

## DRAFT COPY - SUBJECT TO COMMITTEE APPROVAL

**BOARD:** TAZEWELL COUNTY

**COMMITTEE:** LAND USE

**DATE/TIME:** Tuesday, May 13, 2025, at 5:00 p.m.

**PRESENT:** Chairman K. Russell Crawford, Mark Goddard, Jay Hall, Vice Chairman Jon Hopkins, Greg Longfellow, Eric Schmidgall and Joe Woodrow

**ABSENT:** Eric Stahl

**STAFF PRESENT:** Jaclynn Workman, Community Development Administrator; Melissa Kreiter, Chief Deputy; and Matt Drake, Assistant States Attorney

**OTHERS PRESENT:** Elton Rocke, Tim Baer, Eugene Glueck, David King

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**CALL TO ORDER:** Chairman Crawford called the meeting to Order at 5:00 p.m.

**MINUTES:** Moved by Schmidgall, seconded by Goddard to approved the minutes of the January 14, 2025, February 26, 2025 In Place and April 8, 2025 Land Use meeting.

On voice vote, **motion declared carried.**

**PUBLIC COMMENT:** Elton Rocke, CO2 Pipeline Opposition appeared to give an update regarding the CO2 pipeline topic. Mr. Rocke advised there was a bill that passed Senate to stop any CO2 drilling or sequestration within any aquifer. Mr. Rocke stated the bill also passed the House committee and will next go before the House. Mr. Rocke said there appears to be enough support to pass the bill.

### **DISCUSSION**

Video - Livingston County  
Panther Grove 2 Wind

Chairman Crawford stated Member Eric Schmidgall requested the committee watch a segment of a video from a public hearing held in Livingston County showing the back and forth comments between two attorney tasked on either side of the petition. Mr. Crawford said the opinions given differ from that of Tazewell's legal council.

Video shown: <https://www.youtube.com/watch?v=TzQSRpuGh4>

Chairman Crawford stated there have been lawsuits filed against counties, although no individual member has been sued. Mr. Crawford stated that tort immunity would apply for individual board members. Mr. Crawford noted the reference of using the LaSalle factors and whether they are allowed to be used for wind and solar cases.

Member Woodrow questioned what the outcome of the petition discussed in the video was.

David King, a member of the public appeared and stated that the hearings on this matter continue and no decision had been made. Mr. King said the main issue

on this case were property value and health and safety issues. Mr. King noted that Livingston County had hired a 3<sup>rd</sup> party moderator to run these meetings.

Assistant States Attorney Matt Drake gave his take away on the video that was shown and the arguments that were made in the video: 1) Counties being sued; 2) County Board Members being sued for damages; 3) No lawsuits have been overturned; and 4) whether LaSalle factors can be used when rendering a decision. Mr. Drake noted a County could make these types of farms a permitted use, which would still allow for a review but would limit the ability to reject permits. Mr. Drake said this topic has become a political gamesmanship making the county board the puppets to take the heat of the legislative decisions being made by the state.

David King stated if the State had confused counties by the new bill, the State should have to provide clarification. Mr. King said he felt what the state had done was unconstitutional and suggested a moratorium on the matter.

Chairman Crawford stated he passed a moratorium to allow the zoning department time to gather language for a new ordinance, but the state stepped in thinking Tazewell was anti-wind/solar and then passed a bill to limit county abilities. Mr. Crawford said he is a member of the UCC and IACB which had created a wind and solar task force to draft clean up language for the new bill, however the task force was not gaining much ground.

Member Goddard mentioned that all coal fire plants in the state were to be closed by 2045 and closed plants were being converted into battery storage facilities for renewable energy sources. Mr. Goddard stated he felt solar would soon go away and nuclear power would become the prime replacement energy source.

Member Schmidgall stated the counties should hire companies for any studies conducted and the wind and solar companies should pay the bill.

Administrator Workman stated that use of a third party experts could be looked into and the code allows for some funds to be advanced for scenarios such as this.

Member Hopkins stated he has been involved in a few wind and solar cases and he looked at the merits of the case. Mr. Hopkins said he understood there had been damages incurred and he would be upset if he were given incorrect information.

## **UNFINISHED BUSINESS**

### **Proposed Amendments**

Administrator Workman presented 3 proposed Amendments to the Zoning Code:

Amendment 71 - Chickens – Ms. Workman stated chickens have become a monthly request which had never been denied by the ZBA. Ms. Workman drafted an amendment to allow chickens as a permitted use with the same criteria as what was presently a Special Use. Ms. Workman said the regulations would be verified at permit issuance.

Amendment 72 - Administrative Variances – Ms. Workman stated a proposed change to notification and response times as well as removing certified mail requirements due to increased USPS fees.

Member Schmidgall questioned why the county did not utilize emailing.

Amendment 73 - Personal & Recreational Storage – Ms. Workman stated this amendment was to clean up some confusing and conflicting language regarding storage buildings.

Following discussion, moved by Hall, seconded by Hopkins to direct the Community Development Administrator to send the proposed amendments to the June 3, 2025 ZBA Public Hearing.

On voice vote, **motion declared carried.**

Land Use Voting

Member Schmidgall questioned why all ZBA cases did not come before the Land Use committee. Mr. Schmidgall stated the people should have the right to have those they elected to office make the determination on cases.

Chairman Crawford gave a history of how and why some cases are decided by the ZBA.

**STAFF REPORT:**

Administrator Workman presented the Committee a Staff Report detailing revenues, expenses and other office related activity for the month and year to date. This item was for discussion purposes only and no action was taken.

**NEXT MEETING:**

The next meeting of the Land Use Committee will be held on Tuesday, June 10, 2025 at 5:00 p.m.

**RECESS:**

There being no further business, the meeting recessed at 7:00p.m.

Jaclynn Workman, Secretary  
(Transcribed by Melissa Kreiter, Chief Deputy)