



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2690

Introduced 10/14/2025, by Sen. Sue Rezin - Chris Balkema

SYNOPSIS AS INTRODUCED:

55 ILCS 5/5-12020

Amends the Counties Code. Specifies that Grundy County or a municipality with planning jurisdiction may prohibit the siting or establish standards for the development and operation of a commercial wind energy facility, a commercial solar energy facility, or both, on any portion of the Brisbin Road commercial or industrial site under its planning jurisdiction. Defines "municipality with planning jurisdiction" and "Brisbin Road commercial or industrial site". Effective immediately.

LRB104 15180 WRO 28324 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Counties Code is amended by changing
5 Section 5-12020 as follows:

6 (55 ILCS 5/5-12020)

7 Sec. 5-12020. Commercial wind energy facilities and
8 commercial solar energy facilities.

9 (a) As used in this Section:

10 "Brisbin Road commercial or industrial site" means
11 property in Grundy County that is located within 2.5 miles of
12 the Brisbin Road Exit on Interstate 80 and that has been
13 designated for commercial or industrial use in a planning
14 document adopted before January 1, 2025 by Grundy County or a
15 municipality with planning jurisdiction.

16 "Commercial solar energy facility" means a "commercial
17 solar energy system" as defined in Section 10-720 of the
18 Property Tax Code. "Commercial solar energy facility" does not
19 mean a utility-scale solar energy facility being constructed
20 at a site that was eligible to participate in a procurement
21 event conducted by the Illinois Power Agency pursuant to
22 subsection (c-5) of Section 1-75 of the Illinois Power Agency
23 Act.

1 "Commercial wind energy facility" means a wind energy
2 conversion facility of equal or greater than 500 kilowatts in
3 total nameplate generating capacity. "Commercial wind energy
4 facility" includes a wind energy conversion facility seeking
5 an extension of a permit to construct granted by a county or
6 municipality before January 27, 2023 (the effective date of
7 Public Act 102-1123).

8 "Facility owner" means (i) a person with a direct
9 ownership interest in a commercial wind energy facility or a
10 commercial solar energy facility, or both, regardless of
11 whether the person is involved in acquiring the necessary
12 rights, permits, and approvals or otherwise planning for the
13 construction and operation of the facility, and (ii) at the
14 time the facility is being developed, a person who is acting as
15 a developer of the facility by acquiring the necessary rights,
16 permits, and approvals or by planning for the construction and
17 operation of the facility, regardless of whether the person
18 will own or operate the facility.

19 "Municipality with planning jurisdiction" means a
20 municipality that has planning jurisdiction over all or a
21 portion of the Brisbin Road commercial or industrial site
22 under an applicable boundary agreement or otherwise.

23 "Nonparticipating property" means real property that is
24 not a participating property.

25 "Nonparticipating residence" means a residence that is
26 located on nonparticipating property and that is existing and

1 occupied on the date that an application for a permit to
2 develop the commercial wind energy facility or the commercial
3 solar energy facility is filed with the county.

4 "Occupied community building" means any one or more of the
5 following buildings that is existing and occupied on the date
6 that the application for a permit to develop the commercial
7 wind energy facility or the commercial solar energy facility
8 is filed with the county: a school, place of worship, day care
9 facility, public library, or community center.

10 "Participating property" means real property that is the
11 subject of a written agreement between a facility owner and
12 the owner of the real property that provides the facility
13 owner an easement, option, lease, or license to use the real
14 property for the purpose of constructing a commercial wind
15 energy facility, a commercial solar energy facility, or
16 supporting facilities. "Participating property" also includes
17 real property that is owned by a facility owner for the purpose
18 of constructing a commercial wind energy facility, a
19 commercial solar energy facility, or supporting facilities.

20 "Participating residence" means a residence that is
21 located on participating property and that is existing and
22 occupied on the date that an application for a permit to
23 develop the commercial wind energy facility or the commercial
24 solar energy facility is filed with the county.

25 "Protected lands" means real property that is:

26 (1) subject to a permanent conservation right

1 consistent with the Real Property Conservation Rights Act;
2 or

3 (2) registered or designated as a nature preserve,
4 buffer, or land and water reserve under the Illinois
5 Natural Areas Preservation Act.

6 "Supporting facilities" means the transmission lines,
7 substations, access roads, meteorological towers, storage
8 containers, and equipment associated with the generation and
9 storage of electricity by the commercial wind energy facility
10 or commercial solar energy facility.

11 "Wind tower" includes the wind turbine tower, nacelle, and
12 blades.

13 (b) Notwithstanding any other provision of law or whether
14 the county has formed a zoning commission and adopted formal
15 zoning under Section 5-12007, a county may establish standards
16 for commercial wind energy facilities, commercial solar energy
17 facilities, or both. The standards may include all of the
18 requirements specified in this Section but may not include
19 requirements for commercial wind energy facilities or
20 commercial solar energy facilities that are more restrictive
21 than specified in this Section. A county may also regulate the
22 siting of commercial wind energy facilities with standards
23 that are not more restrictive than the requirements specified
24 in this Section in unincorporated areas of the county that are
25 outside the zoning jurisdiction of a municipality and that are
26 outside the 1.5-mile radius surrounding the zoning

1 jurisdiction of a municipality.

2 (c) If a county has elected to establish standards under
3 subsection (b), before the county grants siting approval or a
4 special use permit for a commercial wind energy facility or a
5 commercial solar energy facility, or modification of an
6 approved siting or special use permit, the county board of the
7 county in which the facility is to be sited or the zoning board
8 of appeals for the county shall hold at least one public
9 hearing. The public hearing shall be conducted in accordance
10 with the Open Meetings Act and shall be held not more than 60
11 days after the filing of the application for the facility. The
12 county shall allow interested parties to a special use permit
13 an opportunity to present evidence and to cross-examine
14 witnesses at the hearing, but the county may impose reasonable
15 restrictions on the public hearing, including reasonable time
16 limitations on the presentation of evidence and the
17 cross-examination of witnesses. The county shall also allow
18 public comment at the public hearing in accordance with the
19 Open Meetings Act. The county shall make its siting and
20 permitting decisions not more than 30 days after the
21 conclusion of the public hearing. Notice of the hearing shall
22 be published in a newspaper of general circulation in the
23 county. A facility owner must enter into an agricultural
24 impact mitigation agreement with the Department of Agriculture
25 prior to the date of the required public hearing. A commercial
26 wind energy facility owner seeking an extension of a permit

1 granted by a county prior to July 24, 2015 (the effective date
2 of Public Act 99-132) must enter into an agricultural impact
3 mitigation agreement with the Department of Agriculture prior
4 to a decision by the county to grant the permit extension.
5 Counties may allow test wind towers or test solar energy
6 systems to be sited without formal approval by the county
7 board.

8 (d) A county with an existing zoning ordinance in conflict
9 with this Section shall amend that zoning ordinance to be in
10 compliance with this Section within 120 days after January 27,
11 2023 (the effective date of Public Act 102-1123).

12 (e) A county may require:

13 (1) a wind tower of a commercial wind energy facility
14 to be sited as follows, with setback distances measured
15 from the center of the base of the wind tower:

16	Setback Description	Setback Distance
17	Occupied Community	2.1 times the maximum blade tip
18	Buildings	height of the wind tower to the
19		nearest point on the outside
20		wall of the structure
21	Participating Residences	1.1 times the maximum blade tip
22		height of the wind tower to the
23		nearest point on the outside

1		wall of the structure
2	Nonparticipating Residences	2.1 times the maximum blade tip
3		height of the wind tower to the
4		nearest point on the outside
5		wall of the structure
6	Boundary Lines of	None
7	Participating Property	
8	Boundary Lines of	1.1 times the maximum blade tip
9	Nonparticipating Property	height of the wind tower to the
10		nearest point on the property
11		line of the nonparticipating
12		property
13	Public Road Rights-of-Way	1.1 times the maximum blade tip
14		height of the wind tower
15		to the center point of the
16		public road right-of-way
17	Overhead Communication and	1.1 times the maximum blade tip
18	Electric Transmission	height of the wind tower to the
19	and Distribution Facilities	nearest edge of the property
20	(Not Including Overhead	line, easement, or
21	Utility Service Lines to	right-of-way

1 Individual Houses or containing the overhead line
2 Outbuildings)

3 Overhead Utility Service None
4 Lines to Individual
5 Houses or Outbuildings

6 Fish and Wildlife Areas 2.1 times the maximum blade
7 and Illinois Nature tip height of the wind tower
8 Preserve Commission to the nearest point on the
9 Protected Lands property line of the fish and
10 wildlife area or protected
11 land

12 This Section does not exempt or excuse compliance with
13 electric facility clearances approved or required by the
14 National Electrical Code, the ~~The~~ National Electrical
15 Safety Code, the Illinois Commerce Commission, and the
16 Federal Energy Regulatory Commission, and their designees
17 or successors.

18 (2) a wind tower of a commercial wind energy facility
19 to be sited so that industry standard computer modeling
20 indicates that any occupied community building or
21 nonparticipating residence will not experience more than
22 30 hours per year of shadow flicker under planned
23 operating conditions;

24 (3) a commercial solar energy facility to be sited as

follows, with setback distances measured from the nearest edge of any component of the facility:

Setback Description	Setback Distance
Occupied Community Buildings and Dwellings on Nonparticipating Properties	150 feet from the nearest point on the outside wall of the structure
Boundary Lines of Participating Property	None
Public Road Rights-of-Way	50 feet from the nearest edge
Boundary Lines of Nonparticipating Property	50 feet to the nearest point on the property line of the nonparticipating property

(4) a commercial solar energy facility to be sited so that the facility's perimeter is enclosed by fencing having a height of at least 6 feet and no more than 25 feet; and

(5) a commercial solar energy facility to be sited so that no component of a solar panel has a height of more

1 than 20 feet above ground when the solar energy facility's
2 arrays are at full tilt.

3 The requirements set forth in this subsection (e) may be
4 waived subject to the written consent of the owner of each
5 affected nonparticipating property.

6 (f) A county may not set a sound limitation for wind towers
7 in commercial wind energy facilities or any components in
8 commercial solar energy facilities that is more restrictive
9 than the sound limitations established by the Illinois
10 Pollution Control Board under 35 Ill. Adm. Code Parts 900,
11 901, and 910.

12 (g) A county may not place any restriction on the
13 installation or use of a commercial wind energy facility or a
14 commercial solar energy facility unless it adopts an ordinance
15 that complies with this Section. A county may not establish
16 siting standards for supporting facilities that preclude
17 development of commercial wind energy facilities or commercial
18 solar energy facilities.

19 A request for siting approval or a special use permit for a
20 commercial wind energy facility or a commercial solar energy
21 facility, or modification of an approved siting or special use
22 permit, shall be approved if the request is in compliance with
23 the standards and conditions imposed in this Act, the zoning
24 ordinance adopted consistent with this Code, and the
25 conditions imposed under State and federal statutes and
26 regulations.

1 (h) A county may not adopt zoning regulations that
2 disallow, permanently or temporarily, commercial wind energy
3 facilities or commercial solar energy facilities from being
4 developed or operated in any district zoned to allow
5 agricultural or industrial uses.

6 (i) A county may not require permit application fees for a
7 commercial wind energy facility or commercial solar energy
8 facility that are unreasonable. All application fees imposed
9 by the county shall be consistent with fees for projects in the
10 county with similar capital value and cost.

11 (j) Except as otherwise provided in this Section, a county
12 shall not require standards for construction, decommissioning,
13 or deconstruction of a commercial wind energy facility or
14 commercial solar energy facility or related financial
15 assurances that are more restrictive than those included in
16 the Department of Agriculture's standard wind farm
17 agricultural impact mitigation agreement, template 81818, or
18 standard solar agricultural impact mitigation agreement,
19 version 8.19.19, as applicable and in effect on December 31,
20 2022. The amount of any decommissioning payment shall be in
21 accordance with the financial assurance required by those
22 agricultural impact mitigation agreements.

23 (j-5) A commercial wind energy facility or a commercial
24 solar energy facility shall file a farmland drainage plan with
25 the county and impacted drainage districts outlining how
26 surface and subsurface drainage of farmland will be restored

1 during and following construction or deconstruction of the
2 facility. The plan is to be created independently by the
3 facility developer and shall include the location of any
4 potentially impacted drainage district facilities to the
5 extent this information is publicly available from the county
6 or the drainage district, plans to repair any subsurface
7 drainage affected during construction or deconstruction using
8 procedures outlined in the agricultural impact mitigation
9 agreement entered into by the commercial wind energy facility
10 owner or commercial solar energy facility owner, and
11 procedures for the repair and restoration of surface drainage
12 affected during construction or deconstruction. All surface
13 and subsurface damage shall be repaired as soon as reasonably
14 practicable.

15 (k) A county may not condition approval of a commercial
16 wind energy facility or commercial solar energy facility on a
17 property value guarantee and may not require a facility owner
18 to pay into a neighboring property devaluation escrow account.

19 (l) A county may require certain vegetative screening
20 surrounding a commercial wind energy facility or commercial
21 solar energy facility but may not require earthen berms or
22 similar structures.

23 (m) A county may set blade tip height limitations for wind
24 towers in commercial wind energy facilities but may not set a
25 blade tip height limitation that is more restrictive than the
26 height allowed under a Determination of No Hazard to Air

1 Navigation by the Federal Aviation Administration under 14 CFR
2 Part 77.

3 (n) A county may require that a commercial wind energy
4 facility owner or commercial solar energy facility owner
5 provide:

6 (1) the results and recommendations from consultation
7 with the Illinois Department of Natural Resources that are
8 obtained through the Ecological Compliance Assessment Tool
9 (EcoCAT) or a comparable successor tool; and

10 (2) the results of the United States Fish and Wildlife
11 Service's Information for Planning and Consulting
12 environmental review or a comparable successor tool that
13 is consistent with (i) the "U.S. Fish and Wildlife
14 Service's Land-Based Wind Energy Guidelines" and (ii) any
15 applicable United States Fish and Wildlife Service solar
16 wildlife guidelines that have been subject to public
17 review.

18 (o) A county may require a commercial wind energy facility
19 or commercial solar energy facility to adhere to the
20 recommendations provided by the Illinois Department of Natural
21 Resources in an EcoCAT natural resource review report under 17
22 Ill. Adm. Code Part 1075.

23 (p) A county may require a facility owner to:

24 (1) demonstrate avoidance of protected lands as
25 identified by the Illinois Department of Natural Resources
26 and the Illinois Nature Preserve Commission; or

1 (2) consider the recommendations of the Illinois
2 Department of Natural Resources for setbacks from
3 protected lands, including areas identified by the
4 Illinois Nature Preserve Commission.

5 (q) A county may require that a facility owner provide
6 evidence of consultation with the Illinois State Historic
7 Preservation Office to assess potential impacts on
8 State-registered historic sites under the Illinois State
9 Agency Historic Resources Preservation Act.

10 (r) To maximize community benefits, including, but not
11 limited to, reduced stormwater runoff, flooding, and erosion
12 at the ground mounted solar energy system, improved soil
13 health, and increased foraging habitat for game birds,
14 songbirds, and pollinators, a county may (1) require a
15 commercial solar energy facility owner to plant, establish,
16 and maintain for the life of the facility vegetative ground
17 cover, consistent with the goals of the Pollinator-Friendly
18 Solar Site Act and (2) require the submittal of a vegetation
19 management plan that is in compliance with the agricultural
20 impact mitigation agreement in the application to construct
21 and operate a commercial solar energy facility in the county
22 if the vegetative ground cover and vegetation management plan
23 comply with the requirements of the underlying agreement with
24 the landowner or landowners where the facility will be
25 constructed.

26 No later than 90 days after January 27, 2023 (the

1 effective date of Public Act 102-1123), the Illinois
2 Department of Natural Resources shall develop guidelines for
3 vegetation management plans that may be required under this
4 subsection for commercial solar energy facilities. The
5 guidelines must include guidance for short-term and long-term
6 property management practices that provide and maintain native
7 and non-invasive naturalized perennial vegetation to protect
8 the health and well-being of pollinators.

9 (s) If a facility owner enters into a road use agreement
10 with the Illinois Department of Transportation, a road
11 district, or other unit of local government relating to a
12 commercial wind energy facility or a commercial solar energy
13 facility, the road use agreement shall require the facility
14 owner to be responsible for (i) the reasonable cost of
15 improving roads used by the facility owner to construct the
16 commercial wind energy facility or the commercial solar energy
17 facility and (ii) the reasonable cost of repairing roads used
18 by the facility owner during construction of the commercial
19 wind energy facility or the commercial solar energy facility
20 so that those roads are in a condition that is safe for the
21 driving public after the completion of the facility's
22 construction. Roadways improved in preparation for and during
23 the construction of the commercial wind energy facility or
24 commercial solar energy facility shall be repaired and
25 restored to the improved condition at the reasonable cost of
26 the developer if the roadways have degraded or were damaged as

1 a result of construction-related activities.

2 The road use agreement shall not require the facility
3 owner to pay costs, fees, or charges for road work that is not
4 specifically and uniquely attributable to the construction of
5 the commercial wind energy facility or the commercial solar
6 energy facility. Road-related fees, permit fees, or other
7 charges imposed by the Illinois Department of Transportation,
8 a road district, or other unit of local government under a road
9 use agreement with the facility owner shall be reasonably
10 related to the cost of administration of the road use
11 agreement.

12 (s-5) The facility owner shall also compensate landowners
13 for crop losses or other agricultural damages resulting from
14 damage to the drainage system caused by the construction of
15 the commercial wind energy facility or the commercial solar
16 energy facility. The commercial wind energy facility owner or
17 commercial solar energy facility owner shall repair or pay for
18 the repair of all damage to the subsurface drainage system
19 caused by the construction of the commercial wind energy
20 facility or the commercial solar energy facility in accordance
21 with the agriculture impact mitigation agreement requirements
22 for repair of drainage. The commercial wind energy facility
23 owner or commercial solar energy facility owner shall repair
24 or pay for the repair and restoration of surface drainage
25 caused by the construction or deconstruction of the commercial
26 wind energy facility or the commercial solar energy facility

1 as soon as reasonably practicable.

2 (t) Notwithstanding any other provision of law, a facility
3 owner with siting approval from a county to construct a
4 commercial wind energy facility or a commercial solar energy
5 facility is authorized to cross or impact a drainage system,
6 including, but not limited to, drainage tiles, open drainage
7 ditches, culverts, and water gathering vaults, owned or under
8 the control of a drainage district under the Illinois Drainage
9 Code without obtaining prior agreement or approval from the
10 drainage district in accordance with the farmland drainage
11 plan required by subsection (j-5).

12 (u) The amendments to this Section adopted in Public Act
13 102-1123 do not apply to: (1) an application for siting
14 approval or for a special use permit for a commercial wind
15 energy facility or commercial solar energy facility if the
16 application was submitted to a unit of local government before
17 January 27, 2023 (the effective date of Public Act 102-1123);
18 (2) a commercial wind energy facility or a commercial solar
19 energy facility if the facility owner has submitted an
20 agricultural impact mitigation agreement to the Department of
21 Agriculture before January 27, 2023 (the effective date of
22 Public Act 102-1123); or (3) a commercial wind energy or
23 commercial solar energy development on property that is
24 located within an enterprise zone certified under the Illinois
25 Enterprise Zone Act, that was classified as industrial by the
26 appropriate zoning authority on or before January 27, 2023,

1 and that is located within 4 miles of the intersection of
2 Interstate 88 and Interstate 39.

3 (v) Grundy County or a municipality with planning
4 jurisdiction may prohibit the siting or establish standards
5 for the development and operation of a commercial wind energy
6 facility, a commercial solar energy facility, or both, on any
7 portion of the Brisbin Road commercial or industrial site
8 under its planning jurisdiction.

9 Notwithstanding any other provision of this Section, the
10 standards adopted by Grundy County or a municipality with
11 planning jurisdiction under this subsection (v) must comply
12 only with the provisions of this Section that were in effect on
13 the day immediately before the effective date of Public Act
14 102-1123. However, Grundy County or such a municipality may
15 exercise any powers otherwise granted to it under this
16 Section, including the authority to direct facilities and
17 facility owners to comply with subsection (j-5), subsection
18 (s-5), or any other applicable provision of this Section.

19 (Source: P.A. 102-1123, eff. 1-27-23; 103-81, eff. 6-9-23;
20 103-580, eff. 12-8-23; revised 7-29-24.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.