STATE OF ILLINOIS)
) SS
COUNTY OF DEKALB)

ORDINANCE O2026-005

AN ORDINANCE APPROVING A SPECIAL USE PERMIT REQUEST FOR A 2-MEGAWATT COMMERCIAL SOLAR ENERGY SYSTEM LOCATED ON THE NORTHEAST CORNER OF BARBER GREENE AND FENSTERMAKER ROADS IN CORTLAND TOWNSHIP

WHEREAS, USS Heavenscent Solar, LLC has filed a petition for a Special Use Permit to allow for the construction and operation of a 2-megawatt Commercial Solar Energy System, on a 22-acre property located on the northeast corner of Barber Greene and Fenstermaker Roads, in Cortland Township, said subject property being legally described as shown in Exhibit "A", attached hereto; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on January 15, 2026, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and wherein correspondence and testimony was submitted by six members of the public in opposition to the petition; and

WHEREAS, the Hearing Officer having considered the evidence, testimony and exhibits presented has made his findings of fact and recommended that the Special Use Permit be granted with conditions, as set forth in the Report of Proceedings and Recommendation of the DeKalb County Hearing Officer, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning, Zoning, & Development Committee of the DeKalb County Board having considered the testimony and exhibits from the public hearing and having considered the findings of fact and recommendation of the Hearing Officer, has forwarded to the County Board a recommendation of approval, with conditions, of an ordinance to grant the Special Use Permit; and

WHEREAS, the DeKalb County Board has considered the Report of Proceedings and Recommendation of the Hearing Officer and the recommendation of the Planning, Zoning, & Development Committee, and has determined that granting the Special Use Permit to allow the establishment and operation of a commercial solar energy system on the subject property would be consistent with the requirements established by Section 53-I-2.B.3 of the DeKalb County Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The Report of Proceedings and Recommendation of the DeKalb County Hearing Officer, Exhibit "B", attached hereto, is hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the Findings of Fact set forth above, the request for a Special Use Permit for a commercial solar energy system on the subject property located on northeast corner of Barber Greene and Fenstermaker Roads, in Cortland Township, is hereby approved for property being legally described in Exhibit "A" attached hereto.

SECTION THREE: This approval of a Special Use Permit is subject to the following conditions:

1. The project shall be in substantial conformance with the plans and materials submitted in the application for the Special Use Permit and presented at the public hearing. Additionally, a revised site plan shall be submitted incorporating any and all changes required for approval by the County Board and/or necessitated during the permitting process prior to approval of the Site Development and Building Permits. If the revised plans represent a significant deviation from the previously approved plans, then the petitioner will have to seek an amendment to the approved Special Use Ordinance from the County Board prior to approval of the Site Development and Building Permits

2. The petitioners shall install and maintain low-profile native prairie species for ground cover.

3. The petitioners shall prepare and submit a detailed Landscape Plan, incorporating the recommendations outlined in the Natural Resource Inventory Report, to the DeKalb County Soil and Water Conservation District for their review and approval. The Landscape Plan, revised as necessary, shall then be submitted as part of the Site Development Permit application.

4. The petitioners shall prepare and submit a Landscape Monitoring & Maintenance Plan to the DeKalb County Soil and Water Conservation District for their review and approval. Copies of the approved, and revised, if necessary, plan are to be submitted to DeKalb County Community Development Department and DeKalb County Soil and Water Conservation District prior to submittal of the Building Permit application.

5. Those portions of the subject property which are outside of the fenced-in area of the facility that are not to be put into agricultural production as a result of the presence of the facility shall be included in the Landscape Plan and Landscape Monitoring & Maintenance Plan, so that these areas do not go unattended and become a source for noxious weeds and unattended weed growth for the duration of the financial guarantee to ensure the landscaping matures in accordance with the proposed plan.

6. The developers/owners of the facility shall maintain a regular schedule of vegetation and weed control throughout the growing process, such as mowing four (4) to six (6) times per year. This maintenance shall also extend to roadside ditches within right-of-way setbacks adjacent to the facility.

7. The petitioners shall conduct a sub-surface drain tile investigation, locating all drain tiles within the project area, and the resulting report shall be submitted to the DeKalb County Soil and Water Conservation District, and as part of the Site Development Permit application.

8. Temporary vegetative ground cover shall be planted prior to construction to prevent excessive soil erosion.

9. The applicant shall include documentation of compliance with the IEPA ILR-10 permit as part of Site Development Permit application.

10. The facility shall be setback at least one hundred fifty (150) feet from the nearest point on the outside wall of an occupied community building or dwelling on a nonparticipating property.

11. The facility (including the security fencing) shall be setback at least fifty (50) feet from a right-of-way or the property line of a nonparticipating property.

12. A spot survey shall be required at the time of installation to verify that the setbacks have been met.

13. On-site power and communication lines shall be located underground, except at the interconnection point to the grid. (Note: Most Cab Hanger Wire Management Systems do not comply with this requirement.)

14. Topsoil shall not be removed during development, unless part of a remediation effort.

15. The operators of the facility are to abide by the requirements of the DeKalb County Noxious Weed Ordinance.

16. Any part of the facility that is within 1,000 feet of an occupied community building or nonparticipating residence shall be screened; and said screening shall be in substantial conformance with the plans and materials submitted in the application for the Special Use Permit and presented and discussed at the public hearing. Additionally, screening shall be installed prior to the activation and operation of the facility, and must be maintained by the facility for the life of the project, with replacement plantings and maintenance conducted as necessary.

17. The interconnection point shall be located within or as adjacent to the right-of-way or existing power line as is possible, but shall in no case be further than twenty (20) feet from a right-of-way or existing power line, and all poles shall be placed such that they run parallel with said right-of-way or power line.
    a. The “interconnection point” refers to the system/method used to connect CSES to the electrical grid. Typically, this takes the form of a series of utility poles, some controlled by the local utility and some controlled by the CSES, holding the various lines and equipment necessary to connect the CSES to the electrical grid.

18. No component of a solar panel shall have a height of more than twenty (20) feet above the ground when at full tilt.

19. Fencing for the CSES: shall have a height of no less than six (6) feet and no more than twenty-five (25) feet, shall have appropriate warning signage clearly posted upon it, and shall be a primarily woven wire or agricultural style fencing.

20. Noise levels from the CSES shall be in compliance with applicable Illinois Pollution Control Board regulations.

21. The applicant shall demonstrate that the project will be in compliance with the NPDES permit regulations prior to issuance of any Building Permits.

22. The applicant shall submit and receive approval of a Site Development Permit application from the Community Development Department prior to the issuance of any Building Permits.

23. Any drainage systems impacted during the construction, maintenance, or operation phases of the CSES shall, at the CSES operator's expense, be repaired or replaced in a prompt and timely manner, in accordance with the Agricultural Mitigation Agreement.

24. Electric CSES components shall have a UL listing, or the approved equivalent, and must be designed with anti-reflective properties.

25. The petitioner shall submit documentation that project site is in compliance with the regulations of the Illinois Historic Preservation Agency (IHPA) prior to approval of any Building Permits.

26. Visible, reflective, colored objects, such as flags, plastic sleeves, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of fifteen (15) feet from the ground.

27. All lighting installed shall be shielded so that no glare extends substantially beyond the boundaries of the facility.

28. The legal description for the specific leased/purchased area to be occupied by the facility shall be submitted to the Community Development Department and the DeKalb County Assessor prior to final approval of the Building Permit.

29. A Decommissioning and Site Reclamation Plan with cost estimation shall be submitted as part of the CSES application. This plan and estimate will then be reviewed to verify that it is in compliance with the County Code, and if approved, the appropriate financial guarantees will have to be submitted prior to the issuance of the Building Permit.

30. Road Use Agreements shall be established with all appropriate road authorities prior to the issuance of a Building Permit.

31. The petitioner shall demonstrate that an interconnection agreement has been completed with the electrical utility prior to final approval of any Building Permit.

32. A Solar PV Building Permit application shall be submitted for review and approval by the DeKalb County Community Development Department.

33. A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards.

34. All pile driving activity during the project may only occur between the hours of 7:00 am and 5:00 pm.

35. All plans submitted for the Site Development and Building Permits shall be signed and stamped by an Illinois licensed engineer. Additionally, all plans submitted for the Building Permit shall be IFC (Issued For Construction) blueprints.

36. Should the facility be transferred to another entity, all conditions and requirements shall also transfer to the new entity, and the owner/operator of the facility shall inform the County of any such change, along with the contact information for the new entity.

37. The Special Use Permit shall expire if Site Development Permits have not been sought within eighteen (18) months of the approval of the Special Use Permit.

SECTION FIVE: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

PASSED BY THE COUNTY BOARD THIS 18TH DAY OF MARCH, 2026, A.D.

ATTEST:

Tasha Sims
DeKalb County Clerk

SIGNED:

John Frieders, Chair
DeKalb County Board

Exhibit "A"

Legal Description of the Subject Property

PART OF LOT 1, AND LOT 2 OF SECTION 16, TOWNSHIP 40 NORTH, RANGE 5, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST ¼ OF SECTION 16, ALSO BEING THE NORTHWEST CORNER OF SAID LOT 2; THENCE EAST ON THE NORTH LINE OF SAID SECTION, 1681.26 FEET TO A POINT THAT IS 973.50 FEET (14 CHAINS 75 LINKS) WEST FROM THE NORTHEAST CORNER OF SAID SECTION 16; THENCE SOUTHERLY, AT AN ANGLE OF 89 DEGREES 19 MINUTES 23 SECONDS MEASURED COUNTERCLOCKWISE FROM SAID NORTH LINE, 137.10 FEET (2 CHAINS 8 LINKS); THENCE EASTERLY, AT AN ANGLE OF 91 DEGREES 16 MINUTES 28 SECONDS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 367.40 FEET TO A POINT THAT IS 14 FEET WESTERLY OF THE WESTERLY LINE OF THE OHIO GROVE CEMETERY EXTENDED NORTHERLY; THENCE SOUTHERLY AT AN ANGLE OF 91 DEGREES 16 MINUTES 28 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 14 FEET WESTERLY OF AND PARALLEL WITH THE WEST LINE OF THE OHIO GROVE CEMETERY, 229.22 FEET; THENCE WESTERLY, AT AN ANGLE OF 88 DEGREES 24 MINUTES 47 SECONDS MEASURED COUNTERCLOCKWISE FROM SAID LAST DESCRIBED COURSE, 139.12 FEET, TO A POINT THAT IS 153.12 FEET (2 CHAINS 32 LINKS) WEST OF THE WEST LINE OF SAID OHIO GROVE CEMETERY; THENCE SOUTHERLY, AT AN ANGLE OF 88 DEGREES 20 MINUTES 52 SECONDS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 111.66 FEET (DEED 1 CHAIN 77 LINKS) TO THE SOUTH LINE OF SAID LOT 1; THENCE WESTERLY ALONG SAID SOUTH LINE, AT AN ANGLE OF 86 DEGREES 52 MINUTES 36 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 229.68 FEET (3 CHAINS 48 LINKS) TO THE SOUTHEAST CORNER OF LOT 2 OF SAID SECTION; THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF SAID LOT 2, AT AN ANGLE OF 186 DEGREES 35 MINUTES 55 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 1685.58 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 2, AT AN ANGLE OF 85 DEGREES 50 MINUTES 38 SECONDS MEASURED COUNTERCLOCKWISE FROM SAID SOUTH LINE, 577.50 FEET (35 RODS) TO THE POINT OF BEGINNING, ALL IN CORTLAND TOWNSHIP, DEKALB COUNTY, ILLINOIS.

P.I.N.: 09-16-200-012

Exhibit B

USS Heavenscent Solar, LLC - Petition for Special Use Commercial Solar Facility - Petition CO-26-02:

Report and Recommendations

Petitioner:	USS Heavenscent Solar, LLC
Nature of Petitions:	Petition for Special Use - Commercial Solar Facility
Date of Hearing:	January 15, 2026
Time of Hearing:	3:00 p.m.
Prop. Address:	16 acres of the 22-acre property located on the Northeast Corner of the intersection of Barber Greene Road and Fenstermaker Road, Cortland Township
Location of Hearing:	DeKalb County Administration Building Conference Room East 110 East Sycamore Street Sycamore, IL

I. Summary

The Petitioner, USS Heavenscent Solar, LLC, seeks to construct and operate a 2-megawatt solar facility on the subject property. The property is presently zoned A-1, Agricultural, and commercial solar facilities are a permitted special use in the A-1, Agricultural District, provided the Petitioner has or will meet the enumerated requirements of the state statute concerning such facilities as well as the enacting ordinance of the County implementing that state statute. The subject property is within the zoning jurisdiction of Cortland, but per County Staff that municipality has declined to exercise its jurisdiction over this project. As a result, the project is subject to the County ordinance.

Present for the County:	DeKalb County Planning Director - Derek Hiland Assistant Director - Marcellus Anderson
Present for Petitioner:	Tyler Morris, Senior Developer Ryan Magnoni, Senior Manager - Project Developer

RECEIVED IN THE RECORD AT OR PRIOR TO HEARING:

Exhibit B

1. Public Notice, duly published within the time required by law, setting this matter for hearing.

2. DeKalb County staff report, with staff comments and recommendations.

3. The petition, with attachments and supporting materials, including various reports from appropriate regulatory agencies, including the DeKalb Soil and Water District recommending approval subject to petitioner addressing certain items of concern addressed within the report.

4. Correspondence from Greg Maurice of the DeKalb County Health Department indicating no objection, and from the DeKalb County Soil and Water District.

5. Correspondence from County Engineer, Nathan Schwartz, identifying certain steps and concerns to be addressed by the petitioner should the request be approved, including wetlands identification and accommodation, and the need for road use agreements with affected road districts.

6. A copy of Petitioner's PowerPoint presentation materials presented at hearing.

7. Correspondence from Rod and Pat Barkei in opposition to the project for the reasons stated in their correspondence, including the inappropriate use of farmland for this purpose, in their opinion, and referencing some tile "blow-out" areas that they say the property has experienced, as well.

I. Summary of the Proceedings

A. Petitioner's Presentation

This matter commenced at 3:00 p.m., as scheduled and as per the public notice, and concluded at approximately 4:00 p.m.

Assistant Director Anderson provided a brief initial summary of the nature of the proceedings and the request by the Petitioner to operate the solar facility. Thereafter, the petitioner presented the application for consideration at hearing.

At the commencement, the Hearing Officer inquired if Petitioner had received and reviewed the County Staff Report. Petitioner acknowledged receipt, and agreed to abide by and implement the requirements and recommendations therein, and continue discussions with interested parties as the process moves forward, and comply with all necessary requirements, if the project is approved by the County.

Also present at the hearing were Mr. Keven Breuer and Mrs. Heather Breuer.

Petitioner presented the information contained in the application and extensive supporting documentation, including a PowerPoint slide presentation, on the record. Petitioner referenced the already-signed and completed Agricultural Impact Mitigation Agreement, and the other studies contained in their application materials. Petitioner referenced many cross-utilizations used by various solar facilities, including agri-uses such as sheep grazing and the use of beehives. However, the petitioner did not contain any such proposals for dual-uses in their application and was reminded by County staff that if the project is approved as submitted, such additional uses would require submission and/or approval of additional County processes. Petitioner acknowledged that the plans did not contain specific requests for such dual-uses in the application and the petitioner would stand on the petition as submitted for County's consideration.

Petitioner described the creation of a community development fund to be funded by the company, if the project is approved, and that the project would provide enough power for approximately 400 residences, based on its anticipated 2-megawatt output. Staggered screening was proposed on the east side of the project, to break-up the visual footprint in that line-of-sight.

B. PUBLIC COMMENT

Jeff Sabin, Cortland Township Trustee - referenced a pond or ponding on the south side of the property and wanted assurances as to drain-tile location and repair/remediation if broken or disrupted. He also pointed out other areas of water concern on the property. He disputed the company's recollection of outreach to Cortland Township. He stated that his personal position, and not speaking on behalf of the Township, was that he was opposed to the project.

Pat Klein, Cortland Township - questioned if there was any way to limit the number of these types of projects in the County. Also later inquiring as to how solar panels interact with snow.

Dan Diehl, Cortland Township - in reference to the use of beehives on some solar projects described by petitioner, he stated that such a use would not be compatible. He also later inquired as to the pile-driving needed and the impact that would have on drain tiles.

Ron Fenstermaker, Cortland Township - questioned the accuracy of the statement that the project could provide energy for 400 homes, and questioned if there was presently an energy shortage that would necessitate this project.

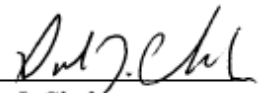
II. Recommendation

I find that the criteria established under Section 53-I-2.B.3 have been met by the Petitioner as to the petition, application, and evidence at hearing. The Petitioner answered the questions of the public commenters, agreed to abide and implement all recommendations of County Staff as contained in the County Staff report, and the petition adheres to the standards set forth in the state statute and enacting County ordinance.

Accordingly, I hereby recommend approval of the petitioner's application, CO-26-02, subject to the conditions and ordinance requirements noted in County Staff's report, including the underground placement of on-site power and communication lines, the placement of power poles in compliance with County ordinance, and maintenance of a vegetation buffer outside the project perimeter to prevent growth of obnoxious weeds. The project should also be subject to the frequent mowing and maintenance schedule as identified in the correspondence from the County Engineer, Nathan Schwartz. I find the County's recommendation for additional screening along the east side of the project along Barber Greene Road to an existing line of trees to be appropriate. I further find that the County's recommendation that all such screening be installed prior to the activation and operation of the project is well-founded and appropriate.

In addition, the recommended approval of the project is conditioned on the petitioner completing the project in substantial conformity to the submitted plans. Further, if approved, the ordinance language should also include an entity-transfer assurance to ensure that all requirements of the enacting ordinance be applicable to any subsequent owner/operating entity.

Respectfully submitted,



Dale J. Clark
Hearing Officer

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