



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: October 28, 2025

TO: Kane County Zoning Board of Appeals

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

SUBJECT: Zoning Petition No. 4673 “CFP IL Orchard Solar”

GENERAL INFORMATION

APPLICANT

CFP IL Orchard Solar, LLC

PROPERTY OWNER

J G Farm Properties, 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 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).

KANE COUNTY BOARD DISTRICT

05 Bill Lenert

PROJECT DESCRIPTION

The Applicant has prepared this application for a 15-megawatt alternating current (MW AC or MWac) Commercial Solar Energy Facility project on the subject property listed above. Orchard Solar includes three 5 MWac community solar facilities which will require a footprint of approximately 82 acres and utilize approximately 5 acres under an easement on the Property for two purposes: use of an access road to the Project off Jericho Rd. and a bank of utility poles adjacent to the access road ingress/egress.

See ‘Project Narrative’ for more information.

SUBMITTAL DOCUMENTS

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. See also “Exhibit A” Zoning Petition No. 4673 Submittal Documents attached.

PUBLIC 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.



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REVIEW & ANALYSIS

ZONING

The subject property is currently zoned F-Farming District and is bordered to the north by the Village of Sugar Grove (vacant agricultural land), and to the east, south, and west, by F-Farming District. There have been no other zoning actions granted on the subject property in the past.

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 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.

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 full letter on the [Pending Zoning Petition](#) page of the Kane County website.



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WATER RESOURCES

The Water Resources department has reviewed the Zoning Petition and recommends the following twelve (12) 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 provided no comments.

FIRE PROTECTION DISTRICT

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



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ADDITIONAL REPORTS & ANALYSIS

- Results and recommendations from the Illinois Department of Natural Resources (IDNR) obtained through the **Ecological Compliance Assessment Tool (EcoCAT)** – *The IDNR 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.*
- Resource Preservation Review from the **Illinois State Historic Preservation Office (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.*
- **Natural Resources Inventory (NRI) Report** from the Kane-DuPage Soil & Water Conservation District (SWCD) – *Of this parcel, 39 percent or 109.3 acres are considered Farmland of Statewide Importance. The LE value for this site is 29 and the SA value is 43 for a total LESA score of 72. This score represents Low Protection effort warranted.*
- Results of any **United States Fish and Wildlife Service's** Information for Planning and Consulting environmental review – *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.*
- **The U.S. Army Corps of Engineers Chicago District** – *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.*
- Documentation demonstrating avoidance of protected lands as identified by IDNR and the Illinois **Nature Preserve Commission (INPC)** – *No State Dedicated Nature Preserves identified in the vicinity of the proposed solar facility.*
- Executed **Agricultural Impact Mitigation Agreement (AIMA)** with the Illinois Department of Agriculture was 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.



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RECOMMENDED STIPULATIONS

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

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.
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.



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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.

NEXT STEPS

Petition 4666, the subject of this public hearing, 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 4666, the subject of this public hearing, 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.

ATTACHMENTS

- Exhibit A - Zoning Petition No. 4673 Submittal Documents



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"Exhibit A" Zoning Petition No. 4673 Submittal Documents

[4673_01.1_Kane County Zoning Application - Orchard Solar Signed 09.16.25.pdf](#)

[4673_01.2_Acknowledgement Statement – Orchard \(Executed\).pdf](#)

[4673_02_SUP Standards Worksheet - Orchard Solar Signed 09.16.25.pdf](#)

[4673_03_Project Narrative - CFP IL Orchard Solar FINAL 09.18.25.pdf](#)

[4673_04_Site Control Lease & Easement - Orchard Kane Co Recorded 09.16.25.pdf](#)

[4673_04_CFP Site Control Assignments - Orchard Solar.pdf](#)

[4673_05_ALTA Survey - Orchard Solar.PDF](#)

[4673_06_Solar Equipment Manufacturer Specs.pdf](#)

[4673_07_Noise Analysis - Orchard Solar.pdf](#)

[4673_08-Decomissioning Plan - Orchard Solar.pdf](#)

[4673_12_Glare Study Report & Analysis - Orchard Solar.pdf](#)

[4673_13_Legal Description - Orchard Solar.pdf](#)

[4673_14_Certification of Notification to Adjacent Landowners - Orchard.pdf](#)

[4673_17.1_Geometric Site Plans - Orchard Solar.pdf](#)

[4673_17.2_Electrical Plans - Orchard Solar.pdf](#)

[4673_18_Landscape & Screening Plan - Orchard Solar.pdf](#)

[4673_20_EcoCAT Report & Letter - Orchard Solar 05.19.25.pdf](#)

[4673_21.1_IL SHPO Letter - Orchard Solar 08.12.25.pdf](#)

[4673_21.2_Archaeological Survey - Orchard Solar 09.18.25.pdf](#)

[4673_22_NRI 25-070 Report - Orchard Solar.pdf](#)

[4673_23_USFWS IPAC Report - Orchard Solar 05.19.25.pdf](#)

[4673_24_USACE Responce LRC-2025-436-NWP-Kane IL - Orchard Solar.pdf](#)

[4673_25_AIMA CFP IL Orchard Solar LLC - Executed 08.07.25.pdf](#)

[4673_26_Public Lands Map - Orchard Solar 10.02.25.pdf](#)

[4673_27_Preliminary Road Use Approval - Orchard Solar KDOT Response 09.07.25.pdf](#)

[4673_28_Structural Engineer Certificate - Orchard Solar.pdf](#)

[4673_29_FEMA Flood Map - Orchard Solar.pdf](#)

[4673_30_Aquatic Resources Delineation Report - Orchard Solar 07.11.25.pdf](#)

[4673_31_Topo Map Existing Conditions - Orchard Solar.pdf](#)

[4673_32_Preliminary Farmland Drain Tile Investigation - Orchard Solar.pdf](#)

[4673_33_Preliminary Stormwater Report - Orchard Solar.pdf](#)

[4673_34_Phase I ESA - Orchard Solar 06.02.25.pdf](#)

[4673_35_CFP Access Roads Engineer Letter.pdf](#)