



Legislation Text

File #: 24-0502, **Version:** 1

TO: Mayor and City Council

FROM: Law Department
Planning and Zoning Division

DATE: June 28, 2024

SUBJECT:

Discussion of the annexation of certain real property located in Sugar Grove Township generally bounded by the Kane County Forest Preserve to the east, the Commonwealth Edison property to the west, Progressive Baptist Church to the north, and including the property of the BNSF Railway to the south.

PURPOSE:

To discuss the possible annexation of real property within the City's planning jurisdiction to ensure that future development conforms to the uses approved by the City.

BACKGROUND:

In the spring of 2024, the County of Kane notified the City that it had received a special use application for a proposed solar farm for the property located west of Barnes Rd and designated estate residential type development as indicated in the Countryside Vision Plan upon its eventual annexation into the City. Because the City had contemplated this property being used for residential purposes, rather than a solar energy facility and given its proximity to the City's limits, the City Council voted 11-1 to notify the County of its objection to the proposal.

The County's Zoning Board of Appeals and County Board's County Development Committees, constrained by the provisions of the Counties Code, nevertheless recommended to the County Board that it approve the proposed special use. It is important to note that the Counties Code, which is analogous to the Illinois Municipal Code severely limits a County Board's discretion to deny petitions for solar energy facilities. As Kane County does not possess home rule authority, it cannot act beyond those limitations. The County Board is scheduled to act on the special use application at its meeting of July 9, 2024.

DISCUSSION:

Just prior to the County Development Committee's vote to recommend approval of the special use, staff considered whether it would be possible to annex the property prior the installation of the solar farm. Under Section 7-1-13 of the Illinois Municipal Code, annexation of 60 acres is possible when it is wholly bounded by one or more municipalities. For the purposes of annexation, real estate owned by forest preserve districts or public utilities does not impact the analysis of whether the property is contiguous or wholly bound. Thus, for the purposes of annexation, the City currently bounds the property to its north, east and west sides.

Contiguity to the south requires annexation of property owned by the BNSF Railway. Currently, the City is working with the BNSF to annex railroad property. If that occurs, the City can proceed to annex the property to the north, including the proposed solar farm.

IMPACT STATEMENT:

If the City Council is able to proceed with the annexation described above, it will prevent the property from being used for a solar farm. Though the City actively supports the expansion and use of alternative forms of energy, including, specifically, solar, the proposed location is inconsistent with the City's long-term plans for the area.

RECOMMENDATIONS:

That the Committee deliberate upon and discuss this concept ahead of the formal introduction of the annexation ordinances at the July 10, 2024, Building, Zoning, and Economic Development Committee.

cc: Committee of the Whole