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*Via EMAIL and Overnight Carrier*

Town of Cortland  
Board of Trustees  
59 S Somonauk Rd  
Cortland, IL 60112-0519  
815-756-9041

**RE: Cortland Illinois Dynamics' Special Use Permit Application (PC25-02) and Reconsideration by the Board of Trustees**

Dear Cortland Board of Trustees,

On behalf of Cortland 1 Illinois Dynamics LLC and Cortland 2 Illinois Dynamics LLC (hereinafter "CID"), we write to urge the Board of Trustees approve CID Partners' Special Use Permit ("SUP") (PC25-02) to construct and operate a Solar Garden ("Project") at Parcel #09-27-100-002 and 09-27-300-04 in its Motion to Reconsider on February 23, 2026. As set forth below, the ordinances and law require approval of the SUP application. The Board's denial of the SUP would be arbitrary and a violation of Illinois state law. Because CID Partners has satisfied all applicable standards of Ord. §9-10-3, it is entitled to approval of this SUP Application and refusal to grant approval could expose the Town of Cortland to legal liability.

**I. The Illinois Clean and Reliable Grid Affordability Act (CRGA) provides that the Board may not prohibit Solar Projects nor Charge an Unreasonable Fee which is not related to the Costs of Considering the Application or the Project's Impacts.**

On January 8, 2026, the Governor signed the Illinois CRGA which adds a new provision at 65 ILCS 5/11 Div. 15.5 to the Illinois Municipal Code entitled "Solar Bill of Rights." At §11-15.5-10, the CRGA provides that the "adoption of any ordinance or resolution or the exercise of any power, by a municipality that prohibits or has the effect of prohibiting the installation of a solar energy system ...is expressly prohibited." The Board's denial of an SUP, which all the evidence supports, is precisely the type of municipal action that effectively prohibits the installation of a solar energy system in violation of this statute and Illinois caselaw. Further, if the Board is attempting to encourage a donation from CID which is beyond any fees required by other SUP applicants per §1-8-8 or directly related to address any impacts of the proposal, such would be improper. The Board has received no evidence suggesting CID's Project fails to benefit the community, nor proof it does not meet its standards under §9-10-3. To the contrary, the evidence provided that the Project will result in tax benefits to the community, and no negative impacts.

## **II. CID' s SUP Application Satisfies all Standards under Cortland's Ordinances**

Cortland Ord. §9-10-3 provides that a SUP “shall be granted [by the Town Board] only if evidence is presented to establish...” its four enumerated standards. Specifically, evidence must sufficiently demonstrate that: (1) the facility is in the public interest and contributes to the general welfare, (2) the proposed use will not have adverse effects on adjacent properties and the community, (3) the proposed use is compliant with district regulations, and (4) it is in compliance with other applicable development standards. Pursuant to §9-10-6, the Town Board approves an SUP under these standards based on findings of fact derived from “recommendations and reports from the Plan Commission.” The Board may also “refer the matter back to the Plan Commission for further consideration.” *Id.*

Here, CID's Project has presented sufficient evidence to satisfy each of these four standards as demonstrated by the Planning Commission's unanimous approval on December 4, 2025. The Commission's approval was based on extensive evidence including SUP Standards in §9-10-3, the Town's Comprehensive Land Use plan, DeKalb County Natural Resources and Soil reports, Project Agreements and Site Plans like Decommissioning requirements, §9-4-34's Standards on Solar Energy Systems, Public Testimony and CID' s Rebuttals.

Following the Commission's approval, the Town Board considered the SUP (PC25-02) recommendation on January 12, 2026. At that hearing, the Board heard testimony from Town Engineer Williams and Town Attorney Buick on the project's property tax benefits. Notably, Attorney Buick stated that if “...the Town chooses to annex the parcel and the applicant meets the standards set in the municipal code, they were entitled to approval for the project.” However, despite the Planning Commission's unanimous recommendation approving the SUP on December 4, 2025, the Board inexplicably denied CID' s SUP on February 9, 2026 yet approved its annexation petition. This denial was based on no evidence whatsoever and directly contradicts the Commission's findings and Attorney Buick's statement that CID was entitled to approval once the parcels were annexed and the project met the code's standards. Both conditions have now been satisfied. The Planning Commission has made unanimous findings of fact after extensive review of the Project, the applicable standards, and public testimony. The Board has identified no contrary evidence and no lawful basis to support its denial under §9-10-3.

## **II. A Denial of the SUP Would Violate Illinois Law**

Under Illinois law, decisions regarding SUPs are subject to judicial review whereby “principles of substantive and procedural due process apply at all stages of decision-making...” 65 ILCS 5/11-13-25. Due process in these proceedings require “impartial rulings on the evidence.” *Chamberlain v. Civil Serv. Comm'n*, 2014 IL App (2d) 121251, P46. Although the “granting of a special-use permit is not merely a ministerial function of a legislative body...,” a municipality “...must exercise its power in a reasonable way and adherence to its [special-use] standards is a strong indication of reasonableness.” *National Pride Equipment, Inc. v. Niles*, 109 Ill. App. 3d 639, 645, citing *La Salle Nat'l Bank v. County of Lake*, 27 Ill. App. 3d 10, 17. Courts grant judicial relief to special use applicants when a municipality's denial “bears no substantial relationship to the public health, safety, or welfare...” of the community. *Id.* at 644.

The denial of CID's SUP is precisely the type of arbitrary and partial action that is disallowed. CID was the only party that provided any exhibits or evidence all of which supported the unanimous Planning Commission's findings. Thus, the only evidence before the Board requires approval pursuant to unanimous recommendation from the Planning Commission that the Project complies with all standards under §9-10-3. Absent any evidence to suggest otherwise, the Board's denial is unreasonable, arbitrary, violates due process, and bears no relationship to the public health, safety, or welfare as required by both Illinois law and the Town's own ordinances.

### **III. Conclusion**

For these reasons, CID respectfully requests the Board to reconsider its denial and approve SUP (PC25-02). As the Planning Commission unanimously found, CID has satisfied every applicable standard under the Town's ordinances. An arbitrary decision by the Board to ban a solar project which meets all of the SUP requirements and was supported by uncontradicted evidence is contrary to both Cortland's own ordinances and Illinois state law. Further, the benefits to the community from the construction of the project and the real estate taxes are undeniable. CID thanks the Board for reconsidering its decision and looks forward to becoming a member of the Cortland community.

Sincerely yours,

HINSHAW & CULBERTSON LLP



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RSP/acg

cc: Kevin Buick, Esq.