
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE GRANTING AN AMENDED SPECIAL USE TO ALLOW
ROCHELLE SOLAR LLC TO OPERATE A SOLAR FARM IN ROCHELLE, ILLINOIS**

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City Council

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**AN ORDINANCE GRANTING AN AMENDED SPECIAL USE TO ALLOW
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WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

WHEREAS, on April 19, 2021, the Planning and Zoning Commission of the City of Rochelle conducted a public hearing on Petition #03-21 relative to a request submitted by Rochelle Solar LLC (“Petitioner”), for a Special Use to allow for the Petitioner to operate a Solar Farm at the Southeast corner of Twombly Road and North Caron Road, Rochelle, Illinois (“Property”); and

WHEREAS, on April 26, 2021 the City of Rochelle approved an Annexation Agreement and approved Petitioners Special Use Permit; and

WHEREAS, the Annexation Agreement called for a 40-year Special Use Permit; however, the City Code only allowed for a 20-year Special Use Permit; and

WHEREAS, the City Zoning Code has been amended to allow for 40-year Special Use Permits, pursuant to an agreement by the City; and

WHEREAS, Section 110-31(9) of the City Zoning Code requires that the recipient of a Special Use Permit seek a building permit within 12 months of the ordinance approving the Special Use; and

WHEREAS, Rochelle Solar LLC will not be able to commence construction and operations of the solar farm on the property for at least two years due to delays in regulatory

approval that are outside of its control, and thus, it needs an extension of the time in which to obtain the permits and commence operations of 36 months from the approval of this Ordinance; and

WHEREAS, on March 7, 2022, the Planning and Zoning Commission of the City of Rochelle conducted a public hearing on Petition #05-22 relative to a request submitted by Petitioner for an amended Special Use to allow for the Petitioner to operate a Solar Farm and obtain a 40-year Special Use Permit; and

WHEREAS, Sections 74-36 and 110-73 of the City of Rochelle Zoning Code allows the Planning and Zoning Committee to conduct hearings for special use petitions submitted to the City and to submit a report with its recommendations to the City Council for its consideration; and

WHEREAS, the proposed Special Use Permit with the requirements of Sections 110-511 of the City Code; and

WHEREAS, City Staff has recommended the authorization of a 40-year Special Use to allow for the Petitioner to operate a Solar Farm at the Southeast corner of Twombly Road and North Caron Road, Rochelle, Illinois, and

WHEREAS, after hearing testimony on the Petition, the Planning and Zoning Commission found that the Petition met the requisite standards enumerated in the City Code for the granting of an amended Special Use and adopted the written factual justifications submitted by the Petitioner; and

WHEREAS, the Planning and Zoning Commission voted 6-0 in favor of recommending to the City Mayor and City Council the amended Special Use to allow for the Petitioner to operate a Solar Farm for up to 40 years at the Southeast corner of Twombly Road and North Caron Road, Rochelle, Illinois; and

WHEREAS, it has been determined by the Mayor and City Council of the City of Rochelle that it is in the best interest of the City and its residents to adopt the findings and recommendations of the Planning and Zoning Commission and to approve said Special Use.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

SECTION 2: The Amended Special Use set forth herein below shall be applicable to the following described property:

See Legal Description attached hereto as Exhibit 1

(Commonly known as the Southeast corner of Twombly Road and North Caron Road, Rochelle, Illinois)

SECTION 3: A amended Special Use permit is hereby granted to the Petitioner/Owner to allow for the Petitioner to operate as a Solar Farm at the Southeast corner of Twombly Road and North Caron Road, Rochelle, Illinois, Rochelle, Illinois subject to the following condition:

- 1) Dedication of City easements (15' width minimum), as approved by the City Engineer, for a shared use path along the westerly boundary of the subdivision.
- 2) Dedication of right-of-way (ROW), as approved by the City Engineer, along the southerly and northerly boundary lines of the subdivision for existing and/or future roadway or utility improvements or extensions along Twombly Rd and future Flagg Road east of Caron Road.
- 3) Posting of the necessary surety as per the City Engineers estimate of cost for said roadway and/or utility improvements (i.e., public improvements) and as per section 86-51 through 86-56 of the Rochelle Municipal Code in the amount of \$1,125,000. If the developer/petitioner fails to complete the improvements the City may draw upon the surety and use said funds for the public improvements within the ROW.
- 4) Dedication of a City/drainage easement for the Special Flood Hazard Area (SFHA) also known as the floodplain/floodway as depicted on the FEMA FIRM maps #17141C0483E City of Rochelle and Ogle County effective dated 8/17/2016.
- 5) The internal light duty maintenance driveways may be chip sealed due to the limited Average Daily Traffic (ADT) of 10 vehicles per day (VPD) within the solar field perimeter. However, any and all access driveways from Twombly Road or other City owned ROW's shall meet the requirements for driveway approaches from a street and hard surfacing of driveway as measured 130 feet from the applicable ROW line.
- 6) All final site plans and applications for permits shall be reviewed and approved by City staff as the development proceeds forward in accordance with the Rochelle Municipal Code except as may be varied from herein.
- 7) All landscaping shall be maintained by the petitioner/developer in accordance with all Rochelle Municipal Codes and as required by City staff. Annual inspections shall be performed by City staff to determine if damaged, dead or diseased plantings need to be removed and replaced to ensure the landscape buffer remains as shown on the plan.
- 8) All stormwater impact fees, in accordance with Chapter 22 of the Rochelle Municipal Code, shall be paid at \$1300/Acre of the subdivision prior to the issuance of a special use permit or recording of the Final Plat of the Rochelle Northeast Subdivision.

9) The Special Use Permit shall be valid for a period of up to 40 years, so long as Rochelle Solar continues to satisfy all of the other requirements of its Special Use Permit.

SECTION 4: The Mayor and City Council of the City of Rochelle that it is in the best interest of the City and its residents to extend the requirements in Section 110-31 of the Zoning Code for a period of 36 months from the date of the approval of this Ordinance to obtain a building permit or commence operations.

SECTION 5: Any policy, resolution or ordinance of the City that conflicts with the provisions of this Ordinance shall be and is hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 14th day of March, 2022.

AYES:

NAYS:

ABSENT:

APPROVED THIS 14^h day of March, 2022.

CITY MAYOR

ATTEST:

CITY CLERK

Exhibit 1

LEGAL DESCRIPTION

PARCEL: 25-18-100-005

PART OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST FRACTIONAL QUARTER OF SAID SECTION 18; THENCE NORTH 88 DEGREES 10 MINUTES 52 SECONDS EAST (GRID BEARING BASED ON THE ILLINOIS WEST STATE PLANE COORDINATE SYSTEM) ALONG THE NORTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER, A DISTANCE OF 417.42 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT OF LAND; THENCE SOUTH 01 DEGREES 37 MINUTES 09 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID NORTHWEST FRACTIONAL QUARTER, A DISTANCE OF 417.42 FEET; THENCE SOUTH 88 DEGREES 10 MINUTES 52 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER, A DISTANCE OF 402.42 FEET TO A POINT 15 FEET EAST OF, AS MEASURED PERPENDICULAR TO THE WEST LINE OF SAID NORTHWEST FRACTIONAL QUARTER; THENCE SOUTH 01 DEGREES 37 MINUTES 09 SECONDS EAST PARALLEL WITH SAID WEST LINE, A DISTANCE OF 2206.17 FEET TO THE SOUTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER; THENCE NORTH 88 DEGREES 24 MINUTES 32 SECONDS EAST ALONG SAID SOUTH LINE AND THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18, A DISTANCE OF 1682.48 FEET TO A POINT, SAID POINT BEING 25.00 FEET WEST FROM THE EAST LINE OF THE WEST 13 1/3 RODS OF SAID NORTHEAST QUARTER; THENCE NORTH 01 DEGREES 24 MINUTES 33 SECONDS WEST, PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1604.20 FEET; THENCE SOUTH 88 DEGREES 10 MINUTES 56 SECONDS WEST, A DISTANCE OF 275.00 FEET; THENCE NORTH 01 DEGREES 24 MINUTES 33 SECONDS WEST PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1026.02 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST FRACTIONAL QUARTER OF SAID SECTION 18, SAID POINT BEING 79.99 FEET WEST OF THE NORTHEAST CORNER OF SAID NORTHWEST FRACTIONAL QUARTER; AND THENCE SOUTH 88 DEGREES 10 MINUTES 52 SECONDS WEST ALONG SAID NORTH LINE, A DISTANCE OF 1014.71 FEET TO THE POINT OF BEGINNING, CONTAINING 91.42 ACRES, MORE OR LESS, ALL SITUATED IN THE TOWNSHIP OF DEMENT, THE COUNTY OF OGLE, AND THE STATE OF ILLINOIS.

Excepting therefrom 2.37 acres for the Flagg Road Dedication and 1.16 acres for the East Twombly Road Dedication.

FLAGG ROAD DEDICATION

PART OF THE NORTHEAST QUARTER AND PART OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID FRACTIONAL NORTHWEST QUARTER OF SECTION 18 AND RUNNING; THENCE NORTH 88°24'32" EAST, ALONG THE SOUTH LINE OF SAID FRACTIONAL NORTHWEST QUARTER, 15.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°37'09" WEST, PARALLEL WITH THE WEST LINE OF SAID FRACTIONAL NORTHWEST QUARTER, 158.00 FEET; THENCE SOUTH 50°55'02" EAST, 131.95 FEET; THENCE NORTH 88°24'32" EAST, PARALLEL WITH SAID SOUTH LINE OF THE FRACTIONAL NORTHWEST QUARTER, 225.00 FEET; THENCE SOUTH 01°35'28" EAST, PERPENDICULAR TO SAID SOUTH LINE, 12.00 FEET; THENCE NORTH 88°24'32" EAST, PARALLEL WITH SAID SOUTH LINE, 560.00 FEET; THENCE NORTH 89°29'11" EAST, 797.77 FEET; THENCE SOUTH 01°24'33" EAST, 45.00 FEET TO A POINT ON THE SOUTH LINE OF THE AFOREMENTIONED NORTHEAST QUARTER OF SECTION 18; THENCE SOUTH 88°24'32" WEST, ALONG SAID SOUTH LINE, 195.00 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; AND THENCE CONTINUING SOUTH 88°24'32" WEST, ALONG SAID SOUTH LINE OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 18, 1487.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.37 ACRES MORE OR LESS.

EAST TWOMBLY ROAD DEDICATION

PART OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID FRACTIONAL NORTHWEST QUARTER OF SECTION 18 AND RUNNING; THENCE NORTH 88°10'52" EAST, ALONG THE NORTH LINE OF SAID FRACTIONAL NORTHWEST QUARTER, 417.42 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88°10'52" EAST, ALONG SAID NORTH LINE, 1014.71 FEET; THENCE SOUTH 01°24'31" EAST, 50.00 FEET; THENCE SOUTH 88°10'52" WEST, PARALLEL WITH SAID NORTH LINE, 1014.53 FEET; AND THENCE NORTH 01°37'09" WEST, PARALLEL WITH THE WEST LINE OF SAID FRACTIONAL NORTHWEST QUARTER, 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.16 ACRES MORE OR LESS.

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, _____, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, “AN ORDINANCE GRANTING AN AMENDED SPECIAL USE TO ALLOW ROCHELLE SOLAR II LLC TO OPERATE A SOLAR FARM IN ROCHELLE, ILLINOIS” which was adopted by the Mayor and City Council of the City of Rochelle on March 14, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 14th day of March, 2022.

CITY CLERK