

# **Zoning Petition No. 4673**

## **CFP IL Orchard Solar, LLC**

**Zoning Board of Appeals Meeting**  
**Tuesday, October 28, 2025 at 7:00pm**

**Kane County Board District – 05 Bill Lenert**



**KANE COUNTY, ILLINOIS**

ESTABLISHED JANUARY 16, 1836

# Petition Summary

## **Applicant**

CFP IL Orchard Solar, LLC

## **Property Owner**

J G Farm Properties, LLC

## **Action Requested**

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

## **Subject Property**

Approximately 87 acres of property located on the north side of Jericho Road, east of IL Route 47, in Sugar Grove Township, Kane County, Illinois (PINs: 14-27-300-003, 14-27-400-001, 14-34-100-003, 14-34-200-001, 14-34-200-002).

**County Board District** 05 Bill Lenert

## **Application**

An application requesting the Special Use was received by the County on September 16, 2025. All received application documents for Petition 4673 are available for review on the [Pending Zoning Petitions](#) page of the Kane County Website.

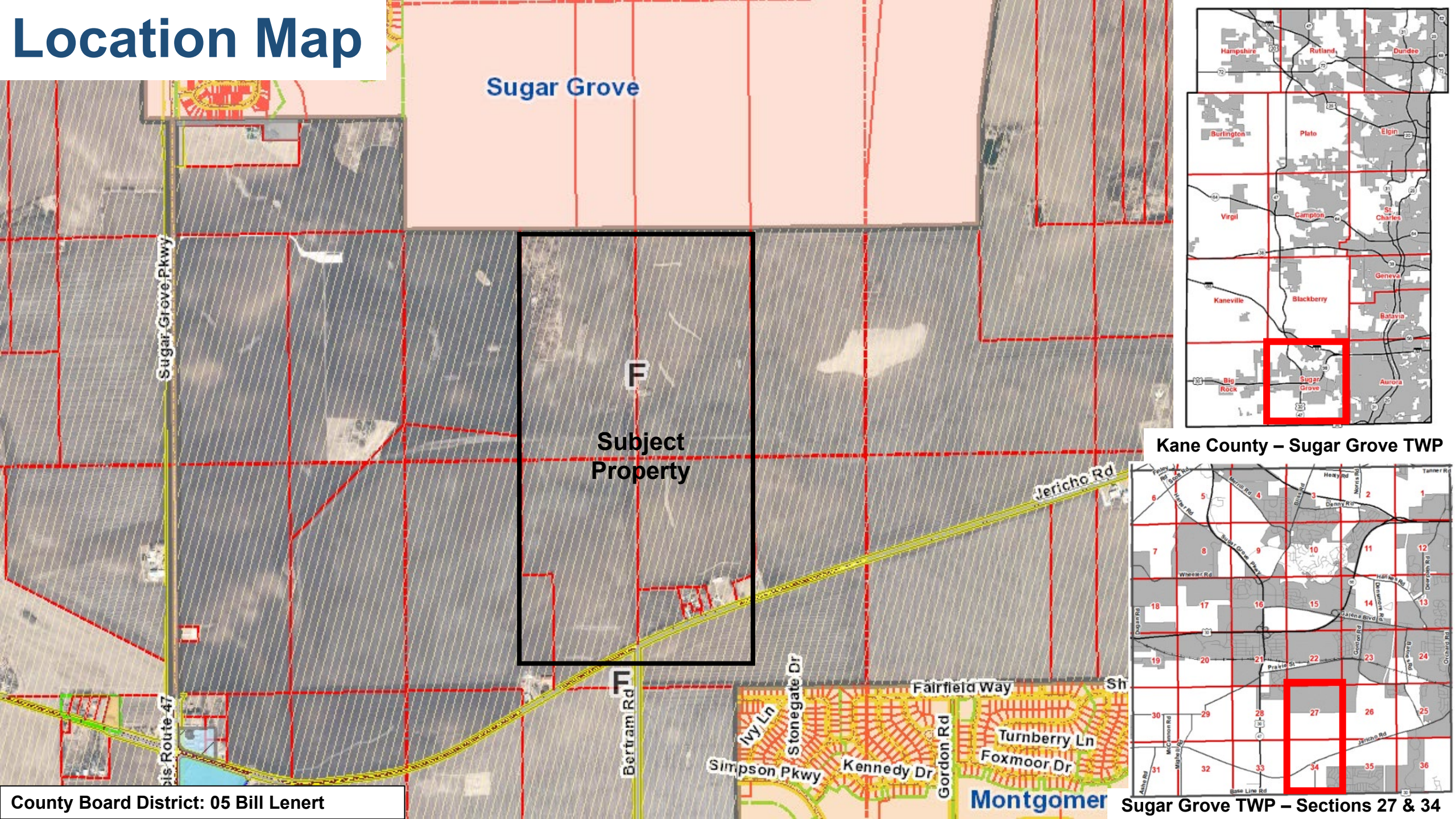
## **Notice**

A Notice Letter was sent to all adjacent property owners within 250' of the subject property on October 10, 2025. Notice was published in the Daily Herald newspaper on October 18, 2025. And a public hearing sign was posted on the subject property on October 17, 2025.

In addition to adjacent property owners, notice of this Petition was also sent to Kane County staff, Kane County Forest Preserve, Sugar Grove Township Supervisor and Township Highway Commissioner, the City of Aurora, the Village of Sugar Grove, the Village of Montgomery, KDOT, School Districts Aurora West and Kaneland 302, the Sugar Grove Park District, and the Sugar Grove Fire District. 2

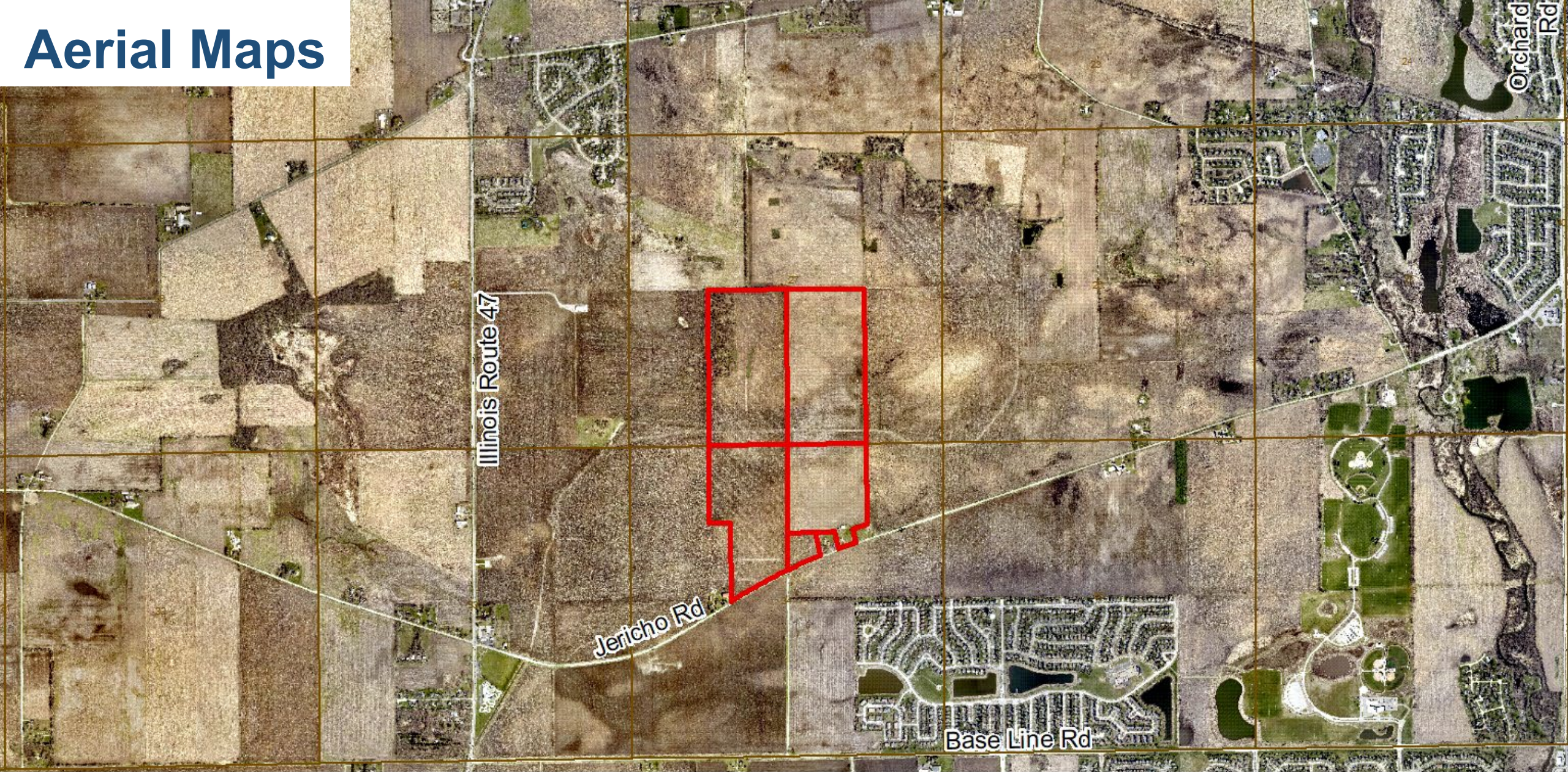


# Location Map

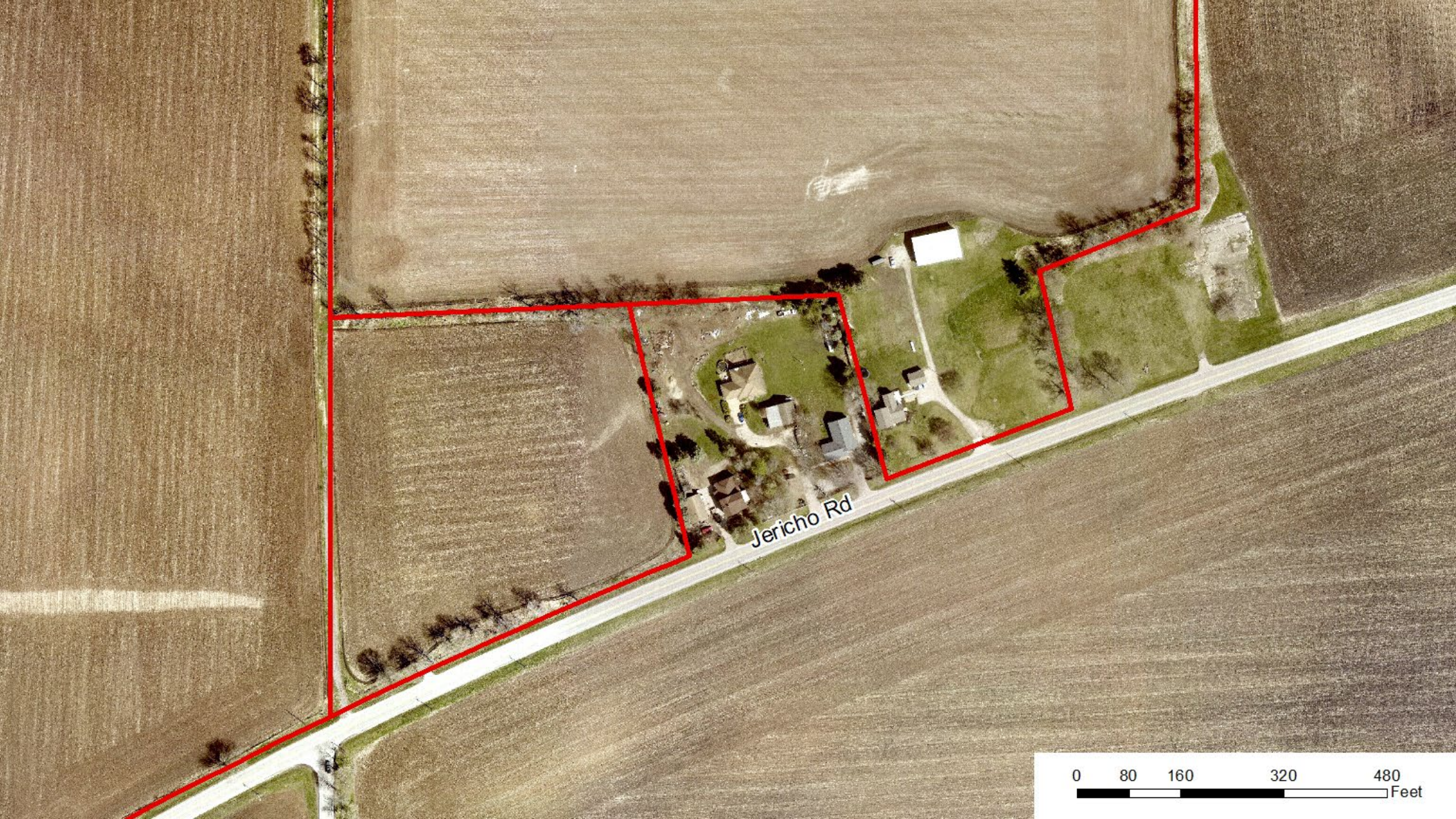




# Aerial Maps







Jericho Rd





# 2040 Conceptual Land Use Strategy

41W330 Jericho Road - Sugar Grove Twp. - Petition #4673

## Land Use Strategy Area: Critical Growth Area / Rt. 47 Corridor

### Core Themes

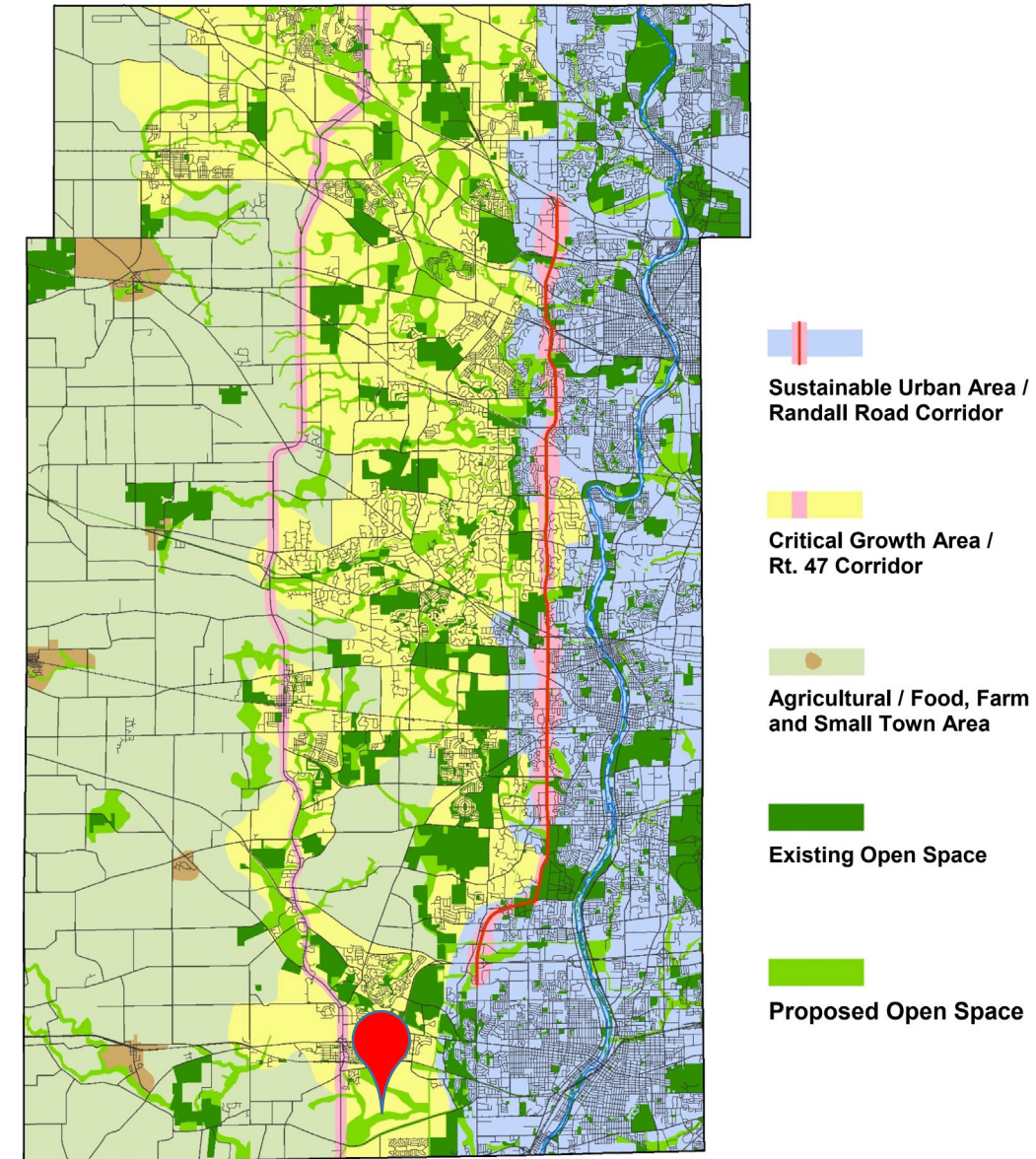
1. The Critical Growth Area continues to be where Kane County and the fast growing municipalities of the past two decades face the greatest challenges to sensible, managed growth
2. The Critical Growth Area is characterized by diversity and mix of planned municipal development, expanded transportation opportunities, additional open space initiatives, natural resource driven decision-making and healthy living

### The Conceptual Land Use Strategy Map:

A general land use map that divides the county into 3 major geographic corridors, each with unique land resources, development patterns, and planning opportunities.

## 2040 CONCEPTUAL LAND USE STRATEGY MAP

Adopted October 12, 2010





# 2040 Land Use Analysis

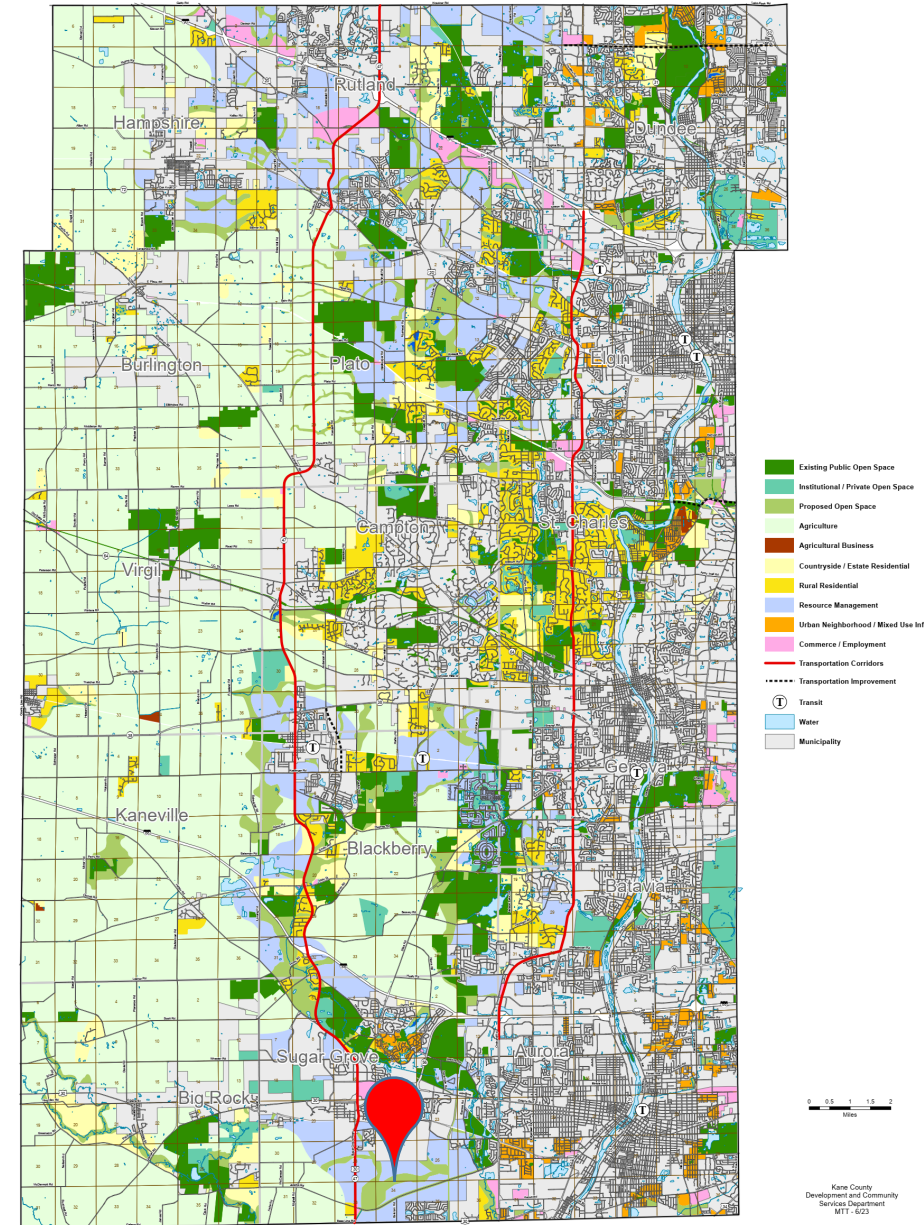
41W330 Jericho Road - Sugar Grove Twp. - Petition #4673

## 2040 Planned Use: Resource Management

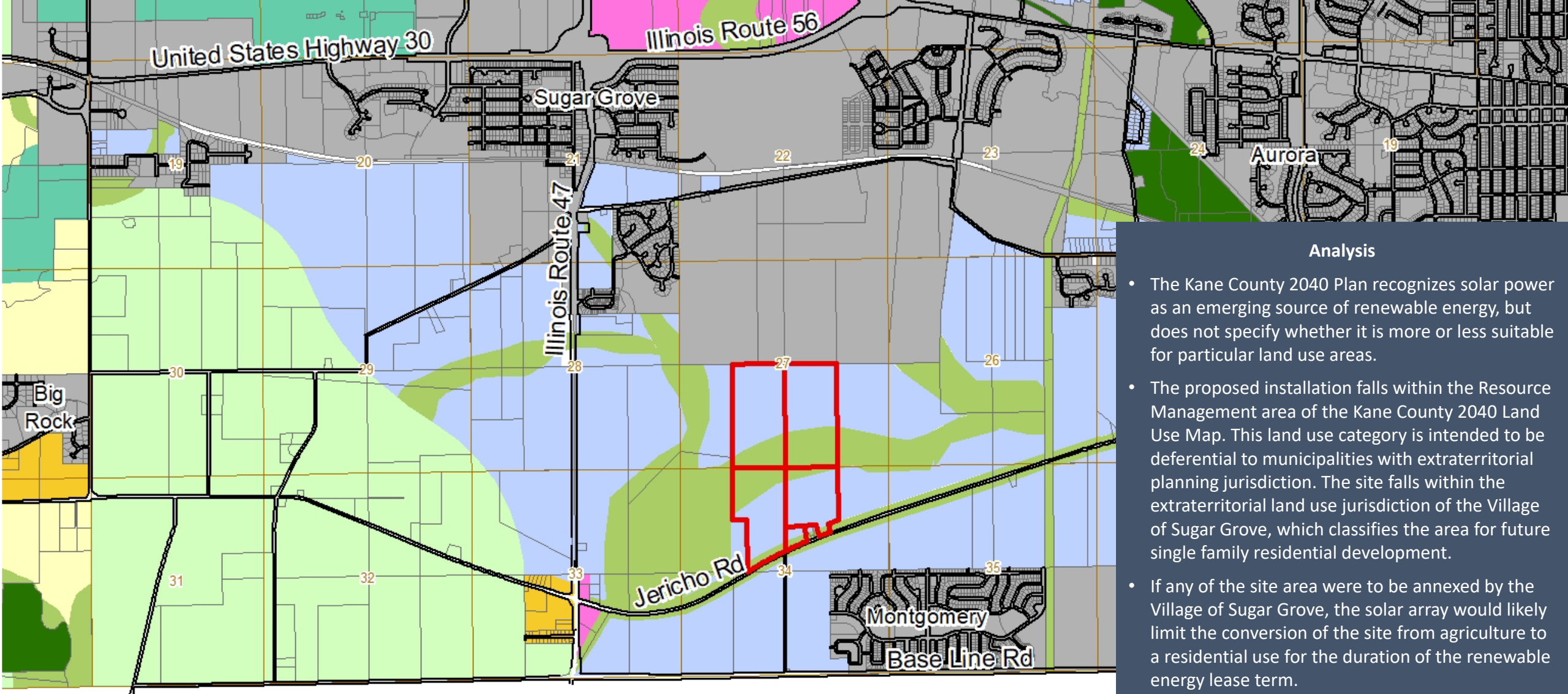
### Characteristics of Areas Planned for Resource Management

- Resource Management is a land use category that supports municipal and County compact, mixed use growth opportunities while emphasizing wise management of land and water resources
- Applies primarily to land within the Critical Growth Area
- Much of the growth in the Resource Management category will be the result of municipal annexations and land use decisions and, to a lesser extent, approval by the County as unincorporated development

## 2040 LAND USE







### Analysis

- 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 Resource Management area of the Kane County 2040 Land Use Map. This land use category is intended to be deferential to municipalities with extraterritorial planning jurisdiction. The site falls within the extraterritorial land use jurisdiction of the Village of Sugar Grove, which classifies the area for future single family residential development.
- If any of the site area were to be annexed by the Village of Sugar Grove, the solar array would likely limit the conversion of the site from agriculture to a residential use for the duration of the renewable energy lease term.
- The Resource Management land use category supports mixed use growth opportunities, but is also intended to be adaptive to municipal land use planning goals.

### 2040 Land Use





# Municipalities

**City of Aurora** – This is on Sugar Grove side of our Boundary Agreement; therefore, the City of Aurora does not have any comments regarding this proposal.

**Village of Montgomery** – Staff has reviewed the application for Orchard Solar (Petition 4673) and have no objections to the use; however, if there is future expansion to the south closer to Jericho Road, we would request additional landscaping to screen the solar field from Jericho Road be provided. The area to the south on the south side of Jericho is planned for residential development within the Village of Montgomery.

**Village of Sugar Grove** – After reviewing the proposed petition for a Special Use Permit for a solar facility for the property located at 41W330 Jericho Road, Aurora, IL 60554 the Village of Sugar Grove is not in support of the Special Use Permit. *See the full letter on the [Pending Zoning Petition](#) page of the Kane County website.*





October 9, 2025

Kane County Development Department  
719 S Batavia Avenue  
Geneva, IL 60134

RE: Special Use Permit Petition 4673 Orchard Solar 41W330 Jericho Road, Aurora, IL 60554

After reviewing the proposed petition for a Special Use Permit for a solar facility for the property located at 41W330 Jericho Road, Aurora, IL 60554 the Village of Sugar Grove is not in support of the Special Use Permit.

The proposed use does not meet the Villages standards for a Solar Farm and would interfere with the Villages future transportation plan that includes future roads running through this property. The proposed landscaping is deficient, the type of fence being proposed surrounding the property would not meet Village standards, the use of more native plants should be included in the landscape plan, and the project should meet all fire department requirements (attached).

The proposed Special Use also does not meet the required standards of a Special Use.

- A. 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.

*The Special Use of a large scale solar facility will be detrimental to the comfort and general welfare of the residents nearby. This site is adjacent to land that potentially in the future will be a residential development. In addition the site interferes with the Villages transportation plan, having future roads run through the site that would provide residents a safe path of travel with the future residential developments.*

- B. 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.

*The proposed special use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted as there is potential for residential adjacent to the site, residents are not going to want to live close to this large of a solar facility. This proposed use will diminish and impair property values within the future residential development that would abut directly to future residential, marketing and selling lots immediately adjacent to a large solar facility will be challenging.*

- C. 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.

*The special use will impede on the development of future residential due to its close proximity and also impede on the future proposed roads as part of the Villages transportation plan as there is no right-of-way dedicated and the future roads would run through the property.*

- D. Adequate utility, access roads, drainage and/or other necessary facilities have been or are being provided.  
*The Village is still in the process of reviewing these plans to see if these items are being met.*
- E. 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.  
*There are access concerns with construction traffic to this site.*
- F. The special use shall in all other aspects 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 proposed special use would not meet the Villages requirements for a solar farm to include, the type of fencing, landscaping, screening, providing right-of-way for future roads planned in the Villages Transportation Plan, and future paths to align with the Villages initiative for connectivity throughout the Village.*

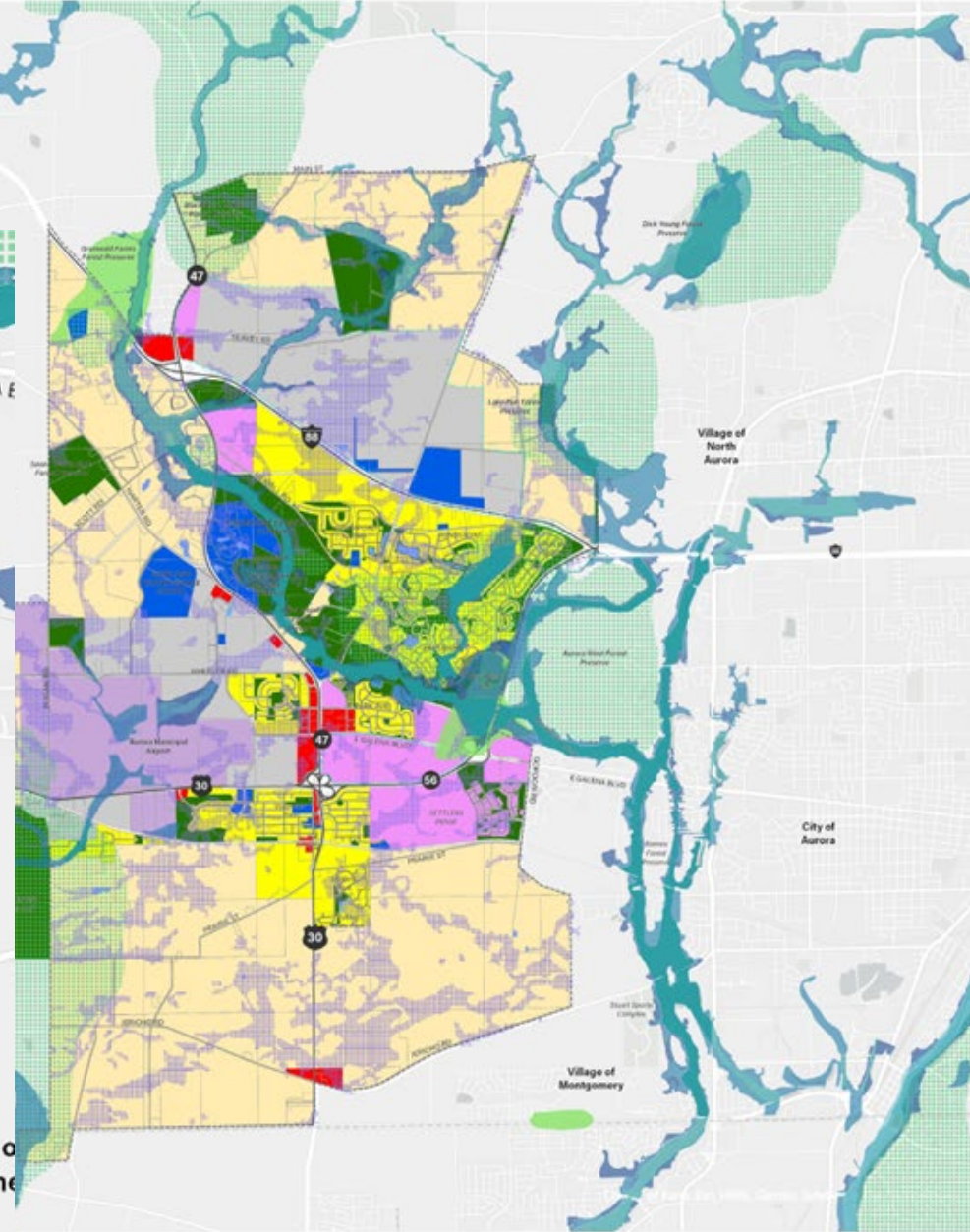
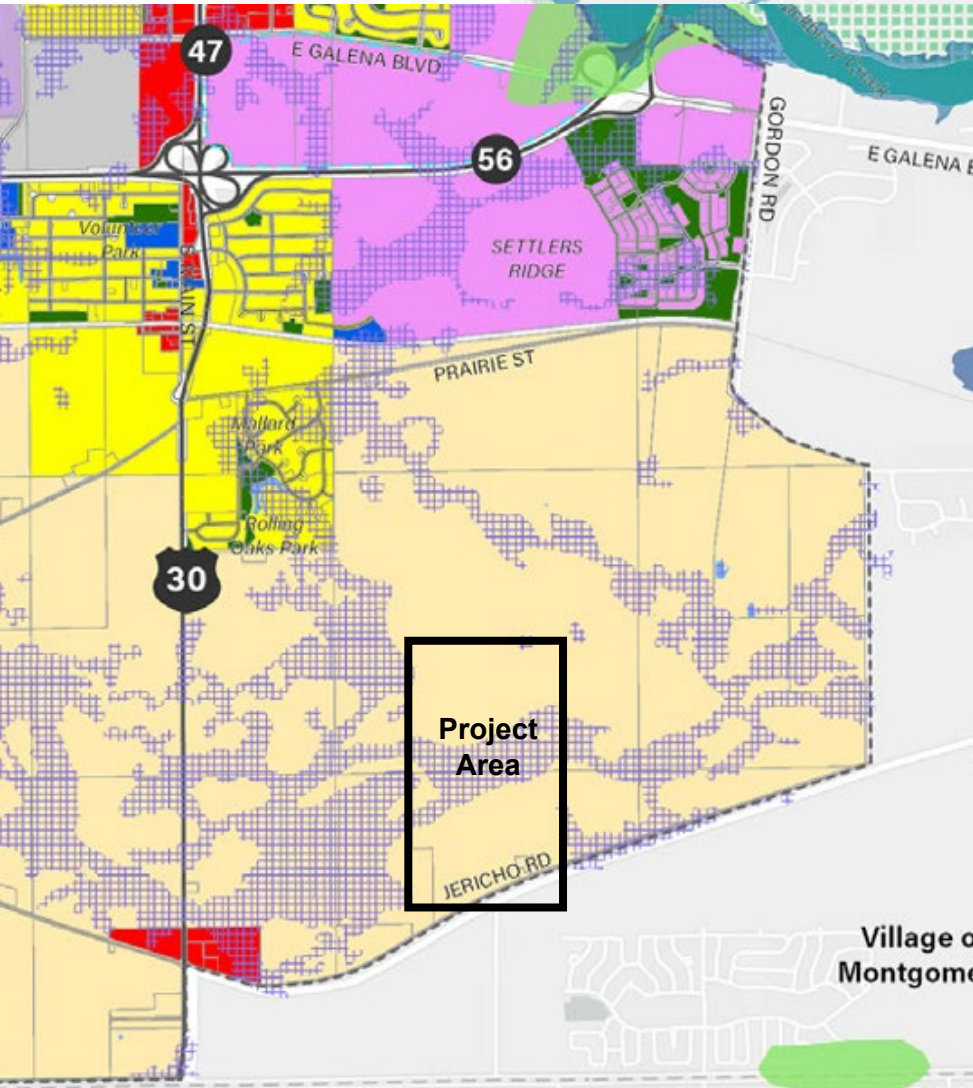
For these reasons the Village is objecting to the proposed Special Use for the property located at 41W330 Jericho Road. The Village plans to also approve a resolution objecting to this Special Use petition at the next Village Board meeting on October 21, 2025.

Sincerely,

Sue Stillwell  
Village President



**Figure 21: Future Land Use Map**



## Legend

- Growth Boundary
- City, County, and Township Roads
- US and State Roads
- Recommended for Annexation
- Parks and Open Space
- Public/Semi-Public
- Commercial
- Agriculture/Undeveloped
- Single Family Housing
- Business Park
- Airport
- Residential Flex

### Green Network Components\*

- Oak Forest
- Wet Prairies
- Hydrology
- 100-Year Flood
- 500-Year Flood
- Hydric Soils

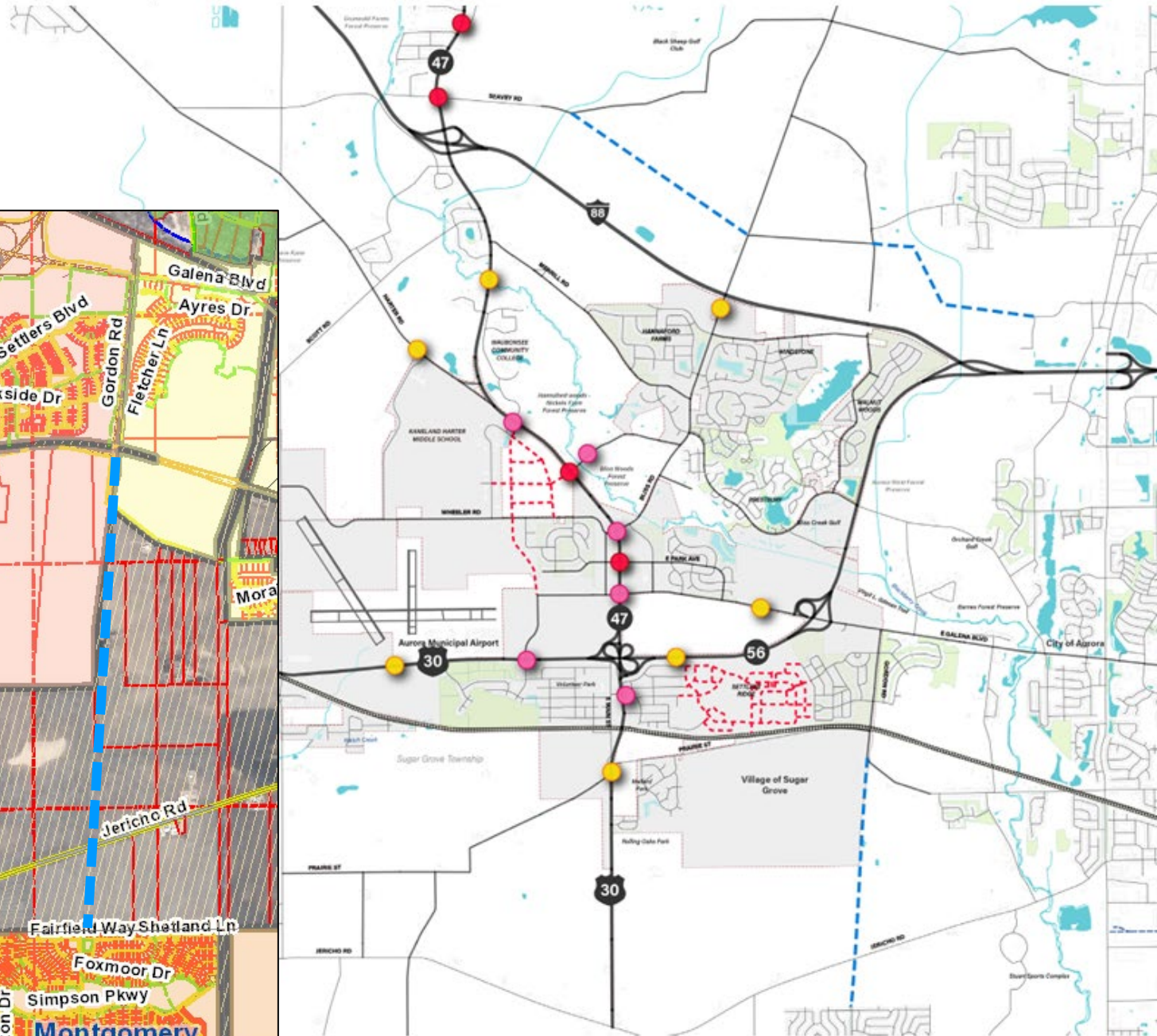
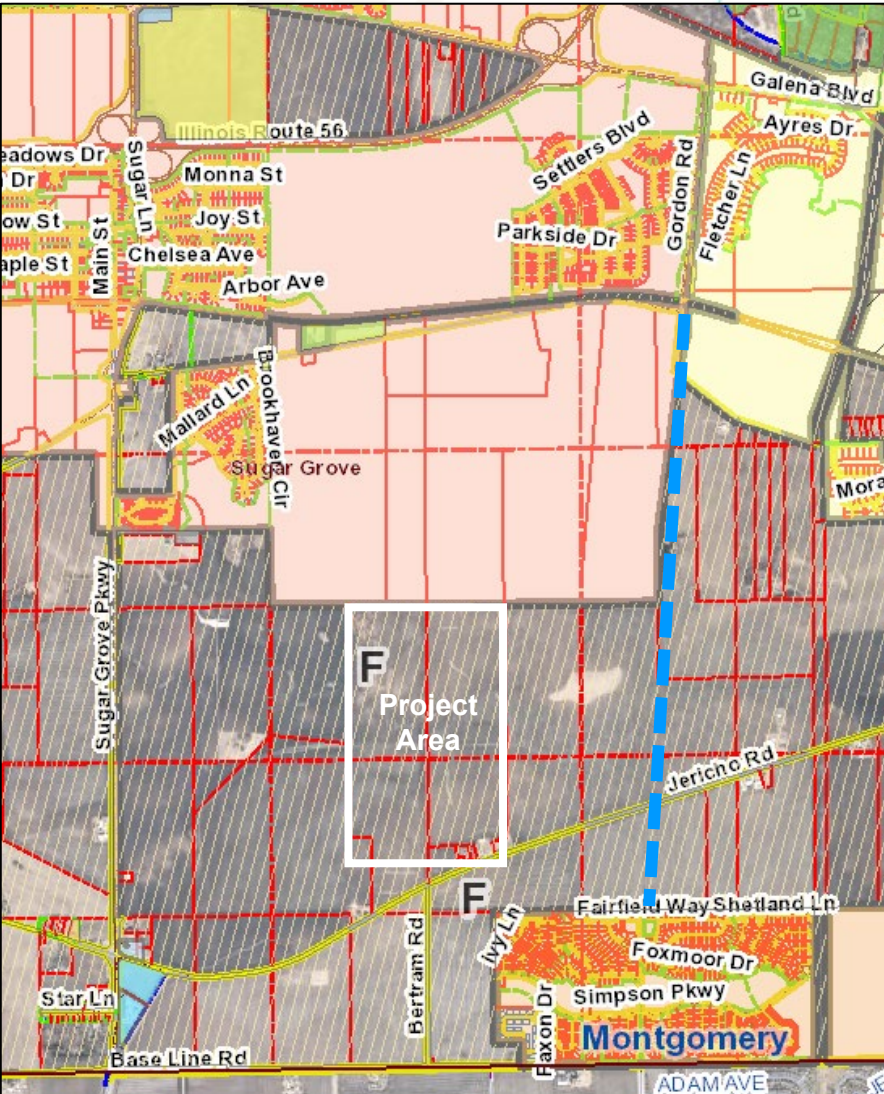
\*Green Network Components to provide ecosystem services: Water Flow Regulation/Flood Control, Water Purification, Ground water Recharge and Carbon Storage

See FLU definitions for further information including criteria for Village Center development.





**Figure 8: Proposed Transportation Map**



## Legend

-  Village Boundary
-  Existing Interstate
-  Existing Arterial
-  Existing Collector
-  Existing Local Road
-  Existing Path
-  Existing Railroad
-  Hydrology
-  Existing Parks
-  Proposed Stoplight
-  Proposed Gateway
-  Add/Improve Crosswalks
-  Proposed Alignments from Other Studies
-  Proposed Local Roads

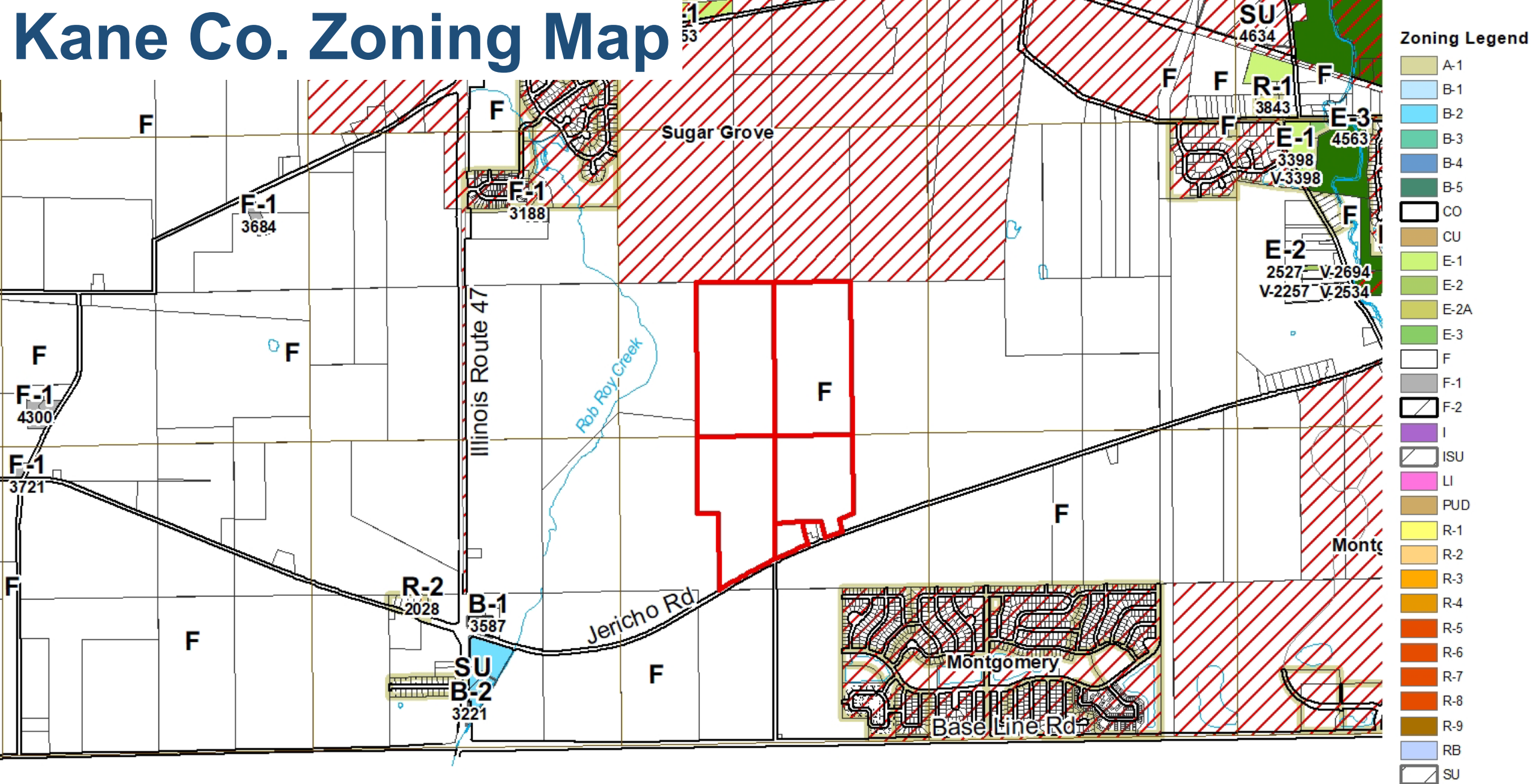
Source: Kane County, (Illinois), Design Workshop



0 0.5 1 2 MI



# Kane Co. Zoning Map



The subject property is currently zoned 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.

0 950 1,900 3,800 5,700 Feet



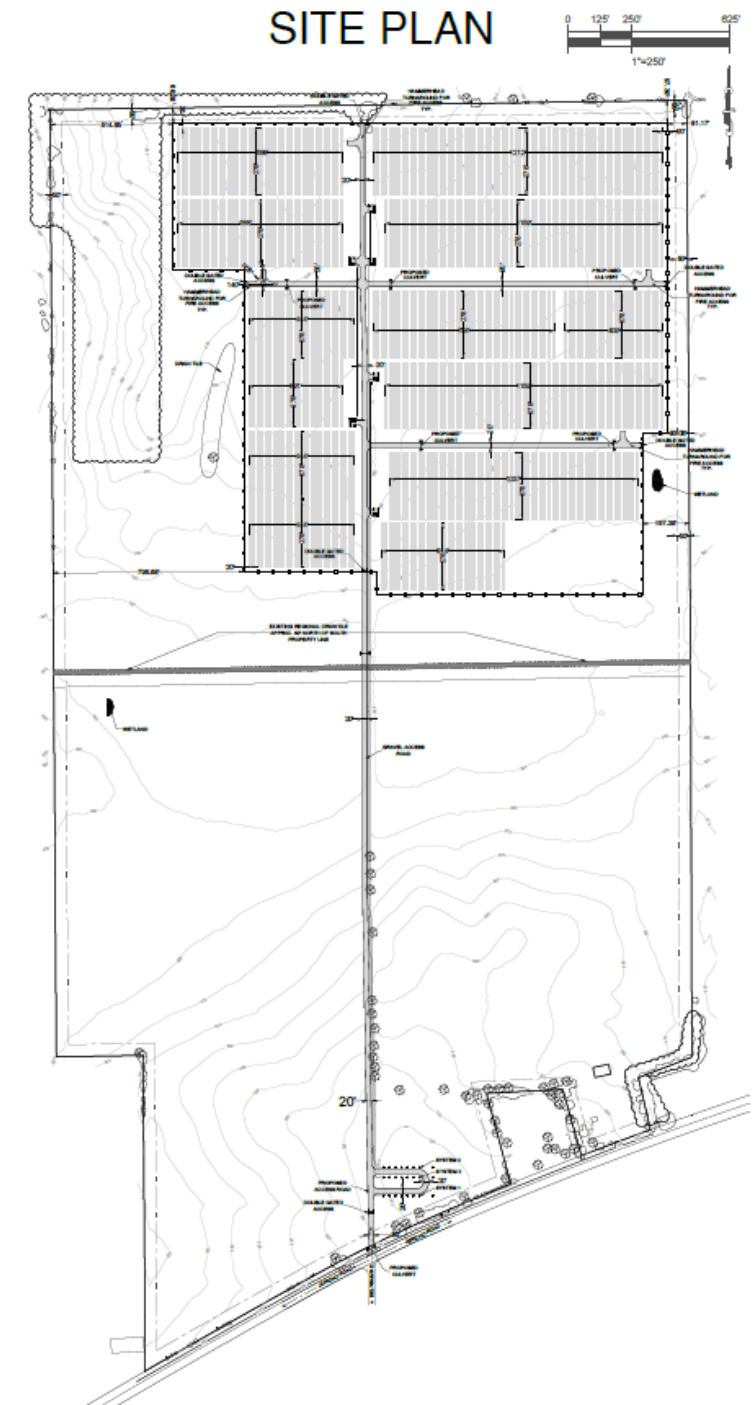
# Proposed Site Plan

The Commercial Solar Energy Facility shall be sited as follows, with **setback distances** measured from the nearest edge of any component of the facility:

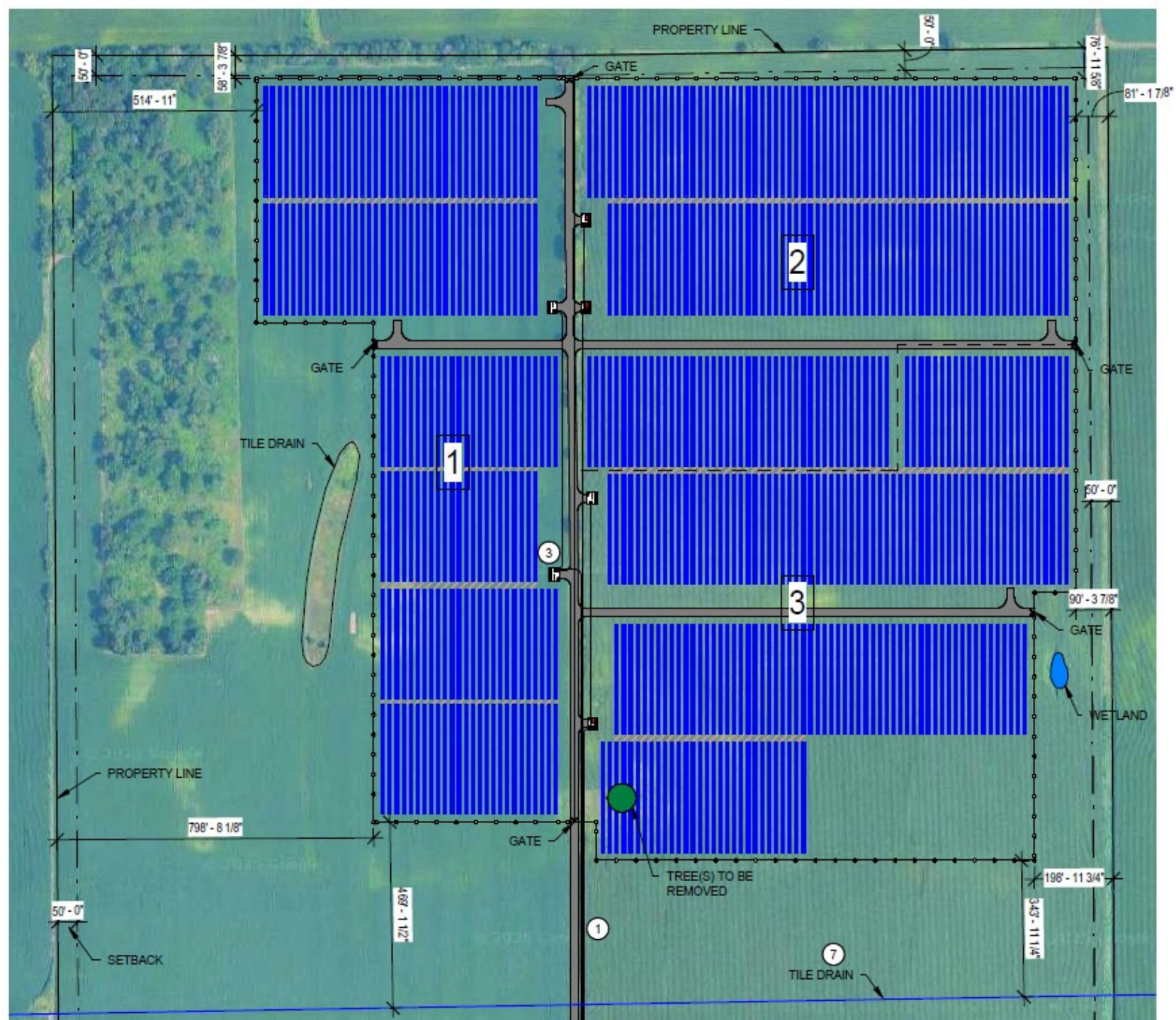
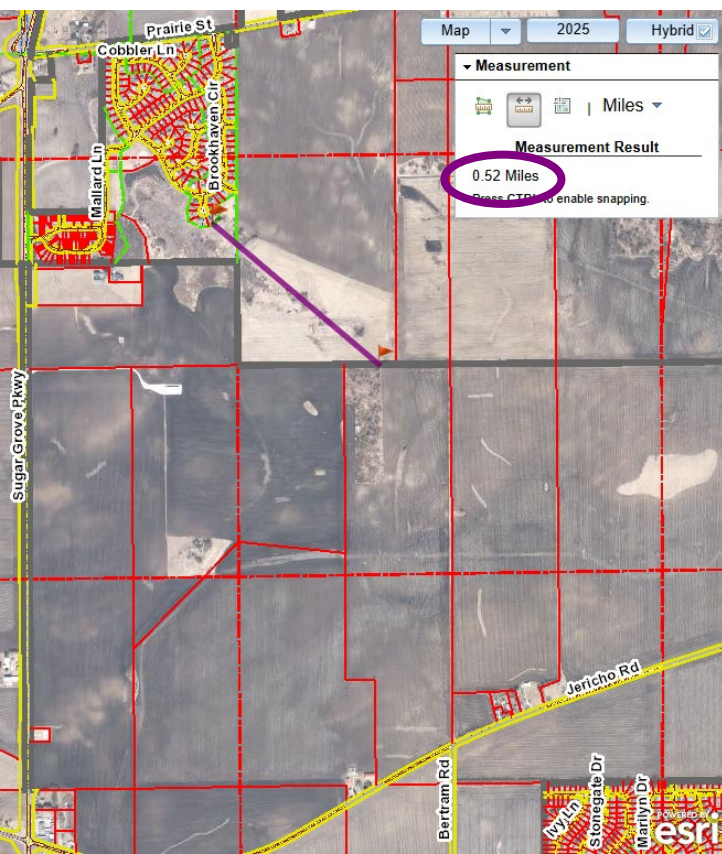
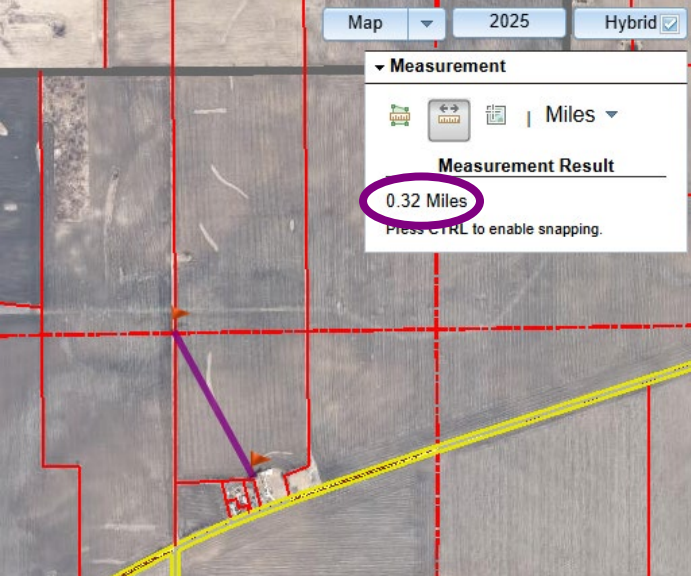
- 1) Occupied Community Buildings and Dwellings on Nonparticipating Properties: one hundred fifty (**150**) feet to the nearest point on the outside wall of the structure.
- 2) Boundary Lines of Participating Property: **None**.
- 3) Boundary Lines of Nonparticipating Property: fifty (**50**) feet to 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.



1 SITE PLAN  
SCALE: 1" = 250'-0"

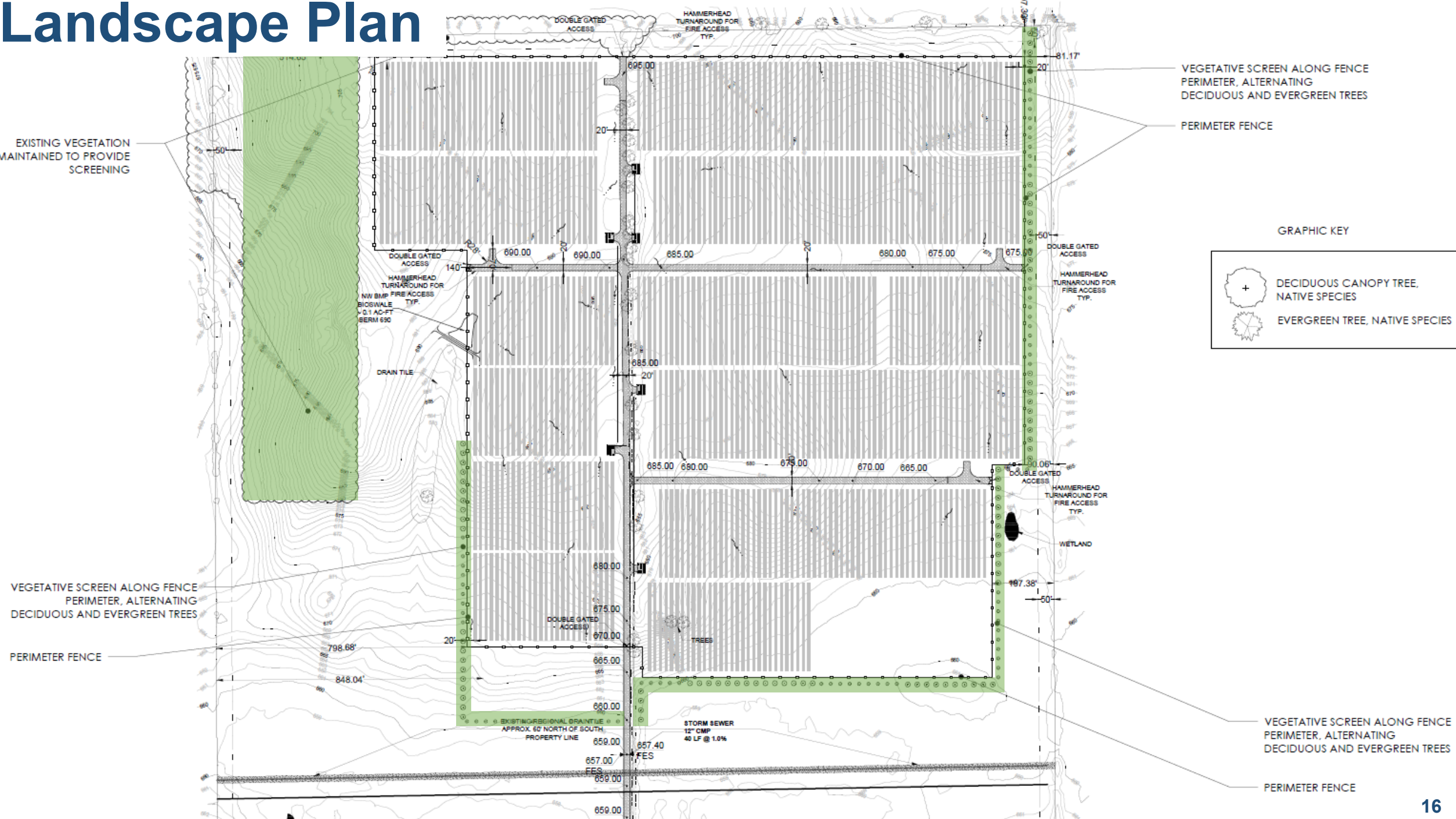








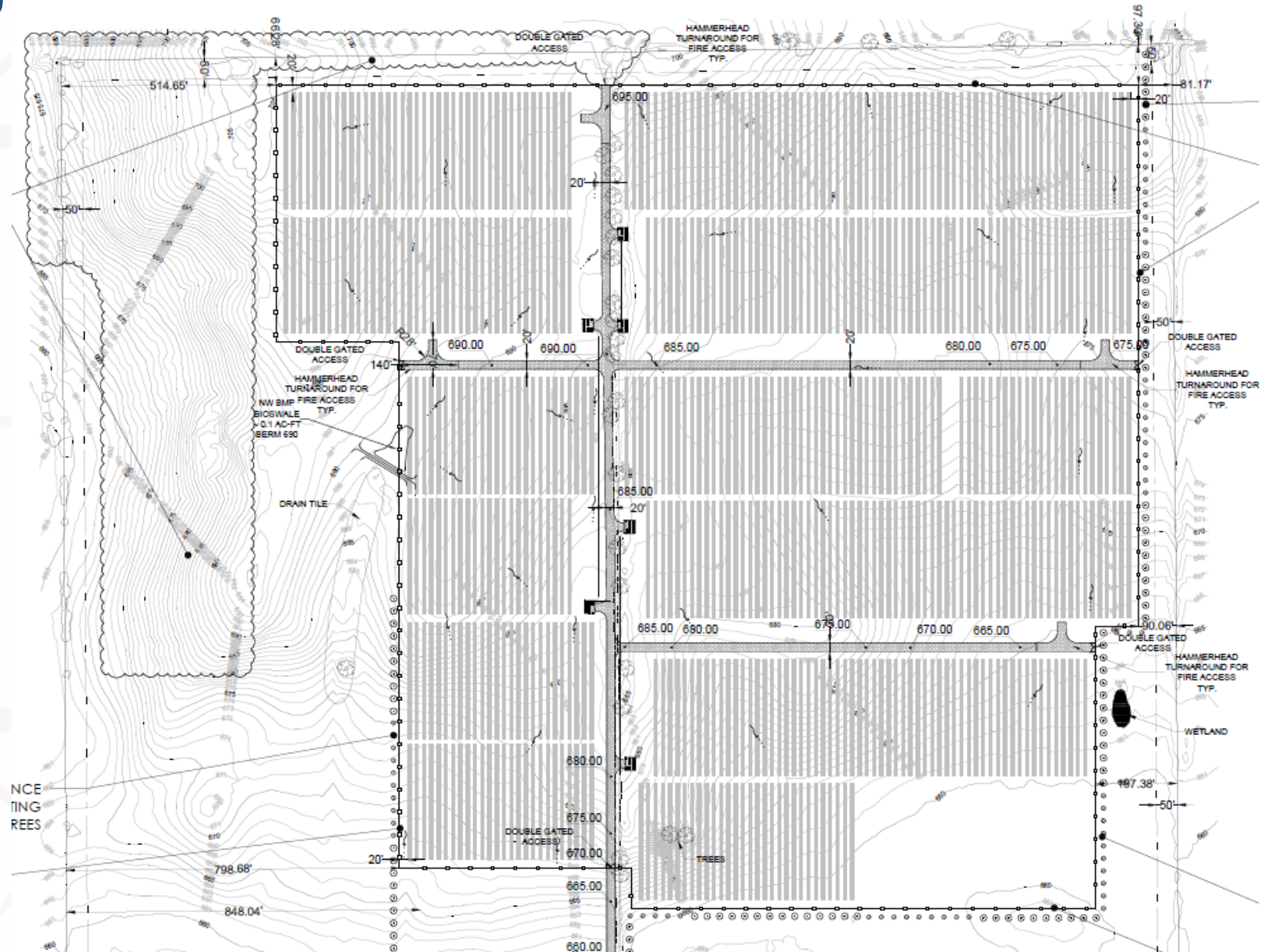
# Landscape Plan



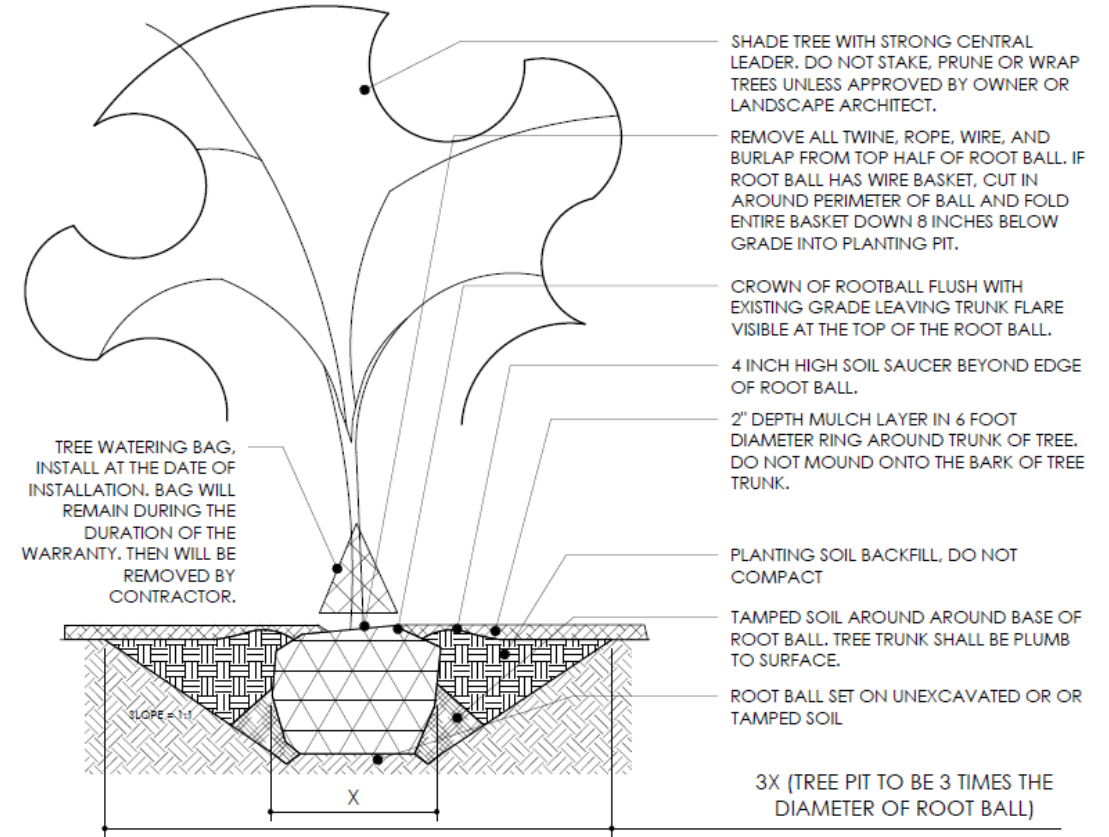
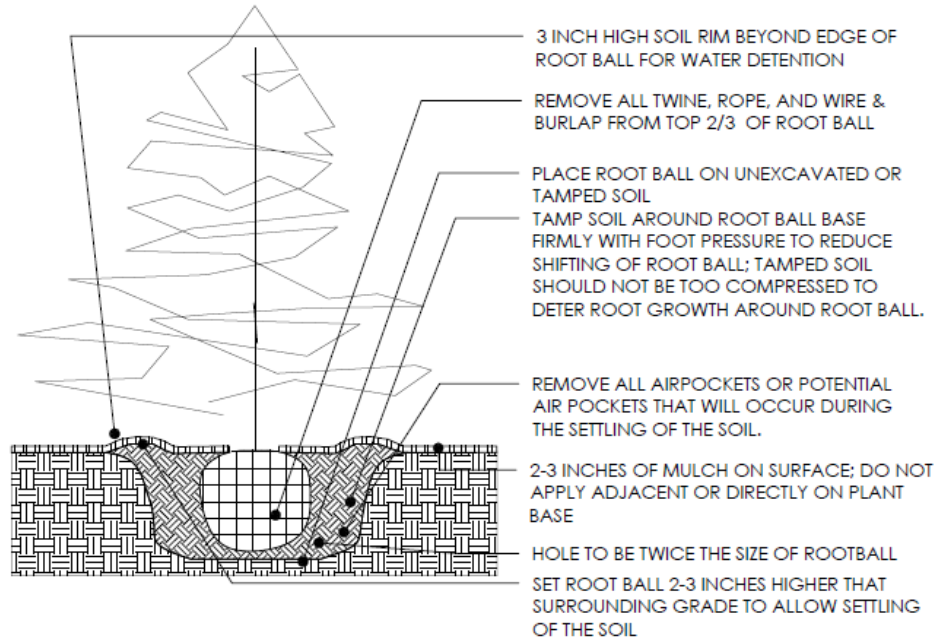


# Landscaping/Vegetation

- A vegetative screen shall be provided for any part of the Commercial Solar Energy Facility that is visible to Non-participating Residence(s).
- The landscaping screen shall be located between the required fencing and the property line of the participating parcel upon which the facility sits.
- 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.

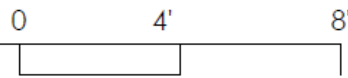






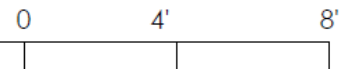
## EVERGREEN TREE DETAIL

SCALE: 1/4"=1'-0"



## DECIDUOUS TREE DETAIL

SCALE: 1/4"=1'-0"





**Fencing:** A fence of at least eight (8) feet and not more than twenty-five (25) feet in height shall enclose and secure the Commercial Solar Energy Facility.





# Water Resources

**The Water Resources department recommends the following stipulations for 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 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.
8. 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.
9. 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.
10. 80% vegetative coverage for plantings will be a requirement for the site.
11. 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.
12. Floodplain, Wetland, Compensatory Storage, BMPs and Stormwater Management must be placed in a Conservation or Drainage Easement.



# Transportation

- The **Kane County Department of Transportation (KDOT)** reviewed this Petition. Per their comments, the Petitioner shall obtain a temporary and final access permit from the Kane County Division of Transportation.

# Environmental Health

- The **Kane County Health Department** reviewed this Petition and had no comments regarding the proposed use or site plan.

# Fire Protection

- No comments from the **Sugar Grove Fire Protection District** received as of 10-17-2025.



# EcoCAT Report

## Illinois Department of Natural Resources (IDNR)

The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. **The Department has evaluated this information and concluded that adverse effects are unlikely.**

However, the Department recommends:

- Establishing pollinator-friendly habitat as groundcover wherever feasible.
- The site should be de-compacted before planting.
- Long term management of the site should be planned for prior to development to ensure successful native pollinator habitat establishment and prevent the spread of invasive species throughout the lifetime of this project. An experienced ecological management consultant should be hired to assist with long-term management.
- Required fencing, excluding areas near or adjacent to public access areas, should have a 6-inch gap along the bottom to prevent the restriction of wildlife movement. Woven wire or a suitable habitat wildlife friendly fence should be used. Barbed wire should be avoided.
- Trees should be cleared between November 1st and March 31st. All night lighting should follow IDA guidance.







# Section 7 Consultation

## United States Fish & Wildlife Service (USFWS)

- The Letter from the USFWS suggests that the geographical project area includes a total of four (4) threatened, endangered, or candidate species; the IPAC report also notes that there are no critical habitats within the project area, but that a biological assessment is recommended to determine if the project may have any effects on any of the listed species.



# Additional Reviews/Analysis

- **United States Army Corps of Engineers (USACE)**

- It appears that there are no proposed aquatic resource impacts on the project site. If that is the case then no further coordination with our office is necessary.

- **Illinois Nature Preserves Commission (INPC)**

- No State Dedicated Nature Preserves identified in the vicinity of the proposed solar farm.

- **Illinois Department of Agriculture (IDOA)**

- Executed AIMA Agreement was received.

- **Illinois State Historic Preservation Office (IL SHPO)**

- The project has a high probability of containing significant archeological resources. Known site 11K796 is recorded within the project area. Accordingly, a Phase 1 archeological survey to locate, identify, and evaluate this archeological resource will be required. Terracon archaeologists conducted a survey of the approximate 4.45-acre direct Project Area on August 26, 2025 to re-evaluate the previously recorded archaeological site 11K796. Site 11K796 was not relocated. No other sites or structures were found in the project area. Terracon recommends a finding of no historic properties affected and recommends that no additional archaeological investigations are warranted for the project, as currently defined, pending SHPO approval.

# Recommended 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 Base8. 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 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.
8. 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.
9. 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.
10. 80% vegetative coverage for plantings will be a requirement for the site.
11. 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.
12. Floodplain, Wetland, Compensatory Storage, BMPs and Stormwater Management must be placed in a Conservation or Drainage Easement.
13. The Petitioner shall obtain a temporary and final access permit from the Kane County Division of Transportation (KDOT).
14. Vegetative screening consistent with the Kane County Zoning Ordinance shall be provided and shall include at minimum a continuous line of evergreen trees along the northern perimeter of the facility with a minimum planting height of 5 feet and a maximum separation distance of 15 feet on center.
15. Required fencing, excluding areas near or adjacent to public access areas, should have a 6-inch gap along the bottom to prevent the restriction of wildlife movement. Woven wire or a suitable habitat wildlife friendly fence should be used.



# Special Use Standards / ZBA Findings

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.

# Zoning Entitlement Process

|                               |                   |
|-------------------------------|-------------------|
| Regional Planning Commission: | N/A               |
| Zoning Board of Appeals:      | October 28, 2025  |
| Development Committee:        | November 18, 2025 |
| Kane County Board:            | December 9, 2025  |

Petition 4673 will be considered by the **Development Committee** at its upcoming meeting currently scheduled for **10:30 a.m., Tuesday, November 18, 2025** 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 must signify their intention to do so by signing a sheet provided for such purpose at the meeting at which such petition is to be considered.

Petition 4673 will be considered by the **Kane County Board** at its upcoming meeting currently set for **9:45 a.m., Tuesday, December 9, 2025** 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 County Board must file their intention to do so with the Zoning Enforcement Officer no later than the Friday preceding the County Board meeting at which the petition is to be considered.