



Legislation Details (With Text)

**File #:** 24-0361      **Version:** 1      **Name:** RPIL Solar 10, LLC / Written Protest / West side of Barnes, directly north of the Burlington Northern Railroad

**Type:** Resolution      **Status:** Passed

**File created:** 5/9/2024      **In control:** City Council

**On agenda:** 5/28/2024      **Final action:** 5/28/2024

**Title:** A Resolution authorizing and directing the filing of a written protest to Kane County with respect to the Special Use Petition filed by RPIL Solar 10, LLC for a Community Solar Facility along the west side of Barnes Road, north of the BNSF RR in Sugar Grove Township.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Cover Letter, 2. Exhibit A - SUP Application, 3. Exhibit B - Findings of Fact Responses, 4. Exhibit C(1) - Site Plan, 5. Exhibit C(2) - Boundary Survey, 6. Exhibit D - NRI Report, 7. Exhibit E - Runoff and Peak Rate Analysis, 8. Exhibit F - Decommissioning Plan, 9. Exhibit G - AIMA, 10. Exhibit H - Environmental & Cultural Consultation, 11. Exhibit I - Health & Safety Report, 12. Exhibit J - Literature Review, 13. Exhibit K - Equipment Specifications, 14. Exhibit L - Noise Compliance Study, 15. Assignment of Lease, 16. Aerial Map, 17. Zoning Map

Date	Ver.	Action By	Action	Result
5/28/2024	1	City Council	approved	Pass
5/21/2024	1	Committee of the Whole	(PLACED ON UNFINISHED BUSINESS)	
5/15/2024	1	Building, Zoning, and Economic Development Committee	recommended for approval	Pass

**TO:** Mayor Richard C. Irvin

**FROM:** Edward T. Sieben, Director; Zoning & Planning Division

**DATE:** May 9, 2024

**SUBJECT:**

A Resolution authorizing and directing the filing of a written protest to Kane County with respect to the Special Use Petition filed by RPIL Solar 10, LLC, for a Community Solar Facility on 40.78 acres located along the west side of Barnes Road and north of the BNSF RR in Sugar Grove Township

**PURPOSE:**

The purpose for this resolution is to formally object to the Special Use for a Community Solar Facility located along the west side of Barnes Road and north of the BNSF RR, in unincorporated Kane County, within the City of Aurora's Planning Jurisdiction, including contiguous to Aurora's City Limits.

**BACKGROUND:**

The Subject Property is currently vacant land located along the west side of Barnes Road and north of the BNSF RR in unincorporated Kane County. This is currently zoned F-Farming in Kane County.

The Petitioner, RPIL Solar 10, LLC is requesting approval of a Special Use. The Special Use Permit is to allow the development of an approximately 4.99 MW (AC) ground-mounted distributed generation Community Solar Facility on 40.78 acres. The development will not construct a substation, as it is proposed to interconnect into existing distribution facilities paralleling Barnes Road.

#### **DISCUSSION:**

Staff has reviewed the Kane County Special Use Petition submitted by RPIL Solar 10, LLC.

This area on the far west section of Aurora is part of the Countryside Vision Plan, which is a sub-area plan of Aurora, passed by the City Council in 2002. The Plan was a collaboration with many partners including Planning & Zoning Staff, the Aurora Planning Commission, Kane County Development Department, Kane County Forest Preserve, Kane County Department of Environmental Management, and the Conservation Foundation among others.

The Plan attempted to meet the challenge of our community's evolving awareness on environmental issues, and our desire to find development strategies that forge a new direction. By looking at the land first and using creativity in development to achieve an innovative living environment in harmony with nature.

This resulted in a Countryside Land Use Plan for this area generally west of Orchard Road. This incorporated Countryside Residential Area along with Open Space, Transportation and Roadway Network Design, Stormwater Management, along with Countryside Landscaping and Natural Elements.

The Countryside Residential Areas were divided into neighborhoods and were to be developed with lot sizes, street configurations, and site designs that have historically not been available within the City of Aurora. These were to be estate residential areas, and the City amended it's Zoning Ordinance to facilitate Estate Zoning District subdivisions. Among the subdivisions that have been designed under these unique guidelines include Verona Ridge, Tanglewood Oaks, Ingham Park, and The Linden Estates.

The Subject Property is designated within the Countryside Vision Plan as one of these Countryside Neighborhoods in Nature. In addition, the City of Aurora has invested in public utilities along Barnes Road to facilitate development of this property. The Proposed Project therefore is not in keeping with the Plan for the area nor the trend and character of the surrounding and proposed land uses. This area is specifically planned for Estate Residential type development, similar to what has developed in Aurora in the aforementioned subdivisions. Due to our boundary agreement with Sugar Grove, Aurora has limited land available to facilitate this type of residential development. As stated to the Petitioner in January, the City wishes this property to eventually be developed for quality residential development, and as such, would not support the solar farm use in this particular location. While the City supports solar uses, Staff feels a different site that is not in the path of development would be more suitable.

Therefore, Staff is not in support of the Special Use Petition for a Community Solar Facility and it does not meet the City's Countryside Vision Plan and the City's Physical Development Policies.

#### **POLICIES AND GUIDELINES:**

The Staff's Evaluation and Recommendation are based on the following Physical Development

Policies not being met:

12.0 To plan and provide for the growth of the City through the integration of land use patterns and functions that promote complimentary interactions between different land use components.

22.1(1) To achieve appropriate zoning protection for residential areas designated in the land use plan.

71.1(4) To locate utilities and structures so there is compatibility with existing or planned developments and sensitivity to the protection of natural resources.

**RECOMMENDATIONS:**

Staff recommends the Resolution authorizing and directing the filing of a written protest to Kane County with respect to the Special Use Petition filed by RPIL Solar 10, LLC, for a Community Solar Facility on 40.78 acres located along the west side of Barnes Road and north of the BNSF RR in Sugar Grove Township

**ATTACHMENTS:**

Kane County Application  
Aerial Map

cc: Alderwoman Patty Smith, Chairperson  
Alderwoman Shweta Baid, Vice Chairperson  
Alderman Michael B. Saville  
Alderman Bill Donnell  
Alderman Carl Franco

John P. Curley, Chief Development Services Officer



CITY OF AURORA, ILLINOIS

RESOLUTION NO. \_\_\_\_\_  
DATE OF PASSAGE \_\_\_\_\_

A Resolution authorizing and directing the filing of a written protest to Kane County with respect to the Special Use Petition filed by RPIL Solar 10, LLC for a Community Solar Facility along the west side of Barnes Road, north of the BNSF RR in Sugar Grove Township.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, via email dated May 7, from Kane County on behalf of RPIL Solar 10, LLC, notified the

City of Aurora regarding the Special Use Petition filed by RPIL Solar 10, LLC for a Community Solar Facility located along the west side of Barnes Road, north of the BNSF RR in Sugar Grove Township which is within one and one half miles of the City of Aurora, and also contiguous to the City Limits of Aurora; and

WHEREAS, the City Council reviewed the Petition and recommends authorizing and directing the filing of a written protest to the Kane County Special Use for the Community Solar Facility; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Aurora, Illinois, finds as facts all of the preamble recitals of this Resolution and are hereby authorizing and directing the filing of a written protest to the Kane County Special Use Petition filed by RPIL Solar 10, LLC located along the west side of Barnes Road, north of the BNSF RR in Sugar Grove Township.