
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

**AN ORDINANCE GRANTING A 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 A SPECIAL USE TO ALLOW ROCHELLE SOLAR
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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, 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 Solar Farm complies with the requirements of Sections 110-191 of the City Code; and

WHEREAS, City Staff has recommended the authorization of 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, 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 a Special Use and adopted the written factual justifications submitted by the Petitioner; and

WHEREAS, the Planning and Zoning Commission voted 5-0 in favor of recommending to the City Mayor and City Council the 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, 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 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 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 foot 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 Road and future Flagg Road east of Caron Road.
3. Posting of the necessary surety in the form of a letter of credit in the amount of \$1,125,000 as per the City Engineers estimate of cost for said roadway and/or utility improvements (i.e., public improvements) in lieu of a performance bond as per section 86-51 through 86-56 of the Rochelle Municipal Code. 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 August 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 Right of Ways shall meet the requirements for driveway approaches from a street and hard surfacing of driveway as measured 130 feet from the applicable Right of Way 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, as required by City staff, and in accordance with petitioner's/developer's submitted vegetation maintenance plan. 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.

SECTION 4: 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 5: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 26th day of April, 2021.

AYES:

NAYS:

ABSENT:

APPROVED THIS 26^h day of April, 2021.

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.

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 A 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 April 26, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 26th day of April, 2021.

CITY CLERK