

**TOWN OF CORTLAND
DEKALB COUNTY, ILLINOIS**

TOWN OF CORTLAND
ORDINANCE NO. 2024-__

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ASPASIA SOLAR PROJECT, LLC TO OPERATE A SOLAR FARM ON 103.49 ACRES OF LAND LOCATED SOUTH OF BARBER GREENE ROAD AND EAST OF SOMONAUK ROAD, PINS 09-17-200-023 AND 09-17-400-012, IN THE TOWN OF CORTLAND, DEKALB COUNTY, ILLINOIS

**ADOPTED BY THE
MAYOR AND BOARD OF TRUSTEES
OF THE TOWN OF CORTLAND**

This ____ day of ____, 2024

Published in pamphlet form by the authority of the President and Board of Trustees of the Town of Cortland, DeKalb County, Illinois, this ____ day of ____, 2024

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WHEREAS, a petition has been filed by Aspasia Solar Project, LLC an Illinois Limited Liability Company, with the permission of the property owner, LNL 4Ever, LLC, seeking a Special Use Permit to operate a solar farm on certain property located south of Barber Greene Road and east of Somonauk Road within the Town of Cortland; and

WHEREAS, the petition of Aspasia Solar Project LLC for said special use permit was made in accordance with the provisions of the zoning chapter of the Cortland Town Code; and

WHEREAS, public notice of a public hearing to consider the requested Special Use Permit application was published in the Daily Chronicle on February 20, 2024, and proper notice was sent by mail to proximate property owners in accordance with Sec. 9-9-2.B of the Cortland Town Code; and

WHEREAS, on March 7, 2024, the Planning Commission held a public hearing at which time the Petitioner and other members of the public offered testimony regarding the requested Special Use Permit; and

WHEREAS, at the request and direction of the Town Board, on May 2, 2024, the Planning Commission held a follow up meeting and accepted further information from the Petitioner, and accepted further comment from the public regarding concerns and issues raised with respect to the Special Use Permit; and

WHEREAS, the Planning Commission has tendered an updated Finding of Fact and Recommendation to the Cortland Board of Trustees, and recommends approval of the proposed special use subject to conditions, by a vote of 5 aye, 0 nay, and 1 absent; and

WHEREAS, in accordance with Section 9-10-6 of the Town Code, the Board of Trustees hereby accepts the report and Finding of Fact submitted by the Plan Commission and determines that all requirements for the special use have been met; specifically finding that the evidence presented establishes the following:

1. The proposed structure or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community;

2. The proposed structure or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare;

3. The proposed structure or use will be designed, arranged and operated so as to permit

the development and use of neighboring property in accordance with the applicable district regulations; and

WHEREAS, the Board of Trustees adopts and incorporates the contents of the Recommendation Letter and Findings of Fact to the Town of Cortland Board of Trustees PC 24-01 attached hereto as Exhibit “A,”.

NOW THEREFORE BE IT ORDAINED by the Board of Trustees of the Town of Cortland, Illinois, as follows:

Section 1. That the Special Use Permit requested by Petitioner shall accordingly be granted for the operation of a solar farm by Aspasia Solar Project, LLC on 103.49 acres of land located upon parcels denoted as PINs 09-17-200-023 and 09-17-400-012, south of Barber Greene Road and east of Somonauk Road in the Town of Cortland, further incorporating in entirety the Recommendation Letter and Finding of Fact to the Town of Cortland Board of Trustees PC 24-01 attached as Exhibit “A” as findings of the Board of Trustees in this Section 1.

Section 2. That such grant of the Special Use Permit shall be subject to the following conditions:

1. That Petitioner shall submit an amended Site Plan addressing roadway and infrastructure connectivity east of Somonauk Road which shall be subject to the approval of the Town Engineer.
2. That Petitioner shall comply with all federal, state, and local laws including Section 9-4-34 of the Cortland Town Code.

Section 3. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage and publication as provided by law.

PASSED BY THE BOARD OF TRUSTEES of the Town of Cortland, Illinois, at a regular meeting thereof held on the _____ day of _____, 2024, and approved by me as Mayor on the same day.

AYE:

NAY:

ABSENT:

Mark Pietrowski
Mayor

ATTEST:

Cheryl Aldis
Town Clerk

**RECOMMENDATION LETTER AND FINDINGS OF FACT
TO THE TOWN OF CORTLAND BOARD OF TRUSTEES
PC 24-01**

To: Cortland Board of Trustees
From: Cortland Planning Commission
Date: May 9, 2024

Subject: Request for Special Use Permit for a Solar Energy System on PIN 09-17-200-023 and PIN 09-17-400-012, both located south of Barber Greene Road and east of Somonauk Road Cortland, IL

Applicant: Aspasia Solar Project, LLC
30 W. Hubbard, Suite 400
Chicago, IL 60654

The Cortland Planning Commission conducted a Public Hearing on March 7, 2024, at 7:00 p.m. at the Cortland Town Hall, 59 S Somonauk Road, Cortland, Illinois. The purpose of the Public Hearing involved consideration of the request by Aspasia Solar Project, LLC as applicant, for request of a Special Use Permit in accordance with Title 9, Chapter 10, Section 6B of the Cortland Town Code regarding the property located at East Barber Greene Road, Cortland, Illinois. The 103.49-acre site is located south of Barber Greene Road and east of North Somonauk Road comprised of PIN 09-17-200-023 and PIN 09-17-400-012. The applicant is requesting a Special Use Permit on the subject property to construct, operate, and maintain a Solar Farm as set forth in Title 9, Chapter 4, Section 34 of the Cortland Town Code.

The Planning Commission voted to recommend denial of the request and forwarded its recommendation to the Town Board. This was considered by the Town Board at its meeting on April 8, 2024, at which time the applicant presented information regarding the impact on real estate values adjacent to solar farm projects. Due to the introduction of this additional information submitted by the applicant, the Town Board voted to send the matter back to the Planning Commission for further evaluation and recommendation in accordance with Section 9-10-6.D of the Town Code.

On May 2, 2024 at 7:00 p.m. at the Cortland Town Hall, 59 S. Somonauk Road, Cortland, Illinois the Planning Commission reviewed and considered the material and information presented at the public hearing. The Standards and Conditions set forth in Title 9, Chapter 10 were evaluated and Points of Consideration were itemized and read into the record by Clerk Aldis. A motion was made and seconded to accept the Standards and Findings of Fact. The motion passed. A second motion was made and seconded to recommend that the Town Board conditionally approve the request for a Special Use Permit. The motion passed.

Yea: 5

Nay: 0

Absent: 1

Review of Standards for Special Use Permit (9-10-3)

The standards were read into the record by Clerk Aldis.

Commissioners deliberated, discussed, and reviewed the standards associated with approval of a special use, which are as follows:

- A. The proposed structure or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community, **Concurrence of the Planning Commission.**
- B. The proposed structure or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare, **Concurrence of the Planning Commission.**
- C. The proposed structure or use will be designed, arranged, and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations. **Concurrence of the Planning Commission.**
- D. Such other standards and criteria as are established by the ordinance for a particular special use as set forth in section 9-10-4 of this chapter and as applied to planned developments as set forth in chapter 7 of this title (Ord. 2008-03, 1-28-2008). **Not applicable to this application, concurrence of the Planning Commission.**

Findings of Fact

Upon deliberation of the relevant standards with respect to the proposed special use to operate a solar farm at the subject location, the Commissioners find as follows:

- A. The proposed structure or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community. The information provided shows an increase in the property tax base. Certain neighbors to the north and west have removed their objections to the project. No additional adverse comments, beyond those of Ms. Dahlquist, have been received. The general welfare of the neighborhood and community is supported by increasing the property tax base.
- B. The proposed structure or use will not have an adverse effect upon the adjacent property, the character of the neighborhood, and other matters affecting the public health and general welfare. Certain neighboring property owners to the north and west have removed their objections to the project.
- C. The proposed structure or use will be designed, arranged, and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations. There is no adverse impact relating to this solar development and the project will help increase sustainable development.

- D. Such other standards and criteria as are established by the ordinance for a particular special use as set forth in section 9-10-4 of this chapter and as applied to planned developments as set forth in chapter 7 of this title. Not applicable to this application.

Conditions

- Approval by the Town Engineer of an amended site plan addressing roadway and infrastructure connectivity east of Somonauk Road.
- Compliance with all federal, state, and local laws including Section 9-4-34 of Town Code.

Points of Consideration

- Consider a solar plan with a third-party consultant and guidance ensuring best interest of the Town is taken into consideration.
- The Planning Commission acknowledges the applicant's willingness to address direct benefit to the Cortland community.

Mr. Barnhart moved to approve Standards and Findings of Fact as read, including Conditions and Points of Consideration, seconded by Mr. Haughee.

Roll call vote as follows:

Yea: Commissioners Brad Lawson, Joelle Morken, Robert Barnhart, Mark Hedrick, and Alex Haughee
Nay: None
Absent: Commissioner Vicky Torres

Motion carried.

Recommendation

Mr. Barnhart made a motion to recommend the Town Board approve the Special Use Permit on the Proposed Property PIN (09-17-200-023; 09-17-400-012) for the use of a solar farm with the two conditions as read, seconded by Mr. Haughee.

Roll call vote as follows:

Yea: Commissioners Brad Lawson, Joelle Morken, Robert Barnhart, Mark Hedrick, and Alex Haughee
Nay: None
Absent: Commissioner Vicky Torres

Motion carried, and the recommendation of conditional approval of the proposed special use shall be forwarded to the Town Board for consideration at its May 13, 2024, meeting.

Respectfully Submitted,



Mark Hedrick, Chairman
CORTLAND PLANNING COMMISSION