. She stated that the easement the solar company is saying is not there, surely is. This easement has been used for agricultural purposes over the last 20 years. Svihlik stated she is pursuing legal action on this matter. This easement is her only access to her farmland. Legal action must be taken because after 30 years, the land owner is now denying her access. Svihlik reviewed her presentation. She listed her oppositions pertaining to this proposed solar farm. Illinois Public Act 102-1123, details the minimum requirements by the state for commercial, wind, and solar facilities. Within this petition's site plan, it shows proposed 60-foot gravel access road, utility poles, and a pole-mounted utility load break switch. The 60-foot access road is located between two non-participating properties. The minimum setback for any facility of solar installation is 50-feet from a non-participating property. This causes an issue with the new roadway and the additional components. Svihlik provided additional issues with this petition regarding State and County policies. She shared the land evaluation and site assessment. She reviewed the County's Land Use Opinion Summary. Svihlik stated that this site is not suitable for this project.

Ruddy & Petersen Law Group Attorney, Stuart Peterson, spoke on the requirements within the state statute that restricts what the County can do regarding solar facilities. According to the land use requirements, this property is not suitable for a solar field, because they cannot physically meet the 50-foot required setback. Petersen stated that a speaker from the Kaneville Fire Department will be addressing their concerns from a safety aspect. He noted that the fire department received notice of this petition, but was not required to

share their input. Petersen asked the Committee what the requirements are of the intergovernmental agencies that are interested in this project. This project is requiring a suspected one-way in and out access road off of Route 38. This could cause hazardous conditions for emergency responders. Petersen spoke on the facility equipment and light poles that are in the proposed site plan. At the ZBA, they indicated that the easement was not in safe condition for utility and/or large vehicles to utilize. Petersen asked if this road was deemed unsafe for a propane truck, how could it be safe for emergency vehicles. The ZBA also finds that if an agency does not respond to the notice, they must not have any concerns for the project. This is not adequate. Petersen spoke on the new proposed site plan for this petition and the hindrance it will have on the scenic view of his clients. He explained that he sent a letter to the Committee and would like it to be part of the record. Petersen looked into the thermal impact of a solar facility. He referenced a study from the University of Illinois that indicated there is a 5.5 to 7.2 degrees Fahrenheit temperature change around these solar fields. One of the objectors and neighbors, Mr. Brandonisio, grows grapes. This temperature change could cause premature affects on his vines and a potential loss of his crop. Regarding the proposed southern expansion of this facility by approximately five rows of short panels directly next to the winery, Petersen asked if this could be modified to accommodate the winery. If the Committee wants to approve this petition, Petersen requested that the developers take this suggestion into consideration. He requested the Committee and the Fire Department to object to this petition.

Julie Kolzow, Geneva, read aloud a letter from Attorney Bola regarding the oppositions of surrounding neighbors into the record. She noted that Attorney Bola represents the surrounding property owners. The letter addressed the proposed blockage of the access road and the burden it will cause to the neighbors for agricultural land purposes.

Donna Riggs, 1N605 Meredith Road, Maple Park, stated she has owned the neighboring property since 1992. She purchased the first lot of the subdivided parcels on the established farm. She explained that the access road is the easement into the agricultural part of the property that has been used for decades. Riggs spoke on the hardships and financial burdens she will face if she cannot farm her land. This easement has been used for decades by surrounding neighbors. Riggs explained that she owns a residential home, which was the first house built on Meredith Road. At her home, she has a retail shop that Kane County has denied an access road to. If she cannot obtain an access road for her store, and now will not be able to use the established access road, this will cause hardship upon her. She urged the Committee to take this into consideration.

Chuck Haskin, 1700 Meredith Road, Maple Park, provided a presentation addressing his oppositions to this petition. He stated that he does not oppose renewable energy resources. He believes that these types of projects should be implemented on sites that are suitable for this type of development. This

proposed solar facility fails to meet some of the State and County requirements regarding solar installation. Haskin spoke on the over-concentration of solar farms in the Kaneville/Virgil area. This proposed solar field would be surrounded by numerous neighbors that have submitted opposition letters. Haskin stated that this site would not be able to be screened adequately. He shared a picture of his personal view and the view of surrounding neighbors with the proposed solar panels placed upon a hill. Additionally, this solar facility would be placed behind the Acquaviva Winery. This could potentially hinder business for the winery.

John Pree, 1N455 Country Life Drive, Maple Park, (Committee Member Williams left at 10:56 a.m.) spoke on the required setbacks for projects, such as this one. This proposed solar facility would not be able to meet the required state setbacks. Pree spoke on the hindrance to wetlands. He presently lives at the end of Country Life Road, where the elevation is high. He stated that he is able to look down at the surrounding crop fields. If this solar facility is approved, his scenic view would change to solar panels. He requested that the required 500 foot setback be changed to 1,000 feet. Pree explained that the proper vegetation screening needs to be established in order to hide these panels from view.

Kaneville Fire Department, Captain David Kovack, spoke on the inadequate notice given to the fire department of this petition. He explained he wasn't notified of this petition until August 11, 2023. The notice lacked the request for information. This will cause a change in the fire department's process of receiving notices, in order to provide input on these types of proposals earlier in the process. Kovack stated that the fire department has the same concerns regarding the use of the access road. This proposed property for the solar facility is surrounded by residential properties. This will cause additional infrastructure to be placed upon the current access road, making it difficult for emergency vehicles to service this area. Kovack spoke on the adverse effects to the land, such as possible land fires. He shared his concerns of being able to properly respond to emergencies, if needed.

Lead Developer, Andy Melka, stated that Horizon Solar and the property owner would not be pausing this petition. He explained that they have met all oppositions and has consulted with the ZBA on these. He asked the Committee to consider the original site plan with the additional vegetation screening.

The Committee provided there questions and concerns on this petition. Further discussion ensued.

County Board

RESULT:	MOVED FORWARD BY ROLL CALL VOTE
TO:	County Board
MOVER:	Chris Kious
SECONDER:	Michael Linder
AYE:	Ron Ford, Rick Williams, Dale Berman, Gary Daugherty, Michael Kenyon, Michael Linder, and Chris Kious
ABSENT:	Mo Iqbal, and Mark Davoust

2. Petition # 4619 Petitioner: James Ariola Trust (TPE IL KN216 LLC)

Dev. Dir. VanKerkhoff introduced Petition 4619: James Ariola Trust. This petition is for a Special Use request in the F-Farming District for a solar facility.

VanKerkhoff provided several photographs, maps, and the original site plan. He shared a revised site plan submitted depicting the extension of panels in the northern part of the parcel. (Madam Chairman Pierog left at 11:20 a.m.)

VanKerkhoff reviewed the Kane County Water Resources and Department of Transportation's (KDOT) stipulations. Development staff has recommended approval of the Special Use to allow a solar facility to be constructed on the property. The Zoning Board of Appeals (ZBA) recommended approval with staff recommended stipulations. VanKerkhoff addressed questions and comments from the Committee. Discussion ensued.

TurningPoint Energy Developer, Scott Osborne, provided a presentation with responses to the stipulations. He explained that a new site plan was presented to the ZBA. The site plan was modified from the original application to account for slope and drainage concerns. Osborne explained that this parcel currently hosts a firewood and mulch supplier, Vessel, Inc. The location of the solar field would be located on the northern cornfields. The footprint of the solar field would be on 20-acres of the 80-acre parcel. Osborne explained that an eight foot privacy fence would be put into place along Fabyan Parkway to help reduce visibility of the solar field. Additionally, they would be planting evergreen trees to help further reduce the visual impact.

Kimley-Horn's Civil Engineer, Emily Kahanic, reviewed feedback to the listed stipulations of this proposed solar facility site. She spoke on the accommodations to these stipulations.

Osborne continued with sharing rendered pictures of the proposed screening. He spoke on the Kendall County Courthouse Solar Facility. He noted that at this site, the County currently has an eight foot privacy fence to screen the solar field.

Robert Johnston, 40W480 Main Street, Batavia, stated he is the neighbor to the south of this proposed solar facility. He explained that if the mentioned screening was provided, he would have no objections to this petition. (Committee Member Williams returned remotely at 11:29 a.m.)

The Committee provided their questions and comments on this petition. Discussion ensued.

County Board

RESULT:	MOVED FORWARD BY ROLL CALL VOTE
TO:	County Board
MOVER:	Dale Berman
SECONDER:	Michael Linder
AYE:	Ron Ford, Rick Williams, Dale Berman, Gary Daugherty, Michael Kenyon, Michael Linder, Chris Kious, and Vern Tepe
ABSENT:	Mo Iqbal, and Mark Davoust

8. Property Code Enforcement Division

A. Monthly Report

Property Code Enforcement Officer Mall stated the monthly report was on file. Currently, there are 29 new cases and they have closed 40. As of October 31, 2023, there are 29 active cases. There are three cases in adjudication. They have been busy these last couple weeks.

Dev. Dir. VanKerkhoff commended the County Board on the approval of the FY24 Budget to include funding for the Property Code Enforcement Division. He shared his gratitude to the team.

B. Authorizing Application to Circuit Court for Demolition of Dangerous and/or Unsafe Building Property Located at 14N403 Thurnau Road, Rutland Township Parcel ID # 02-31-300-013

KC Executive Committee

RESULT:	MOVED FORWARD BY ROLL CALL VOTE
TO:	KC Executive Committee
MOVER:	Chris Kious
SECONDER:	Michael Linder
AYE:	Ron Ford, Rick Williams, Dale Berman, Gary Daugherty, Michael Kenyon, Michael Linder, and Chris Kious
ABSENT:	Mo Iqbal, and Mark Davoust

C. Demolition of 14N403 Thurnau Rd, Rutland Township

Dev. Dir. VanKerkhoff provided a presentation on the Demolition of 14N403 Thurnau Road, Rutland Township. He provided the financial history of the Demolition of Dangerous/Unsafe Buildings. Since 2018, there have been 21 court orders for demolition pursued. He noted that thirteen buildings were addressed by the owner due to pressure from a potential court order in the last four years. VanKerkhoff reviewed the process of demolishing dangerous and/or unsafe buildings. He shared the need to demolish the unsafe building at 14N403 Thurnau Road in Rutland Township. He reviewed the demographics of this property. VanKerkhoff addressed questions and comments from the Committee.

9. Planning & Special Projects**A. Monthly Report**

Dev. Dir. VanKerkhoff stated the monthly Planning and Special Projects Report was on file. No additional report was made.

10. Subdivision

None.

11. Environmental Resources

None.

12. Water Resources**A. Sugar Grove Drainage District Cost-Share Approval**

Environ. and Water Res. Dir. Wollnik provided a presentation on the Sugar Grove Drainage District Cost-Share. The tile replacement would occur in unincorporated Sugar Grove Township, downstream of the Sauer Forest Preserve constructed wetlands. A total of approximately 2,500 liner foot of fifteen feet and twelve feet tiles would need to be replaced. The total project would cost \$78,974.65. Wollnik stated that \$39,487.32 would come from the American Rescue Plan Act funds and \$39,487.33 would be covered by the Sugar Grove Drainage District. Staff recommended approval of the Sugar Grove Drainage District Cost-Share. Wollnik addressed questions and comments from the Committee.

RESULT: APPROVED BY ROLL CALL VOTE**MOVER:** Dale Berman**SECONDER:** Michael Kenyon**AYE:** Ron Ford, Rick Williams, Dale Berman, Gary Daugherty, Michael Kenyon, Michael Linder, and Chris Kious**ABSENT:** Mo Iqbal, and Mark Davoust

13. Office of Community Reinvestment

None.

14. New Business

- A.** Authorizing Salary Increase for the Director of Development and Community Services

KC Finance and Budget Committee

RESULT:	MOVED FORWARD BY ROLL CALL VOTE
TO:	KC Finance and Budget Committee
MOVER:	Dale Berman
SECONDER:	Michael Linder
AYE:	Ron Ford, Rick Williams, Dale Berman, Gary Daugherty, Michael Kenyon, Michael Linder, and Chris Kious
ABSENT:	Mo Iqbal, and Mark Davoust

- B.** Authorizing Salary Increase for the Director of Environmental and Water Resources

KC Finance and Budget Committee

RESULT:	MOVED FORWARD BY ROLL CALL VOTE
TO:	KC Finance and Budget Committee
MOVER:	Dale Berman
SECONDER:	Michael Linder
AYE:	Ron Ford, Rick Williams, Dale Berman, Gary Daugherty, Michael Kenyon, Michael Linder, and Chris Kious
ABSENT:	Mo Iqbal, and Mark Davoust

15. Reports Placed On File

RESULT:	APPROVED BY UNANIMOUS CONSENT
MOVER:	Michael Linder

16. Executive Session (if needed)

None.

17. Public Comment (Non-Agenda Items)

None.

18. Adjournment

RESULT:	APPROVED BY VOICE VOTE
MOVER:	Michael Kenyon
SECONDER:	Michael Linder

This meeting was adjourned at 11:44 AM.

Savannah Valdez
Recording Secretary