



Kane County

KC Committee of the Whole

Agenda

Government Center
719 S. Batavia Ave., Bldg. A
Geneva, IL 60134

Tuesday, February 10, 2026

11:00 AM

County Board Room

*****SPECIAL MEETING*****

- 1. Call To Order**
- 2. Roll Call**
- 3. Remote Attendance Requests**
- 4. Pledge of Allegiance**
- 5. Approval of Minutes: April 22, 2025, June 24, 2025, September 23, 2025, December 10, 2025, January 14, 2026 & January 27, 2026**
- 6. Public Comment**
- 7. Presentations/Discussion**
 - A. Discussion Regarding New State Solar Legislation**
- 8. Executive Session**
 - A. Release of Closed Session Minutes**
- 9. Open Session**
 - A. Vote on Release of Closed Session Minutes**
- 10. Adjournment**

Discussion Regarding New State Solar Legislation

**Special Committee of the Whole
Tuesday, February 10, 2026**



KANE COUNTY, ILLINOIS

ESTABLISHED JANUARY 16, 1836

Legislative Background

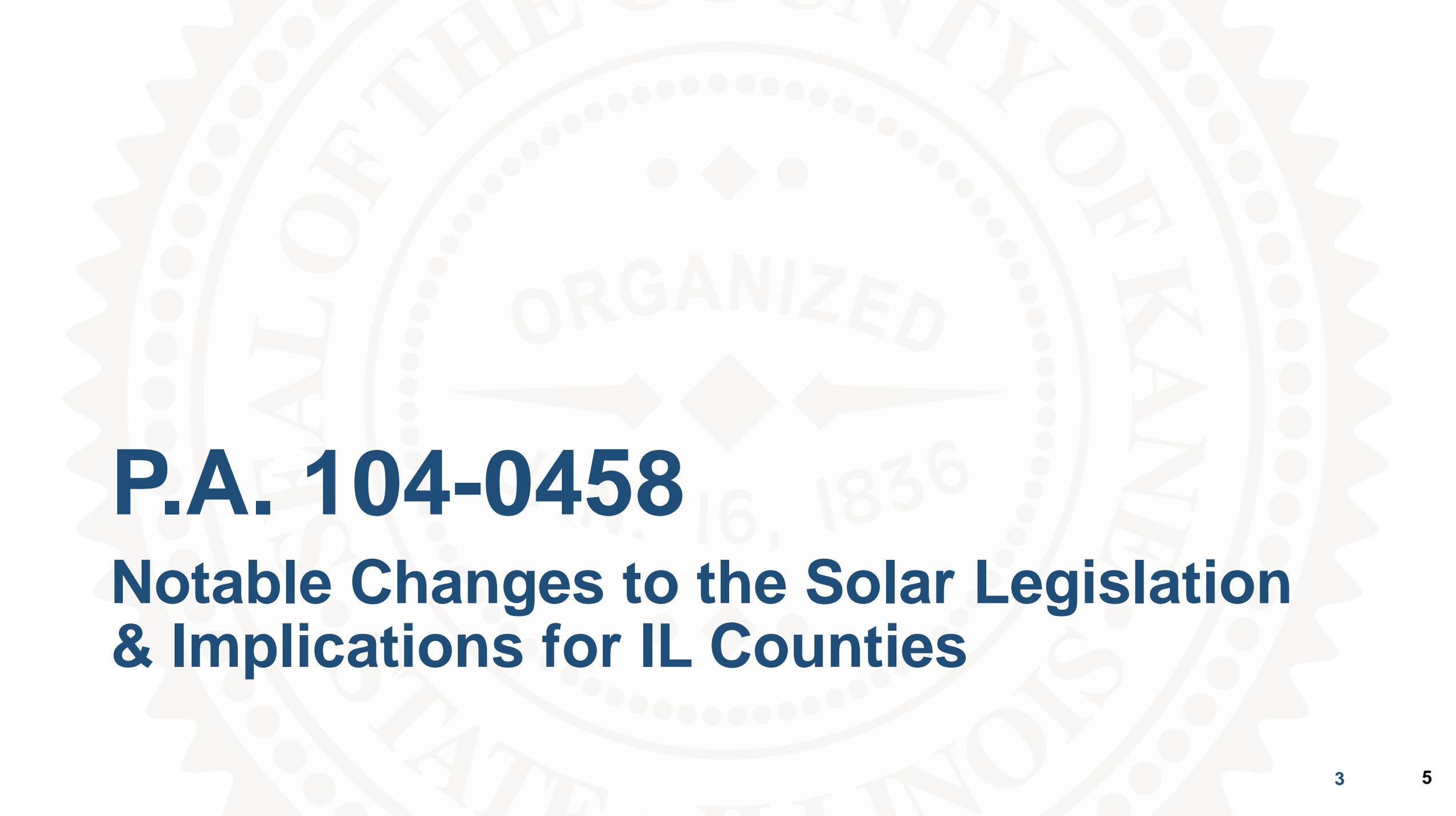
House Bill 4412 was approved by the General Assembly and signed into law on January 27, 2023, as **Public Act 102-1123**. This was also the effective date for the new law.

- Included language within the Illinois Counties Code that restricted local zoning authority over the siting of wind and solar facilities.

Kane County passed **Ordinance No. 23-178**, Amendment to the Kane County Code, Chapter 25, Zoning Ordinance Regarding Wind Energy Conversion Systems and Commercial Solar Energy Facilities in the unincorporated areas of Kane County, on May 9, 2023.

House Bill 4116 was approved by the General Assembly and signed into law on January 8, 2026, as **Public Act 104-0458**.

- Further refines permit fees, review timelines, approval criteria, and other requirements governing commercial solar and battery storage facilities in Illinois, with most provisions becoming effective June 1, 2026.
- Counties are required to amend existing zoning ordinances that conflict with the Act within 120 days of the effective date (by September 29, 2026), ensuring local regulations align with the new statutory requirements.

The background of the slide features a large, faint watermark of the Seal of the State of Illinois. The seal is circular with a serrated outer edge. Inside the seal, the words "SEAL OF THE STATE OF ILLINOIS" are written around the perimeter. In the center, there is a five-pointed star with a smaller five-pointed star inside it. Below the stars, the word "ORGANIZED" is written in an arc, and the date "JANUARY 18, 1836" is written below that. The seal is rendered in a light gray color.

P.A. 104-0458

Notable Changes to the Solar Legislation & Implications for IL Counties

P.A. 104-0458: Notable Changes & County Implications

Expedited Dispute Resolution Process & Authority to Issue Siting Certificates at the ICC: The Act establishes an expedited dispute resolution procedure that shifts jurisdiction for local solar siting disputes from local circuit courts to the Illinois Commerce Commission (ICC).

The Act empowers the ICC to review disputes and issue siting certificates for wind, solar, or energy storage projects.

If the ICC determines a local government inappropriately denied a facility's application, the ICC may issue a siting certificate. That certificate would authorize the construction, maintenance, and decommissioning of the renewable energy or storage facility, which effectually substitutes a local siting permit and building permit.

P.A. 104-0458: Notable Changes & County Implications

New Local Fee Limits and Permit Reform: For commercial solar, wind, and energy storage (battery) projects, the law sets presumptively reasonable limits on local siting and building permit fees (e.g., up to ~\$5,000 per megawatt with specific project caps). Counties may still recover documented, reasonable additional siting and permit processing costs beyond the caps.

Local permitting processes and fee structures must comply with state statutory caps and timelines, with documented cost recovery for additional processing or consultant support.

P.A. 104-0458: Notable Changes & County Implications

Extended Timeframes for Project Permit Validity: Commercial solar projects must be permitted with a minimum five-year (5 yr.) period for developers to begin construction or obtain a building permit, with extensions for reasonable cause. And, battery storage projects are granted at least three years (3 yr.) to start construction or obtain a building permit, also with extension options for reasonable cause.

Counties may need to adjust staffing or strategically use third-party reviewers to handle compliance verification, complex technical reviews, the increased application volume, and long-term project management.

Accelerated County Review and Hearing Timelines: For counties that elect to make solar projects Special Uses, the Act imposes accelerated permitting timelines. Counties must start and complete public hearings on siting applications within 60 days after filing, and issue decisions within 30 days after the hearing closes.

Counties must complete public hearings within 60 days of a SUP application and issue final Board decisions within 30 days of the hearing closure. Process workflows, staff capacity, and potential use of consultants may need adjustment to meet these deadlines.

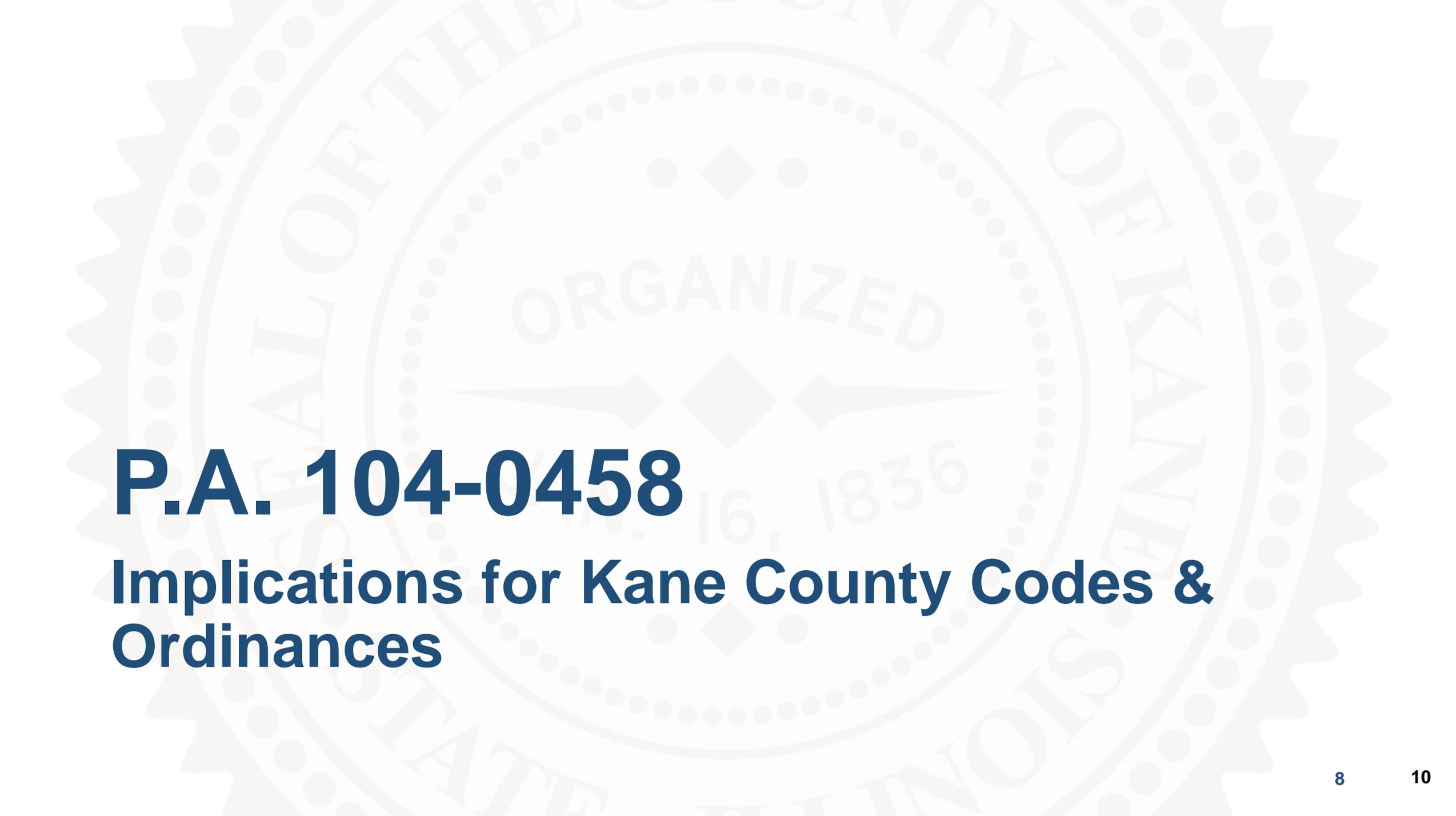
P.A. 104-0458: Notable Changes & County Implications

Broader State Support and Standards for Battery Energy Systems: Public Act 104-0458 is part of a broader legislative effort that explicitly prioritizes deployment of energy storage (e.g., targeting ~3 GW of grid-scale battery storage by 2030 and creating supportive procurement structures).

Counties should anticipate applications for stand-alone or co-located battery energy storage systems, consistent with statewide procurement goals and incentives (e.g., 3 GW by 2030), and ensure ordinance standards address siting, safety, and permitting requirements.

Solar Bill of Rights: The Act establishes consumer protections ensuring fair access, non-discrimination, and participation for low-income residents, environmental justice communities, nonprofits, and public facilities.

Counties should account for increased applications benefiting community solar projects, environmental justice communities, low-income residents, nonprofits, and public facilities, incorporating these considerations into review and permit processes.

The background of the slide features a large, faint, circular seal of Kane County, Illinois. The seal contains the text "SEAL OF THE COUNTY OF KANE ILLINOIS" around the perimeter, "ORGANIZED" in the center, and "1836" at the bottom. There are also decorative elements like a diamond and a compass rose.

P.A. 104-0458

Implications for Kane County Codes & Ordinances

P.A. 104-0458 & the Kane County Zoning Ordinance

Recent changes in State law requires a rethinking of zoning entitlements, permitting, and oversight processes to ensure that all projects meeting objective standards are decided in a timely and cost-effective manner.

At the same time, the County must safeguard public interests, protect land and financial resources, and maintain procedural clarity and transparency for applicants, staff, and residents.

Kane County Code & Zoning Ordinance

Proposed Amendments:

- 1. Make commercial solar projects Permitted Uses in the F-Farming and I-Industrial Zoning Districts with comprehensive development standards.**
2. Transition from a discretionary review process to a compliance-based review process for commercial solar projects in Kane County.
3. Add zoning regulations for Battery Energy Storage Systems (BESS), as permitted by the State Statute.
4. Increase fees for commercial solar projects to maximum amount permitted by State Statute and start utilizing third party consultants for reviews.

Solar as a Permitted Use in F & I Districts

- Reclassify Commercial Solar Energy Facilities and Battery Energy Storage Systems as **Permitted Uses by right in the F-Farming District and I-Industrial Districts**, WITH clearly defined, objective zoning and development standards in compliance with the State Statute.
- The Zoning Ordinance would continue to provide detailed, comprehensive development standards for solar facilities and battery systems; the County codes would be refined so that they do not exceed what is explicitly permitted in the State Statute.
- Solar facilities and battery systems would still **require an Establishment of Use Permit, Stormwater Permit, and Building Permit** – each of which would be carefully reviewed by staff (or consultants) for code compliance.
- Solar projects would no longer be considered Special Uses and would therefore not be subject to the special use process, a public hearing, or final decision by the County Board.
- If desired, the County may still require that solar projects notify their neighbors that they are applying for an Establishment of Use Permit. This would the public to ask questions and voice any concerns they may have.

Solar as a Permitted Use in F & I Districts (cont.)

Regulatory Model

- Commercial solar facilities are permitted by right in the F–Farming District, subject to objective zoning and development standards.

Key Characteristics

- Eliminates discretionary land use approval entirely
- Public hearings are not required
- Review focuses solely on ordinance compliance and permitting

Administrative Workload

- Low to moderate. Eliminates hearings and board review, shifting effort to technical plan review and inspections.

Public Participation

- Limited to required notices or administrative comment periods, if any.

Revenue Implications

- Eliminates Special Use application fees as a revenue source. Revenue must instead be generated through:

permit fees, inspection fees, consultant reimbursement.

Advantages

- Fully aligns with a compliance-based approval framework
- Significantly reduces staff time, board workload, provides predictability and clarity for applicants and residents

Considerations

- Requires robust, clearly drafted development standards
- Reduces opportunities for discretionary public input
- Shifts greater responsibility to upfront ordinance design and enforcement

Recap: Why Amend the Zoning Ordinance?

Primary Objective

To position Kane County to manage commercial solar development efficiently, responsibly, and in alignment with State mandates while maintaining local oversight, protecting public interests, and fostering a transparent, equitable, and sustainable approach to renewable energy development.

Key Legislative Drivers

- Mandatory approval for projects meeting ordinance and statutory standards.
- Accelerated review timelines: 60-day hearing, 30-day decision.
- Fee caps and cost recovery limits defined by State law.

+ Current County Challenges

- Time-intensive reviews burden staff, ZBA, and County Board members.
- Undercharging for applications; no use of consultant support.

Questions & Next Steps

Are there any additional questions at this time?

What does the County Board think about the option of making solar and battery storage facilities permitted uses in the F and I Districts?