

**Lee County Board  
Dixon, Illinois**

**RESOLUTION NO. \_\_\_\_\_**

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**A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR A COMMERCIAL  
SOLAR ENERGY FACILITY PURSUANT TO ORDINANCE NO. 2023-07-008,  
AN ORDINANCE AMENDING THE REGULATING DEVELOPMENT OF  
COMMERCIAL SOLAR ENERGY FACILITIES ORDINANCE**

**(STEWARD CREEK SOLAR, LLC – PHASE II)**

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**WHEREAS**, a Petition for the granting of a Special Use Permit for a Commercial Solar Energy Facility under Lee County Ordinance No. 2023-07-008, *An Ordinance Amending the Regulating Development of Commercial Solar Energy Facilities Ordinance*, on real estate described in Exhibit “A,” attached hereto and made a part hereof (hereinafter sometimes referred to as “Subject Realty”), has been filed with the Lee County Zoning Office as Petition No. 23-P-1617 (hereinafter referred to as “Petition”), by Steward Creek Solar, LLC, an Illinois limited liability company (hereinafter referred to as “Petitioner”); and

**WHEREAS**, the Zoning Board of Appeals of Lee County (hereinafter referred to as “Zoning Board of Appeals”) held public hearings on said Petition on January 4, February 20, February 28, and March 6, 2024, in accordance with the law; and

**WHEREAS**, proper Notice of the filing of the Petition and of the impending January 4, 2024, ZBA hearing was published in the Dixon Telegraph on December 20, 2023, and in the Ogle County Life on December 18, 2023; and

**WHEREAS**, United States Postal Service Certified mailings of the same Notice were sent by the Petitioner to real estate property owners whose properties would be adjacent to the proposed Project’s boundaries with such mailings being postmarked on December 8, 2023; and

**WHEREAS**, timely notice was posted at the intersection of Steward Road and McGirr Road, as well as County Line Road just south of the Village of Lee; and

**WHEREAS**, the Petitioner and Interested Parties were given the chance to present evidence, including witnesses and exhibits, cross-examine the witnesses of others, and to present a closing argument, statement, or public comments; and

**WHEREAS**, the Zoning Board of Appeals has made, and the County Board affirms, the Report & Findings of Fact and Recommendation, which is attached hereto as Exhibit “B” and made a part hereof; and

**WHEREAS**, the County Board of the County of Lee has received the recommendation of the Zoning Board of Appeals and has duly considered said recommendation; and

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

**SECTION 1.** That the *Lee County Revised Zoning Ordinance*, as amended, and as set forth in the Zoning District Map as described therein and on file in the Office of the County Clerk, is hereby amended by the granting of a Special Use Permit for a Commercial Solar Energy Facility (as defined by Lee County Ordinance No. 2023-07-008, *An Ordinance Amending the Regulating Development of Commercial Solar Energy Facilities Ordinance and hereafter referred to as "Special Use"*) on the Subject Realty, including but not limited to the construction, operation and maintenance of a 600 MW Commercial Solar Energy Facility including, as designed, a 150 MW battery energy storage system ("BESS") supporting facility. The aforesaid Special Use for a Commercial Solar Energy Facility shall be conducted in accordance with the provisions of Lee County Revised Zoning Ordinance, as amended, subject to such variations, exceptions, and/or conditions as are hereinafter set forth.

**Section 2.** That the Subject Realty may be developed in accordance with the applicable Ordinance of the County, as are now in effect, except as specifically modified and/or varied below:

- A. Before any building permit is issued, the Petitioner must enter into a Road Use Agreement, relative to the proposed locations, satisfactory to the County Engineer, addressing construction activities not less than 30 days prior to issuance.
- B. Before any building permit is issued, a copy of the signed interconnection agreement with Commonwealth Edison must be provided to the Lee County Zoning & Planning Office.
- C. Based on the presence of a BESS, the Petitioner must affirmatively meet with the respective identified first responder agencies to outline the nature of the system and receive written confirmation that the respective agencies have developed a satisfactory appropriate response plan.
- D. Construction activities shall commence no earlier than 7:00 am and shall be discontinued no later than 8:00 pm, absent written waiver of any affected non-participating resident.
- E. Before any building permit is issued, the Petitioner must undertake a drain tile survey and submit the results to the Lee County Zoning & Planning Office.
- F. Before any building permit is issued that Petitioner, if the submitted drain tile survey reflect the presence of existing drain tiles in the area of construction, provide confirmation that any drainage tile damaged will be repaired to the same or better condition within thirty (30) days of damage.
- G. The Petitioner must provide the Lee County Zoning & Planning Office with a written landscape plan, inclusive of weed/grass control, which outlines when implementation will occur.
- H. Before any building permit is issued, that Petitioner provide the Lee County Zoning & Planning Office with evidence that it has contacted the owner of any adjacent but non-participating dwelling to outline the Ordinance driven screening options and either reached a "Memorandum of Understanding" with those owners for a screen or established a

- requisite payment. (If there are non-participating adjacent dwelling owners, that Petitioner certify the same.)
- I. Modifications to, retrofits or replacement of an existing BESS that increase discharge duration or nameplate capacity shall be subject to any applicable BESS ordinance Lee County has in place at the time of the modifications, retrofits and/or replacement of the BESS.
  - J. A building permit shall be required for installation of any BESS.
  - K. All BESS, all buildings built for the primary intention of housing BESS equipment, and all other building and/or structures that contain or are otherwise associated with a BESS shall be designed, erected, and installed in accordance with all applicable provisions of local, State and Federal law.
  - L. Any BESS located at the Site shall be designed, or installed, in a manner that has 24 hour per day, seven days per week (24/7) remote monitoring and include fire suppression systems.
  - M. Areas within ten (10) feet on each side of the BESS shall be maintained clear of combustible vegetation and other combustible growth.
  - N. Bess shall be sited to avoid wetlands, floodplains, and other locations of environmental concerns.
  - O. No Bess or related structure(s) shall be located closer than twenty-five (25) feet to the inside of the facility fence line.
  - P. All components of the BESS shall be setback a minimum of 500 feet of any residence or occupied community building, unless a waiver is obtained from the affected landowner. The setback distance shall be measured from the nearest edge of any component of the BESS to the nearest point on the outside wall of the residence or occupied community building.
  - Q. All components of the BESS shall be set back a minimum of 200 feet from any nearest point on the property line of a non-participating property, unless a waiver is obtained from the affected non-participating property owner.
  - R. All components of the BESS shall be set back a minimum of 50 feet from the nearest edge of the public road right-of-way, absent express approved variance by the ZBA.
  - S. All components of the BESS shall be sited so as to be located within the interior of said Commercial Solar Energy Facility, with the banks of solar panels lying between the BESS and the edges of the facility.
  - T. The BESS engineer's certificate shall be completed by a structural engineer registered in the State of Illinois or by a Professional Engineer with a certification from a structural engineer registered in the State of Illinois and shall certify that the specific soils and subsurface conditions at the site can support the apparatus, given local soil, subsurface and climate conditions.

U. The Petitioner must provide an emergency response plan, specific to the BESS, after consultation with local emergency responders.

**SECTION 3.** That the Petition for the granting of a Special Use Permit for a Commercial Solar Energy Facility as requested in Zoning Petition No. 23-P-1617 (Steward Creek Solar, LLC – Phase II) be **(approved/denied)**, with the aforementioned modifications and/or variances, by the Lee County Board.

\_\_\_\_\_ **PASSES AND APPROVED** by the County Board of the County of Lee, Illinois, this 21<sup>st</sup> day of March, 2024.

\_\_\_\_\_ **FAILS AND DENIED** by the County Board of the County of Lee, Illinois, this 21<sup>st</sup> day of March, 2024.

<b>AYES:</b>	
<b>NAYS:</b>	
<b>ABSENT:</b>	
<b>ABSTAIN:</b>	
<b>HOLDING OFFICE:</b>	

BY: \_\_\_\_\_  
Lee County Board Chairman

ATTEST:

BY: \_\_\_\_\_  
Lee County Clerk