

DRAFT COPY - SUBJECT TO COMMITTEE APPROVAL

BOARD: TAZEWELL COUNTY

COMMITTEE: LAND USE

DATE/TIME: Tuesday, February 17, 2026, at 4:03 p.m.

PRESENT: Chairman K. Russell Crawford, Vice Chairman Jon Hopkins, Greg Longfellow, Eric Schmidgall, Eric Stahl

ABSENT: Jay Hall, Mark Goddard and Joe Woodrow

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

OTHERS PRESENT: Elton Rocke and County Board Members: Kim Joesting, Mike Harris, Nancy Proehl and Deene Milam

CALL TO ORDER: Chairman Crawford called the meeting to Order at 4:03 p.m.

MINUTES: Moved by Stahl, seconded by Schmidgall to approve the minutes of the November 10, 2025 Land Use meeting.

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

PUBLIC COMMENT: None

DISCUSSION

Data Centers

Administrator Workman stated the Zoning Code does not currently address data center facilities and historically, if a use was not listed, then it would be considered not be an allowable use. Ms. Workman felt that it would be beneficial to have something in the Code regarding this type of use just in case there were a challenge. Ms. Workman said that Sangamon and McLean Counties were working on adoption of an ordinance at the present. Ms. Workman added she would review other area ordinances and then work to draft regulations for Tazewell County, keeping this type of use limited to industrial areas. Ms. Workman stated there was no legislation passed on data centers, but it was possible as with renewable energy, legislation could be forthcoming. Ms. Workman added that she had not seen any language regarding decommissioning of these types of facilities.

Member Stahl questioned where industrial areas of the County were located and if a moratorium would be an option until language were adopted.

County Board Member Milam stated concerns over the amount of shadow cast by these types of structures due to the height of the buildings.

County Board Member Proehl questioned if the County were to designate certain areas allowable for this type of use would that have an impact on any current development plans, such as with the City of Pekin.

Member Stahl stated he would like to require a developer to clarify where the power

would come from for these data centers to ensure the local power supply not be affected.

Member Hopkins stated he would prefer these types of developments be required to supply their own power.

Chairman Crawford stated the last time the County tried to pass a moratorium on development, the State passed a law disallowing the county to do so.

Member Schmidgall stated Champaign County passed a moratorium on Data Center developments.

Assistant States Attorney Drake stated that data centers should be classified as Class A use.

This item was for discussion purposes only. No action was taken

RECESS & RECONVENE: Chairman Crawford called for a brief recess at 4:59 p.m. and the meeting resumed at 5:06 p.m.

BESS Battery Storage Assistant States Attorney Drake stated there were more changes proposed to Illinois legislation regarding green energy and BESS facilities. Mr. Drake provided a report of those changes to the committee and gave an overview. (See attached.)

Administrator Workman stated she would reference the NFPA Code when drafting an ordinance for BESS. Ms. Workman said that she would like to draft one ordinance that encompassed all renewable energy.

This item was for discussion purposes only. No action was taken

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, March 10, 2026 at 5:00 p.m.

RECESS: There being no further business, the meeting recessed at 5:48p.m.

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

Land Use Members: On January 8th, Governor Pritzker signed the Clean and Reliable Grid Affordability Act (CRGA) into law (SB 25 / PA 104-048) and Matt Drake was kind enough to review and summarize the legislation for our discussion related to BESS (Battery Energy Storage Systems) and updates for Wind and Solar.

CRGA is over 1,000 pages in length and this summary is not meant to be exhaustive, but rather to highlight the provisions which are the most likely to be relevant to the County.

First, CRGA further alters counties' authority to regulate wind and solar energy facilities (collectively, "green energy facilities"). Citations are included below to the relevant paragraphs of 55 ILCS 5/5-12020, as amended:

- *Redefines "supporting facilities" to include large-scale batteries known as Battery Energy Storage Systems ("BESS"). This redefinition means that we cannot establish siting standards for BESS which would preclude wind or solar energy development. (Paragraphs (a) and (g))*
- *Clarifies that fences are not to be considered part of solar energy facilities for purposes of measuring setbacks. In other words, setbacks for solar energy facilities are measured from the nearest non-fence part of the solar facility. (Paragraph (e)(3))*
- *Clarifies that counties may require solar facilities to comply with generally applicable fencing setback requirements from public roads, as long as the setbacks do not preclude green-energy development. (Paragraph (e)(3))*
- *Permits landowners near a green energy facility to, in writing, waive enforcement of the Illinois Pollution Control Board's rules regarding noise pollution. If any such waiver is recorded, it will run with the land and bind future owners or occupants. The landowners must disclose any such waiver to prospective buyers and/or tenants. (Paragraph f)*
- *Allows counties to set a deadline of 5 years or longer for green-energy developers to either begin construction or obtain a building permit. Shorter deadlines are not allowed. If a developer requests an extension of the deadline with reasonable cause, the county must allow it. Extensions shall not be unreasonably withheld, conditioned, or denied. (Paragraph i-5)*
- *Provides safe harbors for county fees, as follows:*
 - *Special-use permit fees or siting approval fees for green-energy facilities are presumed to be reasonable if they do not exceed \$5,000 per megawatt, up to a maximum of \$125,000.*
 - *Building permit fees (which must also cover supporting facilities, including BESS) are presumed reasonable if they do not exceed \$5,000 per megawatt, up to a maximum of \$75,000.*
 - *The county may require reimbursement for its reasonable expenses in processing these requests, above and beyond these safe harbors.*
 - *Any "reasonable" fees are allowed, but no further guidance is given. (Paragraphs i-5 and i-10)*
- *Allows counties to require green-energy developers to maintain liability insurance once construction begins. The insurance required must be commercially reasonable and consistent with prevailing industry standards. (Paragraph i-10)*
- *Removes our authority to require vegetative screening of wind energy facilities. (Paragraph l)*
- *Limits our authority to require vegetative screening of solar energy facilities. Any such screening requirement:*
 - *May be applied only between the facility and non-participating residences*
 - *Must be commercially reasonable and limited in height so as to not eventually cast shade on the facility*
 - *May require the plants to be up to five feet tall, but no taller, at first installation and at the date operation begins*
 - *Must be adopted after considering the size and location of the facility, how visible it is from nonparticipating residences, the feasibility of installation and maintenance, and standard practices in the industry. (Paragraph l)*

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- *Must be adopted after considering the size and location of the facility, how visible it is from nonparticipating residences, the feasibility of installation and maintenance, and standard practices in the industry. (Paragraph l)*
- *Removes our ability to require a review by the US Fish & Wildlife Service. (Paragraph n)*
- *Prevents counties and other units of local government from requiring payment for road-use agreements, except for those units' actual expenses in negotiating, executing, or implementing the agreement. Developers cannot be required to pay for road work unless it is specifically required for construction of their facility. (Paragraph s)*

Second, CRGA comprehensively limits counties' ability to regulate independent BESS installations via zoning. The statutory scheme is similar to the one used in Public Act 102-1123 to remove our zoning authority over green energy facilities. The statute lays out some requirements which we are allowed to impose (see details below), and provides that no more restrictive requirements may be imposed. CRGA further provides that any requests for BESS siting or special uses must be granted if the statutory conditions and other state/federal laws are complied with. Moratoriums or other bans on BESS development are not allowed in districts which allow agricultural or industrial uses. CRGA requires us to bring our zoning ordinance into compliance by Monday, September 29, 2026 (120 days after CRGA's effective date.)

Assuming our zoning ordinance is amended to make BESS a special use, any application for a BESS special use must be publicly heard, and the hearing must conclude within 60 days of the application being filed. Once a building permit is applied for, a decision must be made within 60 days or it will be deemed to have been granted.

The requirements we may impose on BESS developers include the following:

- *Compliance with NFPA 855, a 122-page standard for BESS installations promulgated by the National Fire Protection Association*
- *Setbacks of 150 feet from occupied community buildings and nonparticipating residences*
- *Setbacks of 50 feet to the property lines of occupied community buildings and nonparticipating residences*
- *Setbacks of 50 feet to the edge of any public road right-of-way*
- *However, any setback requirements may be waived by the owner of the affected property*
- *Limits on noise pollution up to those established by the Illinois Pollution Control Board. The county may require the facility, once operational, to provide one set of sound measurements from a reasonable number of sampled locations at the perimeter of the facility*
- *Begin construction or obtain a building permit within three years or more of the use being approved. Shorter deadlines are not allowed. Extensions made for good cause must be granted, and may not be unreasonably withheld, conditioned, or denied.*
- *Provide a farmland drainage plan*
- *Compensate landowners for crop losses or other agricultural damage caused by construction*
- *Payment of reasonable fees. Safe harbors are provided indicating that:*
 - *Special-use and siting fees are considered reasonable if they are under \$5,000 per megawatt up to a maximum of \$50,000.*
 - *Building permit fees are considered reasonable if they are under \$5,000 per megawatt up to a maximum of \$50,000.*

- *Provide a decommissioning plan as required in NFPA 855, including a reclamation bond. The bond amount is based on the decommissioning cost as estimated by an engineer hired by the facility, and we may require the amount to be recalculated every 5 years. The bond shall provide for the following amounts on the indicated dates:*
 - *25% of estimated decommissioning cost before operation;*
 - *50% by the 5th anniversary of commercial operation; and*
 - *100% by the 10th anniversary of commercial operation.*
- *Obtain and provide an EcoCAT recommendation from the Illinois Department of National Resources*
- *Adhere to recommendations provided by IDNR regarding impacts on endangered species and natural areas*
- *Demonstrate avoidance of protected lands identified by IDNR or the Illinois Nature Preserves Commission*
- *Consider (but not necessarily follow) IDNR recommendations for setbacks from protected lands*
- *Provide evidence of consultation with the Illinois Historic Preservation Division regarding state historic sites*
- *Provide a site plan including property lines, physical features of the site, roads, and changes to the landscape including structures, vegetation, lighting, and screening, BUT NOT detailed electrical diagrams*
- *Post warning signs in compliance with NFPA 855*
- *Limit outdoor lighting to that minimally required for safety and operational purposes*
- *Provide, at the time a building permit is requested (but no earlier), a diagram detailing the system layout, components, interconnection methods, disconnects, and overcurrent devices; as well as an equipment spec sheet*
- *Provide, prior to starting commercial operation (but no earlier), the following items as required by NFPA 855:*
 - *Commissioning report*
 - *Hazard mitigation analysis*
 - *Emergency operations plan, and provide the plan as well as relevant training to local fire departments and first responders*
- *Some things that we specifically may not require:*
 - *Property-value guarantees*
 - *Escrowing of funds for devaluation of neighboring properties*
 - *Additional county approvals MAY NOT be required for work done later, to maintain the original capacity of the BESS*
 - *Fees or other payment for road-use agreements, except as specifically attributable to construction of the facility; however, road districts or other units of local government may require reimbursement for their actual expenses in connection with the project*

As always, please feel free to contact me with questions.

Regards,

Matthew S. Drake

Assistant State's Attorney