Applicant: Douglas Family Butterfly Garden and Solar Farm LLC
A Subsidiary of SunCode LLC

SPECIAL USE PERMIT APPLICATION FOR

KANE COUNTY, ILLINOIS PIN: 11-35-300-010, 11-34-400-005, 11-34-200-019

APRIL 2026 | VERSION 1

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SunCode LLC (Owner) of Douglas Family Butterfly Garden and Solar Farm LLC

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1.0 INTRODUCTION

1.1 PROJECT OVERVIEW

Douglas Family Butterfly Garden and Solar Farm LLC ("Douglas Family Solar Farm", collectively known as the **Applicant**), a wholly-owned entity of SunCode LLC, hereby submits this application for a Special Use Permit to construct, operate, and maintain the Douglas Family Butterfly Garden and Solar Farm LLC, a proposed solar project of 5.0 MWac aggregate Commercial Solar Energy Facility (**Project**) on approximately 31.0 acres) south of Norris Road and east of Bliss Road in unincorporated Kane County, Illinois.

The Project will utilize approximately 31.0 acres of leased property (**Property Area**). The Project will enter into a lease agreement with Alder Drive, LLC, for three (3) parcels of land, which will host the Project's infrastructure (PIN: 11-35-300-010, 11-34-400-005, and 11-34-200-019). The Project Area's current land usage can be characterized as farmland. The Project has one proposed access road off Norris Road. The Project will deliver power to the electrical grid through one point of interconnection via the ComEd power lines on (north or south) side of Norris Road.

The Project Area is currently zoned F - Farmland. The Kane County Zoning Ordinance (Article VIII Section 25-8-1-2) allows for the construction and operation of Commercial Solar Energy Facilities as a special use. The Project is designed to comply with all setbacks prescribed in the applicable provisions of the Kane County Zoning Ordinance and Section 5/5-12020 of the Illinois Counties Code (55 ILCS 5/5-12020).

Prior to submitting for a Special Use Permit, the Applicant met with Kane County at a Technical Staff meeting on 01/26/2026 at 10:45am. The Client has sent notices to the surrounding landowners, announcing the submission of the Special Use Permit application. Once the public hearing is scheduled, the Applicant will provide notice to neighbors and other relevant stakeholders.

1.2 ABOUT SUNCODE ENERGY

SunCode LLC ("SunCode") is an experienced renewable energy development and investment company headquartered in Irvine, California, with regional offices in many states in the United States and an international footprint. Specialized in developing energy projects from concept to asset, the SunCode team has developed over 4GW of solar and battery storage systems in the United States and internationally.

Through partnerships with landowners, building owners, and investors, SunCode is committed to providing the most efficient and affordable clean energy solutions to business owners, corporations, utilities, and communities worldwide.

2.0 PROJECT DESCRIPTION

The Project Area is currently cultivated farmland. The subject parcels (11-35-300-010, 11-34-400-005, 11-34-200-019) are located in unincorporated Kane County and zoned F Farming District. The properties to the north, south and west of the site are also unincorporated zoned F (Farming) and the properties to the east of the site are unincorporated zoned F-1 (Rural Residential). The Special Use Permit would apply to the entirety of each parcel and would be transferable if Douglas Family Solar Farm is sold by SunCode. A Battery Energy Storage System (BESS) is not provided as part of the Project.

The Project, if approved, will be a ground-mounted Commercial Solar Energy Facility comprised of solar photovoltaic (PV) modules, a racking system, inverters, and underground electrical conduits connecting PV array blocks with the inverters. Additional information on the proposed Modules and Inverters can be found int **Exhibit E**, Solar Equipment Manufactures Specs Access and on **Exhibit M**, the Geometric Site Plan. roads with gated entrances are located throughout the site for construction access and maintenance of the inverters. The array resides in a fenced area with its own access gate to allow for maintenance.

Access to the site is proposed via a driveway off of Norris Road, as shown on the Geometric Site Plan in **Exhibit M**. Security fencing will enclose the perimeter of the Project, with road access secured through locked metal gates. A series of internal access roads will be used to provide access to Project equipment for future maintenance. These access roads will be a pervious material and will be verified upon final design with the geotechnical engineer recommendations.

Alder Drive, LLC, the current landowner of the subject parcels, entered into a lease agreement with SunCode, included as **Exhibit C**.

The Geometric Site Plan is included as **Exhibit M**.

2.1 INTERCONNECTION FACILITIES

The Project will ultimately deliver power to the ComEd Substation via a 34.5 kV ComEd Distribution line running along Norris Road. The Project will have one unique point of interconnection and associated infrastructure to the new ComEd line. The Project has the capacity to provide up to 5.0 MWac of energy into the grid which will provide enough electricity to power approximately 1,625 ComEd homes in year one according to the U.S. Environmental Protection Agency.

2.2 ECONOMIC BENEFITS

The estimated year one tax revenue from the Project is $38,242 and the Project is forecasted to generate $872,120 over the 35 year lifespan of the system. The Project can serve residential and commercial customers across ComEd's utility territory. Additionally, the local community may opt in to receive discounted power from this system specifically.

2.3 PROJECT CONSTRUCTION

Dust and noise from construction will be mitigated with industry standard best management practices. Work hours will be limited to 8am – 6pm, Monday through Friday, or as otherwise directed by the County. Below is a high-level construction schedule including number of vehicle trips.

Estimated Vehicles During Construction				
Time Period	**Construction Activity**	**Estimated Increase in Vehicles (All Vehicles)**	**Estimated Total Vehicles Per Day**	**Estimated Total Heavy Vehicles Per Month**
Month 1	Mobilization, Site Clearing, Erosion Control, and Initial Access Drive Improvements	8 – 10 personal vehicles per work day, 3 – 6 contractor vehicles per work day, 1 – 2 material deliveries (tractor-trailer trucks, tandem dump trucks) per work day, 1 – 2 equipment delivery (30-foot bed, box trucks) per week	13 – 20	24 – 48
Months 2 – 5	Fence, Solar Array, and Final Access Road Improvements	20 – 30 personal vehicles per work day, 6 – 8 contractor vehicles per work day, 3 – 4 material deliveries (tractor-trailer truck) per work day, and 1 – 2 equipment deliveries (30-foot bed, box trucks, concrete trucks) per work day.	30 – 44	80 – 120
Month 6	Commissioning and Demobilization	6 – 8 personal vehicles per work day, 3 – 6 contractor vehicles per work day, and approx. 1 equipment removal (tractor-trailer truck) per week.	9 - 14	4

All equipment uses and operations will be conducted to avoid impeding the flow of traffic on adjacent roadways. Contractor shall maintain access to adjacent landowners for the duration of the project construction. The Contractor shall be fully responsible to provide signs, barricades, warning lights, guard rails, and employ flaggers as necessary when construction endangers either vehicular or pedestrian traffic. These devices shall remain in place until the traffic may proceed normally again. Equipment will operate in the road right-of-way only to add gravel and make minor improvements to proposed site

access driveways. Project construction shall ensure all equipment is properly maintained and equipped with the manufacturer's standard noise control devices.

2.4 HEALTH AND SAFETY

During the Special Use Permit process, the Project has coordinated with the Sugar Grove Fire Protection District to ensure the Project adheres to any and all requirements from the fire protection district. This communication is included as **Exhibit GG**. This communication with the Sugar Grove Fire Protection, and any additional relevant emergency responders, will continue to ensure adequate plans and systems are in place in the unlikely event a safety issue emerges. Appropriate signage containing necessary contact and safety information for the Commercial Solar Energy Facility will be displayed in accordance with local code and coordination with staff. Upon request, a walk-through of the site with the local authorities and emergency agencies will be scheduled once construction is complete. Emergency personnel will also be given the key or code to access the facility.

Commercial Solar Energy Facilities do not raise concern for fire and explosive hazards. The solar panels and racking, which comprise most of the Project's equipment, are not flammable. Tempered glass offers protection from heat and the elements, and the panels are designed to absorb heat as solar energy. From a study titled Health and Safety Impacts of Solar Photovoltaics by North Carolina State University:

> *"…Concern over solar fire hazards should be limited because only a small portion of materials in the panels are flammable, and those components cannot self-support a significant fire. Flammable components of PV panels include the thin layers of polymer encapsulates surrounding the PV cells, polymer back sheets (framed panels only), plastic junction boxes on rear of panel, and insulation on wiring. The rest of the panel is composed of non-flammable components, notably including one or two layers of protective glass that make up over three quarters of the panel's weight."* (Cleveland, 2017, p.16).

2.5 OPERATIONS AND MAINTENANCE

Once constructed, the Commercial Solar Energy Facility will operate throughout the year, passively generating renewable energy. The site and equipment will be designed, approved, maintained, and inspected to ensure safety and security. Maintenance activities during operation are expected to be minimal with occasional service for inverters and transformers. Solar panels are monitored remotely. Traffic is not anticipated to increase during the operations of the Project.

Maintenance operations will likely be carried out rarely and with minimal traffic as only one vehicle will likely be needed to help carry out tasks and maintenance several times a year. To prevent shading of the panels for solar energy production, an on-going vegetation maintenance program will be implemented for all vegetated areas within the fenced boundary and buffer areas. After construction is complete and stabilized vegetation has been established within the fenced Project Area, the Project will conduct vegetative management at appropriate frequency based on weather and moisture conditions. This management schedule would continue each year until implementation of the Decommissioning Plan, included in **Exhibit G**.

3.0 FEDERAL AND STATE APPROVALS, PERMITS, AND AGREEMENTS

3.1 FEDERAL AVIATION ADMINISTRATION (FAA)

This project is not within the FAA established 500 foot boundary of an airport, it does not require a glint and glare screening. Based on the result of the FAA Notice Criteria Tool the coordinates for this project and structure heights “do not exceed notice criteria”.

3.2 FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) portal was consulted to determine if any FEMA 100-year floodplains are on the site. Per FEMA, there are no FEMA 100-year floodplain Zone A areas located within the project area. The site resides on FEMA Panel 17089C0310H, effective 08/03/2009.

3.3 UNITED STATES ARMY CORPS OF ENGINEERS (USACE)

A desktop wetland delineation investigation was performed by Kimley-Horn, dated March 2026. This delineation identified one (1) upland grassy swale. The upland grassy swale is anticipated to be USACE non-jurisdictional. The delineation report is included as **Exhibit Y**.

The Project has requested an Approved Jurisdictional Determination (AJD) and a No Permit Required (NPR) letter from the Chicago Office of the United States Army Corps of Engineers (USACE). The Project will adhere to the determination and any permits required by the USACE. Proof of correspondence to USACE can be found as **Exhibit S**.

3.4 U.S. FISH & WILDLIFE SERVICE (USFWS)

The Project will be designed such that federally listed species will not be significantly impacted. Solar projects typically impose only minimal impacts on wildlife species. Douglas Family Butterfly Garden and Solar Farm LLC evaluated the Project’s potential to impact federally protected species. The assessment performed by Kimley-Horn identified three species of birds and insects that may be present within the project area: *Grus americana* (Whooping Crane), *Danaus plexippus* (Monarch Butterfly), and *Argynnis idalia occidentalis* (Western Regal Fritillary). The assessment found no critical habitats within the project area. Please see **Exhibit R** for more information on mitigation efforts and details of each species.

3.5 ILLINOIS DEPARTMENT OF NATURAL RESOURCES (IDNR) STATE ECOLOGICAL REVIEW

The Applicant consulted with IDNR for potential impacts to state threatened or endangered species. This consultation is conducted pursuant to IDNR’s EcoCAT process. EcoCAT refers to IDNR’s Ecological Compliance Assessment Tool (EcoCAT). EcoCAT contains the Section, Township, and Range data of the Project and generates a Project map. Species of concern within the identified Project Area (and/or which

may be affected by migrating through or, by reason of the Project, avoiding the identified area) are examined as part of the EcoCAT review process.

EcoCAT requires that state agencies and units of local governments consider the potential adverse effects of proposed actions on Illinois endangered and threatened species and sites listed on the Illinois Natural Areas Inventory.

The Applicant submitted an EcoCAT review request to IDNR in November 2025. The Applicant received an initial response letter from IDNR's EcoCAT in November 2025, indicating that there was a record of a protected species, *Myotis Septentrionalis* (Northern Long-Eared Myotis), that may be in the vicinity of the Project.

The Applicant received a follow-up letter from IDNR, included as **Exhibit O**, in February 2026. The follow-up letter states that IDNR concluded that adverse effects are unlikely and the consultation has been terminated. IDNR recommends using a "pollinator-friends habitat as groundcover" and to limit all tree clearing between the dates of November 1st – March 31st. The Applicant will adhere to all recommendations set forth by the IDNR.

3.6 ILLINOIS HISTORIC PRESERVATION REVIEW (SHPO)

Under the Illinois State Agency Historic Resources Protection Act, the State Historic Preservation Office (SHPO) division at IDNR is responsible for studying possible Project effects on archaeological and/or architectural (cultural) resources. Agencies requiring SHPO evaluation concurrent with their review include the Illinois Environmental Protection Agency, IDNR, and USACE. As provided in **Exhibit P**, the Project received correspondence from the SHPO in February 10, 2026, that the project area was determined not to contain significant prehistoric/historic archaeological resources. Therefore, the Project was determined to be exempt, and consultation with the SHPO was terminated.

3.7 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (IEPA) - SWPPP

IEPA's Bureau of Water is responsible for overseeing the issuance of permits within the National Pollutant Discharge Elimination System (NPDES) program that regulates construction stormwater discharges. Permits require a Storm Water Pollution Prevention Plan (SWPPP), which is a site-specific document that outlines the measures a project will take to reduce pollutants in the stormwater discharges from a construction site. Stormwater controls reduce silt transport and sedimentation during precipitation events.

Prior to construction, the Project will prepare a SWPPP as well as sediment and erosion control plans for submittal and approval for an NPDES Permit through IEPA. The SWPPP will ensure construction activity compliance with guidelines and regulations for controlling sediment and erosion runoff.

3.8 ILLINOIS DEPARTMENT OF AGRICULTURE (IDOA)

The Illinois Renewable Energy Facilities Agricultural Impact Mitigation Act (505 ILCS 147/1 et seq.)) requires the owner of a Commercial Solar Energy Facility to have an Agricultural Impact Mitigation Agreement (AIMA) in place within 45 days prior to the commencement of Project construction. The intent of the AIMA is to preserve and/or restore the integrity of affected agricultural land during construction and decommissioning activities. Illinois State Legislature passed Amendment to House Bill 4412 in January

2023, now formally known as Public Act 102-1123. The Amendment requires that facility owners enter into an AIMA prior to the date of the required public hearing. The Project entered into an agreement on November 26, 2025, which is included as **Exhibit T**.

4.0 KANE COUNTY ZONING CODE AND OTHER LOCAL APPROVALS

The Project will comply with Section 25-5-4-9 of the Kane County Zoning Ordinance as described below and as shown on the Geometric Site Plan, included as **Exhibit M**. The Project Area is located on cultivated farmland and is classified as F, Farming District. The Project will be a ground-mounted Commercial Solar Energy Facility comprised of solar photovoltaic (PV) modules, racking system, inverters and medium voltage transformers, and underground electrical conduits connecting PV array blocks with inverters. Access roads with gated entrances shall be located for site maintenance, maintenance of inverters, as well as construction access.

4.1 HEIGHT REQUIREMENTS

According to Kane County Zoning Ordinances 25-5-4-9-E-3, ground-mounted Commercial Solar Energy Facilities may not exceed 20 feet in height when oriented at maximum tilt unless waived by written consent by each affected non-participating property owner in accordance with 55 ILCS 5/5-12020 Counties Code Section (e). The Project will ensure no equipment from the solar energy system exceeds the maximum height requirement.

4.2 SETBACKS

Per Kane County Zoning Ordinance 25-5-4-9-E-7a, Commercial Solar Energy Facilities, excluding fences, are subject to the following setbacks:

- At least fifty (50) feet to the nearest edge of the public road right-of-way.
- At least fifty (50) feet from adjacent properties not included in the subject property as depicted in the site plan unless waived by written consent of affected non-participating property owners in accordance with Kane County Zoning Ordinance 25-5-4-9-E-7b.
- At least 150 feet from the nearest point to the outside wall of a dwelling unit or occupied community building on any property not part of the subject property unless waived by written consent of affected non-participating property owners in accordance with Kane County Zoning Ordinance 25-5-4-9-E-7b.

The Project demonstrates its compliance in the Geometric Site Plan, included as **Exhibit M**.

4.3 LIGHTING

Per Kane County Zoning Ordinance 25-5-4-9-E-4b, if Commercial Solar Energy Facilities contain lighting, it shall be shielded and downcast such that the light does not spill onto the adjacent parcel(s). Due to the proposed security fence and the nature of the operations of a Solar Energy Facility, additional lighting is not typically needed. The Project will have no permanent lighting systems on site, so the Project shall comply with this requirement.

4.4 SOILS AND GROUND COVER

Topsoils shall not be removed from the site during development unless the removal is expressly approved as part of the Special Use Permit. Perennial vegetative ground cover must be maintained or established in all areas of the Commercial Solar Energy Facility. The seed mix selections for both temporary and long-term mixes shall be determined at the time of the pre-construction meeting. The AIMA includes additional requirements for conservation and topsoil protection which shall also be followed during project construction. During final engineering, a Landscape Plan will be developed by a licensed landscape architect to detail all proposed vegetation to comply with state and national requirements.

Per Kane County Zoning Ordinance 25-5-4-9-E-10, the facility owner shall provide soil and geotechnical boring reports to the Building Officer as part of the Commercial Solar Energy Facility Building Permit application. The Applicant shall follow the Conservation Practices Impact Mitigation submitted by the Kane-DuPage Soil & Water Conservation District. The applicant shall also submit grading plans prior to the issuance of a building permit.

The Project has submitted for and received a Natural Resources Inventory (NRI) Report from Kane-DuPage Soil & Water Conservation District, included as **Exhibit Q**. The LESA score finding for the project was 69, and the designation was “Low Protection”.

4.5 SECURITY BARRIER

Per Kane County Zoning Ordinance 25-5-4-9-E-5, Commercial Solar Energy Facilities must be enclosed by perimeter security fencing or other county approved barrier with a minimum height of at least eight (8) feet and no more than 25 feet unless waived by written consent by each affected non-participating property owner in accordance with 55 ILCS 5/5-12020 Counties Code Section (e). Per the Ordinance, the use of barbed wire or razor wire that runs along the top of chain linked fences is permitted. The Project will be secured by an 8’ tall, Fixed Knot Farm fence. The Project fence shall comply with the requirements of Kane County Zoning Ordinance as well as the National Electric Code.

4.6 NOISE

Per Kane County Zoning Ordinance 25-5-4-9-E-11, Commercial Solar Energy Facilities must provide proof of compliance with noise regulations of the Illinois Pollution Control Board (IPCB). The Applicant commissioned a Noise Analysis for the Project. The Noise Analysis, created a qualified professional engineer, included as **Exhibit F**, demonstrated that the Project will operate in accordance with the sound limits of Kane County’s zoning code as well as the limits imposed by the IPCB. The only components in the array that generate noise are the inverters and transformers. The inverters are rated at 65 dBA at 1 meter as indicated in the manufacturer’s specification sheet in **Exhibit E.** Sound waves diminish with distance in accordance with mathematical principles of sound level drop. The inverters have been purposely located away from the nearest residential abutters and final inverter pad design will make sure that any noise emitting equipment on the inverters will be oriented towards the interior of the Project and directed away from neighboring parcel.

4.7 DECOMMISSIONING AND SITE RECLAIMATION PLAN

A Decommissioning Plan is included in **Exhibit G** to ensure the solar facility elements will be properly removed after the Commercial Solar Energy Facility is at the end of its useful life. The Decommissioning

Plan was developed in accordance with both the Kane County Zoning Ordinance 25-5-4-9-H and the AIMA. The Decommissioning Plan outlines a strategy for the removal of Project components such as panels, roads, fences, and racking, including any applicable recyclable items once the solar facility is no longer in use. The Decommissioning Plan also includes the removal of landscape and restoration of soil and vegetation. The combination of the native grasses and pollinator friendly seed mix established during the Project life and temporary rest of the soils from agricultural planting will promote soil restoration and more productive farmland after decommissioning.

The Applicant shall provide Kane County with Financial Assurance to ensure proper decommissioning at the end of the Project life. Provisions of this Financial Assurance shall be phased in over the first 11 years of the Project's operation.

4.8 STORMWATER AND NPDES

According to Kane County Zoning Ordinance 9-81-B-4, a Preliminary Stormwater Management Report is required as a part of the application. The Applicant will provide a Best Management Practice (BMP) capable of retaining the required volume based on the new impervious surfaces, per the Kane County Stormwater Ordinance. Preliminary calculations can be found in the Preliminary Stormwater Management Report, included as **Exhibit CC**. Per the Kane County Stormwater Management Ordinance, a fee in lieu of retention BMP may be utilized if approved by an Administrator. During final engineering, the pre- and post-drainage areas shall be analyzed for quantity of runoff in the 10-year and 100-year storm events. This analysis is anticipated to show an overall decrease in runoff quantity in the post-condition, which adheres to this requirement. A NPDES Permit will be applied for and received prior to the commencement of construction activities.

4.9 STANDARDS AND CODES

Per Kane County Zoning Ordinance 25-5-4-9-E-1a, the Project will comply with applicable industry standards. These standards include but are not limited to the State of Illinois Plumbing Code, the State of Illinois Electric Code, the State of Illinois Uniform Building Code, the National Electric Code, and all Kane County Health Department and Zoning Board requirements. The Applicant understands these requirements and all final engineering documents shall be designed in accordance with these standards.

Per Kane County Zoning Ordinance 25-5-4-9-E-4c, all on-site power lines and utility connections must be placed underground. The Project will route all medium-voltage electrical lines underground within the Project security fence. The proposed interconnection to existing ComEd power poles shall comply with the Interconnection Agreement with the utility provided.

4.10 ROADWAY AUTHORITY CORRESPONDENCE

Per Kane County Zoning Ordinance 25-5-4-9-E-9, the Project will enter into a road use agreement with the local government and the road use agreement shall require the facility owner be responsible for the reasonable cost of improving roads used by the facility owner to construct the Commercial Solar Energy Facility. Roadways improved in preparation for and during the construction of the Commercial Solar Energy Facility will be repaired and restored to the improved condition at the reasonable cost of the developer if the roadways have degraded or were damaged as a result of construction-related activities. The Applicant understands the County requirements as they apply to drainage systems, temporary

accesses, and existing road conditions. Blackberry Township has jurisdiction over the section of Norris Road in which access to the proposed development is located. As such, the Applicant has been in coordination with the Blackberry Township Highway Commissioner, Rodney Feece. See **Exhibit V** for Roadway Authority Correspondence.

The Project Owner shall fulfill all requirements of the Kane County Zoning Ordinance 25-5-4-9-E9.

4.11 LETTER TO ADJACENT PROPERTY OWNERS

Per Kane County Requirements, the Applicant must submit a letter to all properties owners within 250' of the Project parcel to notify the neighbors that an application for special use has been filled for that property. The letter will provide a brief description of the proposed use and inform the neighbors that a public hearing will be forthcoming. Certification of the notification will be submitted to the County at the time of Special Use Application. See **Exhibit J** for Certification of Notice to Adjacent Property Owners, **Exhibit K** for a copy of the Letter from Peritiooner sent to Adjacent Properties and **Exhibit L** for the list for a list of Property Owners within 250'.

Once a Zoning Board of Appeals Public Hearing is Scheduled, the Project will send out Legal Notices informing Adjacent Property Owners, within 250' of the property, that a Public Heating for Special Use has been schedule, including the time, date, and location of the Public Hearing. A similar notice will be circulated in a local newspaper, as well as posted on a sign on the Project Site.

5.0 CONCLUSION

The Douglas Family Butterfly Garden and Solar Farm LLC adheres to all requirements of Kane County and the State of Illinois and should qualify for a Special Use Permit to construct a Commercial Solar Energy Facility south of Norris Road in unincorporated Kane County near the Village of Sugar Grove. Douglas Family Butterfly Garden and Solar Farm LLC, a wholly owned entity of SunCode, seeks a Special Use Permit that would apply to the entirety of the subject parcels and can be transferred if Douglas Family Butterfly Garden and Solar Farm LLC is sold by SunCode.