Area Plan Commission Regular Session

October 8 2026

Courthouse Auditorium

The October 8, 2026, regular session of the Area Plan Commission was called to order by President Lary Langley. The Pledge of Allegiance was recited. Members present were Lary Langley, Ron Mack, Brandon Ruth, Eddie Kanizer, and Joe Ellis. Bob Alexander, Phil Cox and Brian Stevens were absent. A quorum was present. Also present were Executive Director Penney Carpenter, Brad Johnson of Ground Rules, Inc., Seth Recknor, representatives of Tenaska, and members of the public.

The September 10, 2026, regular session minutes and September 22, 2026, special session minutes were examined. Mr. Ruth made a motion to approve both sets of minutes. Mr. Ellis seconded the motion. MC.

Old Business

a. Update on Old Violations - Mrs. Carpenter reported that Loren Lomax continued to remove some material while bringing additional material onto his property. Kevin Campbell had removed substantial debris but still needed to mow. His court case was dismissed for the present because of upcoming heart surgery. Jade Warren was in compliance; his case was dismissed and the fine placed on his taxes was removed. An uninhabitable mobile home remained, which he intended to demolish. Other owners were cooperating with cleanup efforts. Members suggested sending Mr. Warren a letter thanking him for his efforts and confirming compliance, and Mrs. Carpenter agreed to do so.

b. Carbon Capture and Sequestration Amendment to the UDO - Mr. Johnson introduced a proposed amendment to the Unified Development Ordinance addressing future carbon capture and sequestration projects. The approximately 17-page draft included requirements and decommissioning provisions. No action was requested at this meeting. Members were asked to review the draft and submit comments before the November public hearing; Mr. Ruth volunteered to assist with review. A revised draft was to be available to the public at least ten days before the next APC meeting. Mrs. Carpenter would provide copies by email or at the office and make the draft available on the website. Following APC consideration, the amendment would proceed to the Commissioners for final action.

c. Data Center Moratorium and Advisory Committee Update - Mr. Johnson reported that the Commissioners had not adopted the proposed data center moratorium. The motion supporting it received no second, and a subsequent motion to deny it carried. He explained that a proposed data center would currently proceed through the planned unit development rezoning process, with an APC recommendation and final action by the Commissioners. Members discussed the response to the rejected moratorium and the need to proceed promptly with regulations in light of possible state legislation.

Mr. Johnson distributed a comparison of data center regulations used by other communities, showing least restrictive, typical, and most restrictive approaches. He cautioned against provisions exceeding local zoning authority and requested comments on topics to include. Water protection was identified as a primary concern. The committee would review an initial ordinance draft at its October 12 workshop at 4:00 p.m. in the Courthouse Auditorium. The workshop would be open to the public but not livestreamed. The goal was to complete a draft in December for APC consideration in December or January. Members also discussed definitions and appropriate requirements for data centers of different sizes, including smaller server farms.

d. Executive Director Job Description - Mrs. Carpenter reported that the Commissioners approved the updated Executive Director job description at their October 5 meeting.

New Business

a. Seth Recknor Zoning Petition - Mr. Recknor presented his renewed petition concerning the temporary recreational vehicle park at 360–372 West Jackson Street in Eugene, Eugene Township. Mrs. Carpenter reported that required adjacent-owner notices and the newspaper legal notice had been completed. The existing approval included a maximum of five campers, an eight-foot privacy fence, and surveillance cameras. Mr. Recknor requested removal of the special restrictions to allow up to nine campers under the ordinance and relief from the

required fence. He stated that the approximately 450-foot fence along the south and east boundaries had been quoted at $50,000. He intended to install security cameras regardless of the conditions.

Mr. Johnson explained that removal or modification of the Commissioners' conditions required a new rezoning process, even though the Rural Residential district designation would remain the same. Each parcel must be considered on its own merits, and approvals on other properties do not require identical treatment. Members discussed the fence location and cost, site layout, camper limit, and the distinction between rezoning and the subsequent BZA special exception review. The existing approval remained available to the applicant unless changed through the proper process.

During public testimony, neighboring property owner Eric Bonesteel opposed the request and stated that Brandon Shipman also opposed it. Mr. Bonesteel requested an unfavorable recommendation or a continuance to obtain additional information. He questioned whether the effects on surrounding property values and marketability had been adequately evaluated, citing the rezoning criteria and asking for supporting evidence or qualified review. He also requested clarification of septic inspections and approved capacity, protection of nearby private wells, physical removal of unused electrical hookups, independent verification of compliance, and identifiable local management and after-hours contacts. He asked that his written statement be entered into the record and said he would provide it to Mrs. Carpenter.

Chelsea Johnson expressed concerns about safety, maintenance, the lack of direct communication with neighboring residents, and follow-through on proposed safeguards. She requested meaningful communication and measures addressing the concerns of nearby families and elderly residents.

Mr. Recknor responded that he had substantially cleaned the property and believed its condition and proposed use would benefit the area. He stated that his work brought him to the area regularly, a local acquaintance would help monitor the property, and cameras would be installed. Construction had stopped after staff visited the site, and septic connections and electrical energization had not been completed. He wished to retain unused electrical boxes as spares while complying with the permitted camper limit. Staff indicated that septic review was the Health Department's responsibility.

Mr. Recknor read his responses to the five rezoning criteria into the record. He stated that the temporary park would support construction-worker housing and economic development associated with the Duke Energy project; fit the surrounding rural area; make productive use of the partially developed site near State Road 63; improve the property through cleanup and maintenance; and use existing paved-road access and public services. Mr. Bonesteel reiterated that cleanup alone did not establish the effect of the proposed use on neighboring property values and requested retention of safeguards.

Mr. Kanizer made a motion to close the public hearing. Mr. Mack seconded the motion. MC. During deliberation, Mr. Ruth stated that septic approval would be handled by the Health Department and that the commission's consideration of property values was general rather than a formal appraisal. He expressed the opinion that cleanup and productive use supported the request, with more detailed review to occur through the BZA process.

Mr. Ruth made a motion to forward the petition to the Commissioners with a favorable recommendation and without stipulations. Mr. Kanizer seconded the motion. On roll call, Mr. Langley, Mr. Ruth, and Mr. Kanizer voted in favor. Mr. Mack and Mr. Ellis voted against. The motion passed 3–2. The Commissioners would determine whether to retain or change the conditions, and the proposed use would subsequently return to the BZA for consideration.

b. Rivers Edge Generating LLC Rezoning Petition 2026-10 - Dave Wagner, Senior Development Director for Tenaska, introduced the request to rezone approximately 424 acres from A-1 General Agriculture to HI High Impact for the Rivers Edge combined-cycle natural gas generating plant. The site is in Helt Township along County Road 700 South, approximately one and one-half miles east of the Illinois state line, southwest of Dana. Mike Carlson, Vice President of Engineering, presented the project. Project attorney Rachel Conner also addressed the commission.

Mr. Carlson described a 1,540-megawatt natural gas facility representing an investment exceeding $3 billion. The design included two combustion turbine generators, two heat recovery steam generators, two steam turbine generators, cooling towers, water treatment, and supporting facilities. Site work could begin in late 2028, with principal construction from late 2029 through mid-2031 and commissioning and testing extending into 2032, subject to approvals. He projected a peak of approximately 900 construction jobs and approximately 25

permanent positions, more than $800 million in new assessed value, and at least $450 million in property tax payments over 35 years.

The applicant proposed connection to Duke Energy's 345-kilovolt transmission system through the MISO interconnection process and potential gas supply from the Rockies Express and Panhandle Eastern pipelines. Access would be from County Road 700 South. Members questioned the status of land agreements, including the American Land Holdings/Peabody parcel. Mr. Wagner stated that a purchase agreement was in place with closing anticipated in December. Ms. Conner clarified that the purchase agreement was signed but the proposed warranty deed would not be signed until closing.

Mr. Carlson described proposed visual screening, mature evergreen plantings, neutral exterior colors, downward shielded lighting, stacks below 200 feet, and sound mitigation. He proposed limits of 60 dBA at the property boundary and 50 dBA at the nearest occupied dwellings during commercial operation. He stated that lot coverage would remain below 20 percent and setbacks would be at least 150 feet, without requesting variances to reduce those standards. He stated that no data center would be placed on the project property. Although only two units were proposed, he acknowledged that another turbine could potentially fit within the site, subject to applicable limitations.

Water supply and discharge were discussed extensively. Mr. Carlson estimated average intake of approximately 10 million gallons per day, net consumption of approximately 7.4–7.5 million gallons per day, and discharge of approximately 2.5 million gallons per day. Peak intake on hot days could reach approximately 14 million gallons per day, with consumption of approximately 10.5 million gallons per day. He acknowledged inconsistent peak discharge figures in the presentation and said those would be corrected. The preferred supply was Vermillion Rise's existing wells; alternatives included new wells near the Wabash River or direct river withdrawal. A small on-site well and septic system could serve employee domestic needs.

Mr. Carlson described the hydraulic connection between the river and its alluvial aquifer and compared projected consumption with historical average river flow. He stated that process wastewater would not be discharged to local streams or ditches on the generating station property; the final discharge location and treatment requirements would be determined through IDEM permitting. He also discussed air permits, best available control technology, stormwater detention and Drainage Board review, emergency response and training, construction traffic and road-use agreements, work-hour and dust controls, local hiring, and future public meetings.

Public testimony included support for economic opportunity and substantial concerns about the proposed location and impacts. Roz Redmond Dick, speaking for her family, supported the project as an opportunity to strengthen employment, workforce development, infrastructure, and community resources. She acknowledged the need for factual, transparent answers to environmental and water questions.

Nearby residents Dave Rank, Mary Randall Rank, Bob Rank, and David Randall questioned compatibility with the UDO and Comprehensive Plan, the loss of prime farmland and rural character, noise, lighting, emissions, construction traffic, and effects on family homes. They requested independent studies, clear enforcement provisions, and binding commitments before rezoning. They questioned changing project figures, reliance on average river flows rather than drought conditions, the possibility of later industrial expansion, and whether Vermillion Rise would be a more appropriate location. David Randall also reported an approach from a battery storage company seeking land near the proposed plant.

Nolan Mihail questioned the evidence supporting the need for the generation capacity and cited concerns reported at other Tenaska projects. He requested complete water accounting and independent review of well impacts, noise standards addressing low-frequency sound and vibration, clarification of power customers and infrastructure costs, and health-impact review before rezoning. Other speakers questioned possible connections to data centers or carbon sequestration, the adequacy of local-labor assurances, property rights, transparency, environmental permitting, and the long-term effect on nearby families. A local labor representative requested concrete steps to use local workers and keep project spending in the community.

Joshua Bishop raised concerns about neighboring farm drainage tile, the finite supply of prime farmland, notice and outreach, and the map labeled as future zoning. Lindsay Bishop suggested contacting the Wabash River Heritage Corridor Commission for water information and described difficulties restoring farmland after pipeline work. Andrew Clawson questioned the intended power customers and financial assumptions. Kurt Phelps raised concerns about shallow wells, permanent loss of farmland, rural quality of life, and the limited number of permanent jobs. Stephanie Simpson urged additional review and consideration of families whose land had been

held for generations. Other residents addressed safety, health, and preservation of nearby homes and farmland. An attorney representing affected local families requested postponement to review the materials and obtain more detailed, recorded commitments. The commission confirmed that a quorum remained after Mr. Kanizer left for a family commitment.

Mr. Johnson, speaking as an extension of staff without advocating approval or denial, recommended that the commission defer its vote. He reported outstanding comments and unresolved portions of the application and commitments. Members and the public needed time to review the binders distributed that evening, and staff needed to confirm consistency with previously submitted materials. He emphasized that presentation statements should be converted into enforceable written commitments and that the water source and discharge arrangements should be clarified before rezoning.

Mr. Johnson questioned sound limits protecting only existing dwellings rather than surrounding properties where future dwellings could be built. He clarified that the Comprehensive Plan's future land use map was a broad planning guide, not an adopted or promised future zoning map. He also discussed public engagement requirements, limits on growth in county tax levies, the potential role of tax increment financing, and the difficulty of reversing an approved rezoning without an agreed commitment. He suggested consideration of a good-neighbor program for affected property owners and commitments addressing adjacent properties across the Illinois state line. He proposed seeking specialist assistance to reconcile the applicant's and residents' river-flow and water-use information before the next meeting.

Ms. Conner stated that the commitments remained in draft form and that the version supplied addressed some, but not all, staff requests. She stated that use of Vermillion Rise water would require county consent and that additional negotiations would include economic development, road-use, and decommissioning agreements. After a recess, a resident also requested protection of a nearby cemetery. The applicant indicated that it knew the cemetery's location, and discussion clarified that it was not on the project property.

Ms. Conner reviewed the 21 draft commitments. The proposed land-use restriction would limit the entire project real estate to electrical generation and supporting facilities, excluding other HI uses, including data centers. Other provisions addressed transfer notice and assumption of commitments; public engagement; site plan and building design; 20-percent maximum lot coverage; 150-foot setbacks; screening; sound; lighting; water supply and discharge; environmental permits; emergency planning and annual training; fire department support; construction traffic and road use; local hiring; and decommissioning. The applicant would not seek variances for greater lot coverage or lesser setbacks. Ms. Conner said the revised draft would reduce the nearest-dwelling sound limit from 55 to 50 dBA, while acknowledging that the sound and water provisions required further work.

The proposed air-quality commitment would use best available control technology and retain the National Ambient Air Quality Standards in effect on October 8, 2026, unless later standards were more stringent. Ms. Conner described the proposed modeling basis and stated that the commitment would continue for the project's life despite subsequent relaxation of federal standards. The proposed zoning-reversion provision stated that, if the project were terminated or failed to achieve commercial operation by 2036, the project would not contest an APC-initiated rezoning back to A-1. She explained that the commitments would become effective upon Commissioners' approval, be recorded, bind successors and subsequent owners, and be subject to modification or termination by the Commissioners after a public hearing. No draft commitments were adopted at this meeting.

The applicant requested continuation of the open public hearing. Mr. Ruth made a motion to continue the hearing to November 12, 2026, at 6:00 p.m. in the Courthouse Auditorium. The motion was seconded and carried. The public hearing remained open. No recommendation on Petition 2026-10 was made.

Claims and Adjournment

There was no other new business. Claims were presented for approval. Mr. Mack made a motion to approve the claims. The motion was seconded. MC.

With no further business before the commission, a motion was made to adjourn. The motion was seconded, and the meeting adjourned.

Penney Carpenter

Penney Carpenter, Executive Director