



# COUNTY OF KANE

## DEVELOPMENT & COMMUNITY SERVICES DEPARTMENT

Kane County Government Center  
719 S. Batavia Ave, Geneva, IL 60134 - Building A | (630) 232-3485

### ZONING PETITION SUMMARY

**MTG DATE:** February 3, 2026

**TO:** Kane County Zoning Board of Appeals

**FROM:** Natalie Zine, *Building & Zoning Division Manager*  
P: 630-232-3494 | E: [zinenatalie@kanecountyil.gov](mailto:zinenatalie@kanecountyil.gov)

**SUBJECT:** **Zoning Petition No. 4677 "USS Rhea Solar LLC"**

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### GENERAL INFORMATION

#### APPLICANT

USS Rhea Solar LLC  
(A subsidiary of United States Solar Corporation "US Solar" – a developer/owner/operator)

#### PROPERTY OWNER

SILVER BOTTOM LLC

#### REQUESTED ACTION

A Special Use Permit in the F-Farming Zoning District to allow for the development of a Commercial Solar Energy Facility.

#### SUBJECT PROPERTY

Approximately 53 acres of property located approximately ½ mile west of Francis Road, ½ mile south of Beith Road, in Virgil Township, Kane County, Illinois (PIN: 07-26-100-003, 07-26-300-004, 07-26-400-006)

#### KANE COUNTY BOARD DISTRICT

18 Rick Williams

#### PROJECT DESCRIPTION

See 'Project Narrative' for more information.

#### SUBMITTAL DOCUMENTS

An application requesting the Special Use was received by the County on December 18, 2025. All received application documents for the Petition are available for review on the [Pending Zoning Petitions](#) page of the Kane County Website. See also "Exhibit A" Zoning Petition No. 4677 Submittal Documents attached.

#### PUBLIC NOTICE

A Notice Letter was sent to all adjacent property owners within 250' of the subject property on January 16, 2026. Notice was published in the Daily Herald newspaper on January 17, 2026. And a public hearing sign was posted on the subject property on January 16, 2026.

In addition to adjacent property owners, notice of this Petition was also sent to Kane County staff, Kane County Forest Preserve, Virgil Township Supervisor and Township Highway Commissioner, the Village of Virgil, the Village of Lily Lake, KDOT, School District 302, and the Maple Park & Countryside Fire District.



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### REVIEW & ANALYSIS

#### ZONING

The subject property is currently zoned F-Farming District and is bordered to the north, south, east, and west by additional F-Farming District.

Section 25-8-1-2 of the Kane County Zoning Ordinance provides that "Solar Utility" is a Special Use in the F-Farming District; Section 25-5-4-9 of the Zoning Ordinance stipulates the rules and regulations for Commercial Solar Facilities.

Per Section 25-5-4-9, the site plan for a commercial solar energy facility must meet the following criteria:

1. Occupied residential dwellings on nonparticipating properties shall be located no less than one hundred fifty (150) feet to the nearest point on the outside wall of the structure.
2. Boundary lines of participating property: none.
3. Boundary lines of nonparticipating property: fifty (50) feet to the nearest point on the property line of the nonparticipating property.
4. Public road rights-of-way: fifty (50) feet to the nearest edge of the public road right-of-way.
5. No component of a solar panel, cell or modules may exceed twenty (20) feet in height above the ground at full tilt.
6. Vegetative screening shall be provided for any part of the Commercial Solar Energy Facility that is visible to Non-participating Residence(s).
7. Landscaping screening shall be located between the required fencing and the property line of the participating parcel upon which the facility sits.
8. The vegetative screening shall include a continuous line of native evergreen foliage and/or native shrubs and/or native trees and/or any existing wooded area and/or plantings of tall native grasses and other native flowering plants.
9. A fence shall be installed around the perimeter of the facility area with a minimum height of eight (8) feet and not more than twenty-five (25) feet.

#### FUTURE LAND USE

The Kane County 2040 Plan recognizes solar power as an emerging source of renewable energy, but does not specify whether it is more or less suitable for particular land use areas.

The proposed installation falls within the Agriculture area of the Kane County 2040 Land Use Map. This land use category denotes areas that are well suited for production agriculture. The Plan recognizes that some areas designated for agriculture may not be suitable for farming. Significant portions of the subject site are impacted by hydric soils, which could diminish the land's agricultural productivity.

A portion of the site (5-10 acres) falls within the land use jurisdiction of the Village of Virgil, which classifies the area as Agriculture / Open Space. It is not likely that the properties in question would be annexed by the Village of Virgil or another municipality within the near future. Virgil is the closest municipality to the site at just under 1.5 miles from its corporate boundary.

#### MUNICIPALITIES

From the Village of Lily Lake: "This matter is not within the jurisdiction of the Village of Lily Lake."

From the Village of Virgil: No comments received as of 01/28/2026.

#### FOREST PRESERVE

The Kane County Forest Preserve District does not have any comments to offer on this project.

#### SCHOOL DISTRICT

The District has no objection in principle to the proposed Special Use Permit for a Commercial Solar Facility. At this time, our primary considerations are limited to confirming the following as part of the County's review and approval process:

- The anticipated treatment and impact on Equalized Assessed Valuation (EAV) for taxing bodies
- Whether the project includes any battery energy storage components
- Construction traffic coordination to minimize impacts during school transportation hours

Subject to these considerations, the District has no additional comments at this time.



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### **TRANSPORTATION**

The Kane County Department of Transportation (KDOT) reviewed this Petition and provided that, "The Petitioner shall obtain a temporary and final access permit from Virgil Township."

### **ENVIRONMENTAL HEALTH**

The Kane County Health Department provided no comments.

### **FIRE PROTECTION DISTRICT**

No comments received as of 01/28/2026.

### **WATER RESOURCES**

The Water Resources department reviewed the Zoning Petition and provides the following comments:  
This site contains Zone A floodplain which is unstudied. A Base Flood Elevation will need to be determined for the site. The applicant intends to avoid placement of the Solar Panels in the Floodplain. A preliminary Wetland Delineation was completed. A Wetland Delineation will be required prior to permitting any development. Drain tiles are likely present on the site. No development will be permitted until a complete field investigation of the site has been completed. The proposed site plan includes a long drive. It is assumed that the drive will be constructed as a pervious surface. This will need to be demonstrated at the time of permitting and the surface for the drive must be acceptable to the applicable Fire District.

The Water Resources department recommends the following Stipulations of Approval:

1. This site contains a flood route. All panels within the flood route will need to Flood Protected to 2 feet above the Base Flood Elevation. Survey and Engineering Study will be needed to delineate the flood route on the site.
2. Water Resources will require a stormwater permit for this development. All submittals must be prepared by Professional Engineer licensed in the State of Illinois.
3. An Engineer's report will be required. Should the site introduce more than 25,000 sq ft of impervious area or more than 3 acres of disturbance, stormwater detention will be required. This impervious area is calculated cumulatively since 2002 for a site as per the Stormwater Ordinance. The Engineer's report must demonstrate that the peak flow for the site with the proposed development is not increased, stormwater detention may be required for the development to ensure this. Any required Stormwater Detention Management will require a viable outfall and may require off-site work.
4. Should the site introduce more than 5,000 sq ft of impervious, a BMP will be required for all impervious surfaces.
5. A calculation for disconnected impervious area, created by the panels, will be required. A Best Management Practice will be required to encourage infiltration of runoff within the site.
6. The configuration of the solar panels shall be evaluated to identify any potential erosion concerns. Particular attention shall be given to erosion risks at the drip edges of the panels and in sloped areas. Appropriate best management practices must be implemented to mitigate these risks. BMPs may include, but are not limited to, pre-seeding or pre-vegetation of the site prior to panel installation to establish ground cover and reduce soil displacement.
7. A Wetland Delineation will be required. The Wetland Delineation shall meet the requirements of the Ordinance as described in Article VII Section 9-169 Requirements for a Wetland Delineation. Any Wetland Impacts must be mitigated.
8. A drain tile study will be required, including upstream and downstream tile systems that rely on the drain tiles within the site. Water Resources is looking for the protection of the tile system that is in place, including but not limited to replacement in kind and observation and cleanout structures.
9. Plantings within the development will not interfere with drain tiles. Planting plan should address the placement of vegetation and trees with long root systems that can interfere with tile systems and cause off site issues including surcharged drain tiles and blow outs of the drain tile systems.
10. Soil samples shall be taken every 5 years from the site and analyzed for physical, chemical, and biological properties to demonstrate the soil health within the solar installations.
11. 80% vegetative coverage for plantings will be a requirement for the site.



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12. A Wetland Delineation will be required. The Wetland Delineation shall meet the requirements of the Ordinance as described in Article VII Section 9-169 Requirements for a Wetland Delineation. Any Wetland Impacts must be mitigated.
13. Floodplain, Wetland, Compensatory Storage, BMPs and Stormwater Management must be placed in a Conservation or Drainage Easement.

### **ADDITIONAL REPORTS & ANALYSIS**

Results and recommendations from the Illinois Department of Natural Resources (IDNR) obtained through the **Ecological Compliance Assessment Tool (EcoCAT)** – *The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location. Consultation is terminated.*

**Natural Resources Inventory (NRI) Report** from the Kane-DuPage Soil & Water Conservation District (SWCD) – *Of this parcel, 6.1 percent or 3.2 acres are considered Farmland of Statewide Importance. The LE value for this site is 30 and the SA value is 49 for a total LESA score of 79. This score represents Moderate Protection effort warranted.*

Results of any **United States Fish and Wildlife Service's** Information for Planning and Consulting environmental review – *there are no critical habitats within your project area under this office's jurisdiction. You are still required to determine if your project(s) may have effects on all above listed species.*

Resource Preservation Review from the **Illinois State Historic Preservation Office (SHPO)** – *No historic properties were identified within the area of potential visual effects. Additionally, our files do not identify any known archaeological sites within the area of potential direct effects, nor is it within a high probability area for archaeological resources as defined in the Act. Accordingly, this project is EXEMPT from archaeological survey requests pursuant to Section 6 of the Act.*

**The U.S. Army Corps of Engineers Chicago District** – *USS Rhea Solar LLC will submit a United States Army Corps of Engineers (USACE) Letter of No Objection as an attachment to satisfy the requirement for a building permit. The USACE Letter is not included in this special use application because of the preliminary results showing the lack of wetlands on site and the avoidance of areas perceived as less suitable for solar energy systems.*

Documentation demonstrating avoidance of protected lands as identified by IDNR and the Illinois **Nature Preserve Commission (INPC)** – *The solar facility will avoid all protected lands.*

Executed **Agricultural Impact Mitigation Agreement (AIMA)** with the Illinois Department of Agriculture – *received with the Petitioner's application.*

Copies of each of the complete reports listed above are provided on the Kane County website under the applicable petition number on the [Pending Zoning Petitions](#) page for further review.

### **PUBLIC COMMENT**

Copies of any submitted public comments will be uploaded to the Kane County website under the applicable petition number on the [Pending Zoning Petitions](#) page.

No public comment received as of 01/28/2026.



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### RECOMMENDED STIPULATIONS (FULL LIST)

Should the Zoning Board of Appeals make a motion to recommend approval of this zoning request, staff recommends the following stipulations:

1. (Water Resources) This site contains a flood route. All panels within the flood route will need to Flood Protected to 2 feet above the Base Flood Elevation. Survey and Engineering Study will be needed to delineate the flood route on the site.
2. (Water Resources) Water Resources will require a stormwater permit for this development. All submittals must be prepared by Professional Engineer licensed in the State of Illinois.
3. (Water Resources) An Engineer's report will be required. Should the site introduce more than 25,000 sq ft of impervious area or more than 3 acres of disturbance, stormwater detention will be required. This impervious area is calculated cumulatively since 2002 for a site as per the Stormwater Ordinance. The Engineer's report must demonstrate that the peak flow for the site with the proposed development is not increased, stormwater detention may be required for the development to ensure this. Any required Stormwater Detention Management will require a viable outfall and may require off-site work.
4. (Water Resources) Should the site introduce more than 5,000 sq ft of impervious, a BMP will be required for all impervious surfaces.
5. (Water Resources) A calculation for disconnected impervious area, created by the panels, will be required. A Best Management Practice will be required to encourage infiltration of runoff within the site.
6. (Water Resources) The configuration of the solar panels shall be evaluated to identify any potential erosion concerns. Particular attention shall be given to erosion risks at the drip edges of the panels and in sloped areas. Appropriate best management practices must be implemented to mitigate these risks. BMPs may include, but are not limited to, pre-seeding or pre-vegetation of the site prior to panel installation to establish ground cover and reduce soil displacement.
7. (Water Resources) A Wetland Delineation will be required. The Wetland Delineation shall meet the requirements of the Ordinance as described in Article VII Section 9-169 Requirements for a Wetland Delineation. Any Wetland Impacts must be mitigated.
8. (Water Resources) A drain tile study will be required, including upstream and downstream tile systems that rely on the drain tiles within the site. Water Resources is looking for the protection of the tile system that is in place, including but not limited to replacement in kind and observation and cleanout structures.
9. (Water Resources) Plantings within the development will not interfere with drain tiles. Planting plan should address the placement of vegetation and trees with long root systems that can interfere with tile systems and cause off site issues including surcharged drain tiles and blow outs of the drain tile systems.
10. (Water Resources) Soil samples shall be taken every 5 years from the site and analyzed for physical, chemical, and biological properties to demonstrate the soil health within the solar installations.
11. (Water Resources) 80% vegetative coverage for plantings will be a requirement for the site.
12. (Water Resources) A Wetland Delineation will be required. The Wetland Delineation shall meet the requirements of the Ordinance as described in Article VII Section 9-169 Requirements for a Wetland Delineation. Any Wetland Impacts must be mitigated.
13. (Water Resources) Floodplain, Wetland, Compensatory Storage, BMPs and Stormwater Management must be placed in a Conservation or Drainage Easement.
14. (Transportation) The Petitioner shall obtain a temporary and final access permit from Virgil Township.
15. (Zoning) Vegetative screening consistent with the Kane County Zoning Ordinance shall be provided for any part of the commercial solar energy facility that is visible to non-participating residence(s) and shall include at minimum a continuous line of evergreen trees with a minimum planting height of 5 feet and a maximum separation distance of 15 feet on center.





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### ZONING STANDARDS

Section 25-4-8-2 of the Kane County Zoning Ordinance provides Standards for Special Use Permits; responses to these Standards have been provided by the Petitioner with their Zoning Application. The Zoning Board of Appeals shall not recommend approval of a special use unless it finds:

- 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.

The Petitioner's responses to the Standards of a Special Use are available for review on the [Pending Zoning Petitions](#) page of the Kane County website.

### DEVELOPMENT COMMITTEE

This Petition will be considered by the Development Committee at its meeting currently scheduled for **10:30 a.m., Tuesday, February 17, 2026** in the County Board Meeting Room, Building A, 2nd Floor, of the Kane County Government Center, 719 S. Batavia Ave., Geneva, Illinois.

Persons in favor of or in opposition to this petition who wish to speak before the Development Committee should register to speak by submitting a [Request to Speak Form](#) on the Kane County website no later than 12:00pm on the day prior to the meeting.

### KANE COUNTY BOARD

This Petition will be considered by the full Kane County Board at its meeting currently set for **9:45 a.m., Tuesday, March 10, 2026** in the County Board Meeting Room, Building A, 2nd Floor, of the Kane County Government Center, 719 S. Batavia Ave., Geneva, Illinois.

Persons in favor of or in opposition to this petition who wish to speak before the Development Committee should register to speak by submitting a [Request to Speak Form](#) on the Kane County website no later than 12:00pm on the day prior to the meeting.

### ATTACHMENTS

- Exhibit A - Zoning Petition No. 4677 Submittal Documents



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### "Exhibit A" Zoning Petition No. 4677 Submittal Documents

[4677 01 Kane County Zoning Application \(12-17-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 02 Standards of a Special Use Permit Worksheet \(12-16-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 03 Battery Energy Storage Explanation - USS Rhea Solar LLC.pdf](#)

[4677 03 Project Narrative \(12-12-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 04 Deed \(06-26-2019\) - USS Rhea Solar LLC.pdf](#)

[4677 04 Lease Agreement \(05-08-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 05 ALTA Land Title Survey \(01-12-2026\) - USS Rhea Solar LLC.pdf](#)

[4677 06 Solar Equipment Manufacturer Specs \(12-17-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 07 Noise Analysis \(12-03-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 08 Decommissioning Plan \(11-03-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 14 List of Adjacent Property Owners \(10-10-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 15 Certification of Notice to Adjacent Property Owners \(12-17-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 16 Copy of Notice Letter from Petitioner \(10-22-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 17 Geometric Site Plan \(12-12-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 18 Landscape & Screening Plan \(12-16-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 20 EcoCAT Report and Consultation Letter \(11-04-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 21 SHPO Letter \(12-11-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 22 NRI Report \(12-12-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 23 USFWS Letter \(01-16-2026\) - USS Rhea Solar LLC.pdf](#)

[4677 23 USFWS Letter \(11-04-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 24 US Army Corp Letter of No Objection \(12-15-2025\) - USS Rhea Solar.pdf](#)

[4677 25 Executed AIMA Agreement \(11-25-25\) - USS Rhea Solar LLC.pdf](#)

[4677 26 Avoidance of Public Lands Map \(12-08-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 27 Roadway Jurisdiction Approval Letter \(12-16-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 28 Structural Engineer's Certificate \(12-18-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 29 FEMA 100-Year Floodplain Map \(12-08-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 30 Level 1 Wetland Investigation \(12-16-25\) - USS Rhea Solar LLC.pdf](#)

[4677 31 Topographical Map \(11-04-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 32 Preliminary Drain Tile Report \(12-08-2025\) - USS Rhea Solar LLC.pdf](#)

[4677 33 Preliminary Stormwater Report \(12-15-25\) - USS Rhea Solar LLC.pdf](#)

[4677 34 Phase 1 Environmental Assessment \(11-07-2025\) - USS Rhea Solar LLC.pdf](#)