

RESOLUTION 38-2024

A RESOLUTION STATING THE VILLAGE OF GILBERTS' OPPOSITION AND PROTEST TO THE SPECIAL USE APPLICATION FOR A COMMERCIAL SOLAR FACILITY AT BIG TIMBER ROAD AND ROUTE 72

WHEREAS, Big Timber Solar Farm, LLC has filed a petition for a special use permit for a Commercial Solar Facility with the County of Kane for the property located generally at the south-east corner of Big Timber Road and Route 72, bearing PIN Number 02-22-400-014 (the "Subject Property"), bearing Petition No. 4644 (the "Petition"); and

WHEREAS, the Subject Property lies within 1 ½ miles of the corporate limits of the Village of Gilberts ("Village"); and

WHEREAS, pursuant to Section 25-5-4-9(M) of the "Kane County Zoning Ordinance, the County Board may approve a Commercial Solar Energy Facility Special Use Permit Application, if it finds the evidence complies with state and federal law and regulations, and with the standards of this zoning code including the factors listed in Article IV. Administration and Enforcement Section 25-4-8: Special Uses"; and

WHEREAS, one of the Special Use Factors standards under Section 25-4-8 of the Kane County Zoning Ordinance that the Kane County Zoning Board of Appeals and the Kane County Board must find has been satisfied is "that the establishment of the special use will not impede the normal an orderly development and improvement of surrounding property for uses permitted in the district"; and

WHEREAS, the Village recently spent over a year planning and preparing a new Comprehensive Plan for the Village and the areas within the Village's future planning area, including the holding of numerous public hearings and public meetings on the contents of the new Comprehensive Plan; and

WHEREAS, on November 21, 2023, the Corporate Authorities of the Village adopted Ordinance 18-2023, which approved the Village of Gilberts 2023 Comprehensive Plan Update (the "Comprehensive Plan"); and

WHEREAS, the Subject Property is located within the Village's Future Planning Area that is covered by the Comprehensive Plan; and

WHEREAS, the Village's Comprehensive Plan included detailed future plans for specific areas of importance to the Village's future planning goals known as "Subareas" and

WHEREAS, one of the Subarea Plans under the Village's Comprehensive Plan is the "Route 72/Big Timber Road Subarea Plan," a copy of which is attached to this Resolution as Exhibit A; and

WHEREAS, the Route 72/Big Timber Road Subarea Plan encompasses the Subject Property; and

WHEREAS, the Route 72/Big Timber Road Subarea Plan designates and contemplates commercial businesses, multi-family housing, and single-family housing for development on the Subject Property, and not solar arrays; and

WHEREAS, if the Petition is approved and a Commercial Solar Facility is constructed on the Subject Property, the Village's carefully considered development plans for this area under the Comprehensive Plan will be significantly disrupted; and

WHEREAS, the construction of a Commercial Solar Facility on the Subject Property will prevent and impede the normal and orderly development of the Subject Property and the entire Route 72/Big Timber Road Subarea as planned for under the Village's Comprehensive Plan; and

WHEREAS, the proposed Commercial Solar Facility will likely operate for decades into the future, directly impeding the future development of this entire area, eliminating the potential for critical developments for the residents of the Village and Kane County as a whole, including additional housing options; and

WHEREAS, the Subject Property is located at the corner of two critical regional roadways that are subject to significant vehicular traffic, making the Subject Property more suitable for commercial and residential development rather than an industrial type use such as a Commercial Solar Facility; and

WHEREAS, in addition to the clear and direct impediment to the normal and orderly development of the surrounding area, the design of the proposed Commercial Solar Facility described in the Petition suffers from several other deficiencies and flaws, as more fully described in Exhibit B attached hereto and incorporated herein; and

WHEREAS, for the reasons set forth in this Resolution, the Corporate Authorities of the Village of Gilberts hereby state their objection and protest to the Petition and urge the Kane County Board to deny the Petition.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Gilberts, Kane County, Illinois, as follows:

Section 1. **Recitals.** The recitals set forth above are hereby incorporated into this Resolution as if set forth in full herein.

Section 2. **Objection to the Petition.** The Village of Gilberts hereby states its objection and protest to the Petition and urges the Kane County Board to deny the Petition.

Section 3. **Authorization.** The Village President and the Village Administrator are hereby authorized and directed to provide a copy of this Resolution to the Kane County Zoning

Board of Appeals and the Kane County Board. The Village President and Village Administrator are further authorized to take further actions to oppose the Petition, including, but not limited to, providing further correspondence to Kane County specifying the Village's objections to the Petition, testifying at the hearing before the Kane County Zoning Board of Appeals, and providing comment to the Kane County Board.

Section 4. Effective Date. This Resolution shall be in full force and effect from and after its approval in the manner provided for by law.

PASSED BY VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this 15th day of October 2024.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Jeanne Allen	<u>X</u>	_____	_____	_____
Trustee Robert Vanni	<u>X</u>	_____	_____	_____
Trustee Frank Marino	<u>X</u>	_____	_____	_____
Trustee Brandon Coats	<u>X</u>	_____	_____	_____
Trustee Justin Redfield	<u>X</u>	_____	_____	_____
Trustee Robert Chapman.	<u>X</u>	_____	_____	_____
President Guy Zambetti	_____	_____	_____	_____

APPROVED this 15th day of October, 2024.



[Handwritten Signature]
 Village President Guy Zambetti

ATTEST: *[Handwritten Signature]*
 Village Clerk, Lynda Lange

EXHIBIT A

Route 72/Big Timber Subarea Plan

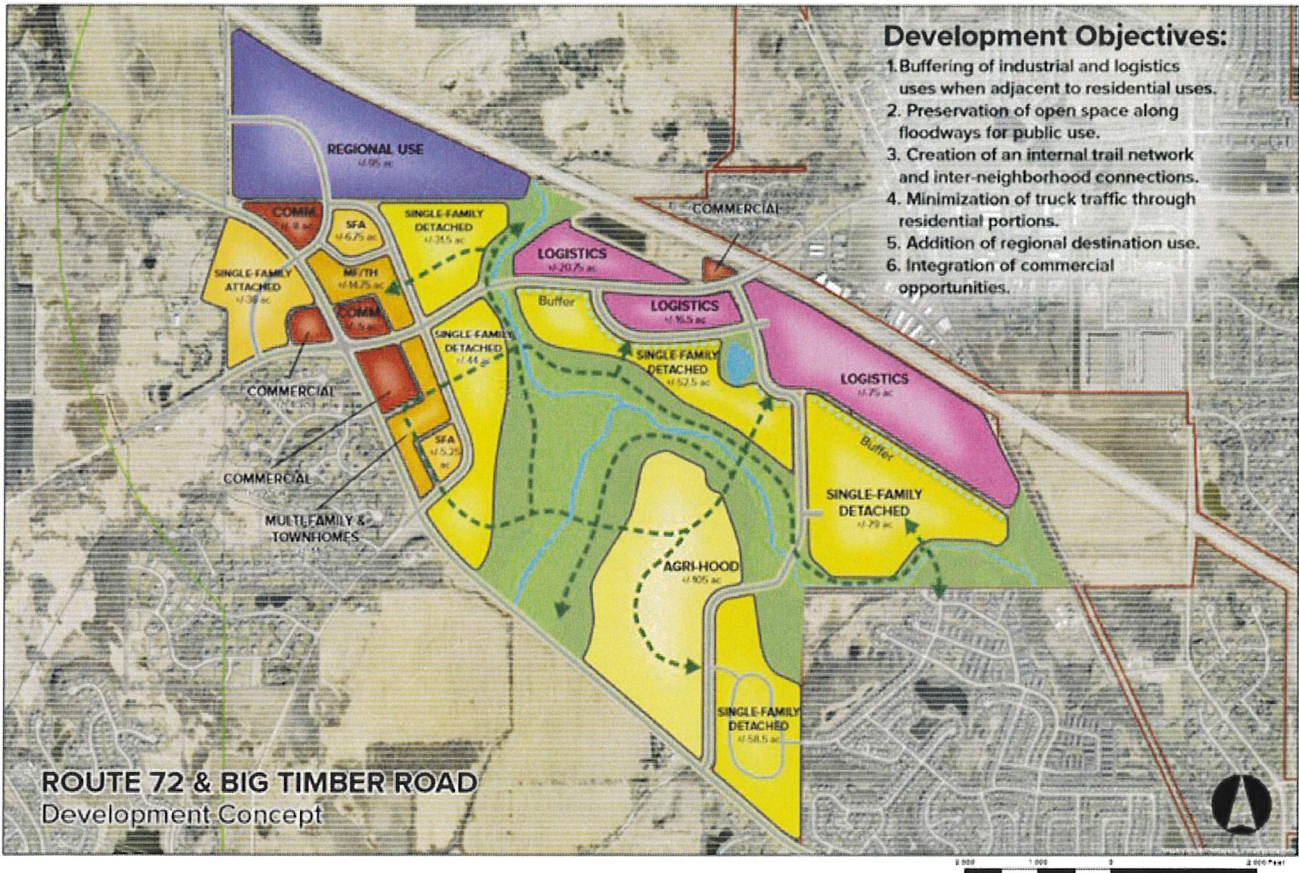


EXHIBIT B

Objections to the Petition

Disruption of Future Plans

- The property proposed for the solar farm is already contemplated for commercial businesses, multi-family housing, and sing-family housing.
 - This is called out within the Village's 2023 Comprehensive Plan as part of the Route 72 & Big Timber Road Subarea Plan.
 - Development of this site as a solar farm will prohibit the planned commercial and residential development from moving forward for the duration of the solar development, which could be decades.
 - Detering the commercial and residential development of this site would deter any benefits those developments would bring to the Village. Benefits of those developments includes bringing additional residents, businesses, jobs, community amenities, and additional tax revenue to the Village.
- The property proposed for this development is located at the corner of 2 highly traveled and regional roadways.
 - Commercial and residential land uses would receive more of a benefit from being directly adjacent to these roadways than a solar farm would.
- The property proposed for the solar farm is contemplated to have future public road and public right-of-way (ROW) dedications.
 - The access points off of Big Timber Road and Route 72 are intended to be used to access the subject property and those directly adjacent to it as part of a larger development of the area.
 - Development of this site as a solar farm will prohibit these planed ROW dedications necessary for the planned development of adjacent properties.

Design

- The proposed development contemplates landscaping on west side of the property and portions of the northern side.
 - Landscaping is not proposed on the south, east, or within a portion of the property to the north. Staff does not have any reason to believe that the existing foliage in these locations is adequate to screen the solar panels from being visible from public ROW or adjacent properties.
- There is little information on what the landscape screening will consist of.
 - Staff does not have any reason to believe that the proposed landscape screening will be adequate to screen the solar panels from being visible from public ROW or adjacent properties.
- The development proposes an 8ft tall fixed-knot fence to surround the solar farm.
 - The height of the proposed fence does not conform with the Village's intended design for this area.
 - The type of proposed fence does not conform with the Village's intended design for this area.
 - This fence will be the first thing that is seen when entering the Village from the west. Staff recommends that this area conform to the Village's intended design standards for the area. This includes a 6ft maximum fence height, and aesthetically inviting design (not wire-based fencing).

- The submitted Special Use Application alludes to security lighting, however no photometric plans with locations or illumination details were provided.
 - Without knowing the location, type, and measurements of any lighting fixtures on the property, Staff cannot verify whether or not the lights will shine into the public ROW or into adjacent properties and homes.
- The development proposes a gravel drive and parking lot to be used as access the solar farm's service panels.
 - The Village's design standards and best development practices call for solid paved and dustless surface for any vehicular areas, not crushed gravel or similar surfaces.

Compatibility with the Surrounding Area

- The proposed development has a predominately industrial character as power generation.
 - This contrasts with the agricultural and residential character of the surrounding area.
 - The term "solar farm" implies a connection to agriculture; however, this land use does not account for the cultivation of plant life or the rearing of animals as the surrounding agricultural areas do.
- The property the development is intended to go on is within 100ft of residential properties.
 - It is best practice that residential uses be buffered by uses that compliment them and ease the transition into industrial uses. The only buffers proposed for this development include the existing Big Timber Road and the ambiguous landscaped screening.

Application Inadequacies

- Kane County's Zoning Code section 25-4-8-2 stipulates that certain Findings of Fact must be true and accurate in order for the Zoning Board of Appeals to recommend approval of a Special Use Permit.
 - Requirement B stipulates that "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"
 - This development has the potential to be injurious to the enjoyment of nearby residential properties by introducing an unaesthetically inviting view in the solar panels and fixed-knot fence.
 - Requirement C stipulates that "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"
 - This development will directly impede the planned development of the subject property and the surrounding adjacent properties as outline by the Village's Comprehensive Plan.