

AS APPROVED MAY 14, 2009

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2  
3 **MINUTES OF REGULAR MEETING**

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5 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

6 1776 E. Washington Street

7 Urbana, IL 61801

8  
9 **DATE:** March 26, 2009

**PLACE:** Lyle Shields Meeting Room  
1776 East Washington Street

10  
11 **TIME:** 7:00 p.m.

Urbana, IL 61802

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13 **MEMBERS PRESENT:** Doug Bluhm, Catherine Capel, Thomas Courson, Roger Miller, Melvin  
14 Schroeder, Eric Thorsland, Paul Palmgren

15  
16 **MEMBERS ABSENT :** None

17  
18 **STAFF PRESENT :** John Hall, Leroy Holliday, J.R. Knight, Christina Papavasiliou (Assistant  
19 State's Attorney), Deb Busey (County Co-Administrator)

20  
21 **OTHERS PRESENT :** Vince, Early, John Doster, Kim Schertz, Gerald Henry, Ariel Taylor,  
22 Rene' Taylor, Rich Porter, Marvin Johnson, Sherry Schildt, Herb Schildt,  
23 Alvina Pflugmacher, M. Pflugmacher, Jerry Watson, Rob Parker, Barbara  
24 Gerdes, Hal Barnhart, Steve Burdin, Jeff Suits, Mark Youmans, Travis  
25 Youmans, John Lannon, Carl Smith, Jeff Blue, Kyle Krapf, Mike Babb,  
26 Ken Dalenberg, Dean Rose, Sam Smucker, Eric McKeever, Jerry Cohen,  
27 Bill French, Steve Burdin, Jed Gerdes, Jon Schroeder, Steve Moser, Al  
28 Kurtz, Barbara Wysocki, Al Nudo, Chris Doenitz, Sam Smucker

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29  
30  
31 **1. Call to Order**

32  
33 The meeting was called to order at 7:01 p.m.

34  
35 **2. Roll Call and Declaration of Quorum**

36  
37 The roll was called and a quorum declared present.

38  
39 **3. Correspondence**

40  
41 None

42  
43 **4. Approval of Minutes (March 12, 2009)**

44  
45 **Mr. Courson moved, seconded by Mr. Miller to approve the March 12, 2009, minutes as submitted.**  
46 **The motion carried by voice vote.**

47  
48 Mr. Bluhm reminded everyone in attendance that private discussion should be kept as quiet as possible  
49 during testimony and everyone should show respect to those who are testifying. He noted that anyone in

1 attendance should sign the attendance register and if anyone desires to present testimony they should sign  
2 the witness register.

3  
4 **5. Continued Public Hearing**

5  
6 **Case 634-AT-08 Petitioner: Zoning Administrator Request: Amend the *Champaign County Zoning***  
7 ***Ordinance* as follows: A. Authorize the County Board to approve Special Use Permits (SUP) and**  
8 **to change the requirements for development of wind turbine developments (wind farms) to a**  
9 **County Board Special Use Permit (CBSUP) and a rezoning to the new Wind Farm Overlay Zoning**  
10 **District (WFO); B. Change the requirements for private wind turbines; and C. Add a requirement**  
11 **for a CBSUP for subdivisions in a Rural Residential Overlay.**

12  
13 Mr. Bluhm announced that he must recuse himself from Case 634-AT-08 because he is a landowner in  
14 one of the areas that is in development for a proposed wind farm.

15  
16 Mr. Hall informed the Board that according to the ZBA By-laws they need to vote and appoint an interim  
17 Chair for this public hearing.

18  
19 **Ms. Capel moved, seconded by Mr. Palmgren to appoint Eric Thorsland as interim Chair for the**  
20 **March 26, 2009, Zoning Board of Appeals meeting. The motion carried by voice vote.**

21  
22 Mr. Thorsland informed the audience that everyone is welcome to speak although the Board would like  
23 to limit redundant testimony.

24  
25 Mr. Hall distributed a Supplemental Memorandum dated March 26, 2009, to the Board for review. He  
26 said that the Draft Amendment has been updated to provide for test wind towers and for county  
27 enforcement of noise regulations. He said that the definition, as taken from the state statutes, for test  
28 wind towers has been included in Attachment A and an exclusion in the height portion of the Ordinance,  
29 subparagraph 4.3.1E., for both the wind farm tower and the test tower has been included in Attachment  
30 B, provided they do not exceed 200 feet in height. He said that Attachment C. provides an exemption in  
31 the Wind Farm Overlay District for both wind turbine towers and test wind towers. He said that the test  
32 wind tower does not need a permit and the wind turbine tower is part of the special use permit.

33  
34 Mr. Hall stated that the Supplemental Memorandum dated March 20, 2009, changed the setback for wind  
35 farm towers from the perimeter of the Wind Farm Overlay District. He said that this change was  
36 intended to address Mr. Courson’s concerns about having any part of the 1,000 foot separation  
37 overlapping a non-participating property. He said that applying the 1,000 foot separation to the zoning  
38 district could still overlap a non-participating property because only 50% of the landowners are needed  
39 for the zoning district overlay and 100% of the landowners for the special use permit. He said that  
40 Attachment D applies the 1,000 foot separation to the area of the special use permit and two new  
41 subparagraphs have been added to Subparagraph 6.1.4A.1 which defines the area of the special use  
42 permit. He said that new Items 6.1.4A.1(f) and (g) have been copied directly from the map amendment  
43 therefore the area of the special use permit would become even more like the area of the map  
44 amendment. He said that if the Board decides to not adopt the 1,000 foot separation then this would also

1 be changed but this is what Mr. Courson recommended at the last meeting.

2  
3 Mr. Hall stated that in regards to enforcing the Wind Farm Noise Regulations the version that was  
4 included in the March 20, 2009, Supplemental Memorandum did not include the conditions for  
5 enforcement therefore Attachment E of the March 26, 2009, Supplemental Memorandum includes the  
6 provisions that were discussed at the last hearing in regards to enforcement. He said that the only way  
7 that staff can enforce the noise regulations for wind farms is if staff acquires a noise meter so that when a  
8 complaint is received staff can go out to obtain preliminary readings. He said that those readings are not  
9 going to mean anything because they are taken by non-professionals but at least staff could go out and  
10 verify if the complaint is valid. He said that if staff receives valid complaints within the same location  
11 that would indicate the need for a noise study that could be taken to ELUC to seek authorization to  
12 proceed with a noise study. He said that staff has to have some way to respond to complaints that are  
13 received from citizens and a noise meter may cost approximately \$5000. He said that once we get a  
14 noise consultant on Board to review the first wind farm we can get a recommendation from the noise  
15 consultant to get a reliable piece of equipment, at minimal cost that can be used for that purpose. He said  
16 that wind farms will have very large fees, compared to any other use, and he could see a use for about  
17 \$5,000 for a noise meter. He noted that there is an attachment to the March 20, 2009, Supplemental  
18 Memorandum regarding one type of noise meter which is the Extech Octave Band Sound Analyzer.

19  
20 Mr. Hall stated that staff realized that the Finding of Fact had no information regarding fees which would  
21 make it difficult to discuss that part of the amendment with the County Board therefore staff has  
22 proposed a new Item #12 to the Finding of Fact that reviews the background regarding fees. He said that  
23 Item #12 summarizes information that has been presented to the Board in previous memos and is  
24 included as Attachment F. of the new Supplemental Memorandum.

25  
26 Mr. Hall stated that an Attachment H is attached to the new Supplemental Memorandum which includes  
27 comments from a professional environmental consultant in wind farm design who reviewed staff's  
28 recommended standard conditions for wildlife impacts. He said that the consultant did not add any new  
29 requirements to staff's recommendation but he did point out that, in his opinion, it might be possible to  
30 simplify the site assessment that happens prior to the County Board approval. Mr. Hall stated that the  
31 consultant's recommendation is based on the literature review, field examination and all other existing  
32 literature regarding avian and bat mortality field results within North America, it is possible that there  
33 could be a determination that no further surveys are required in particular the full year of site specific  
34 survey. Mr. Hall stated that he has not received any complaints from the wind farm developers about the  
35 proposed conditions regarding acceptable wildlife impacts but not having to do a full year site specific  
36 study would make the amendment more efficient, provided everyone agrees. He said that it is at the  
37 Board's discretion whether to add Attachment H to Paragraph 6.1.4L. He said that the information in  
38 Attachment H. is from a person who does this for a living and contact was made with this person at the  
39 Peoria Conference regarding Wind Farms.

40  
41 Mr. Hall stated that an additional handout that was provided to the Board illustrates the proposed changes  
42 to the perimeter of the wind farm and regarding the area of the special use permit. He said that if the  
43 revised area of County Board special use permit is compared with the revised area of the Wind Farm  
44 Overlay Zoning it can be seen that the two are becoming more similar and the 1,000 foot setback did

1 result in an increase in land required by the zoning district. He said that it is difficult to illustrate what a  
2 wind farm is going to look like but he did go back to the same example that was reviewed at the last  
3 hearing and now it includes more area.  
4

5 Mr. Hall distributed the Appendix from the Champaign County Zoning Board of Appeals By-Laws for  
6 the Board’s review. He said that he does not know how difficult it will be for the Board to arrive at a  
7 consensus or final determination but when they are finally ready for the final vote there are a few things  
8 that staff should point out in the regards to what the By-Laws indicate. He said that the By-Laws provide  
9 for a “no recommendation” to the County Board if the Zoning Board cannot come to an agreement. He  
10 said that the By-Laws require four votes to make an affirmative recommendation but if that proves too  
11 difficult the Board could forward this case to the County Board with a “no recommendation.”  
12

13 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.  
14

15 Mr. Thorsland reminded the audience to sign the attendance sheet and if they desire to testify they must  
16 sign the witness register.  
17

18 Mr. Thorsland requested that County Board members refrain from presenting testimony at tonight’s  
19 public hearing.  
20

21 Mr. Thorsland requested that testimony be limited to zoning issues. He said that if written testimony is  
22 available staff would appreciate a copy for accurate transcription of the minutes.  
23

24 Mr. Thorsland called Ms. Rene’ Taylor to testify.  
25

26 Ms. Rene’ Taylor, who resides at 29056E 1200N Rd, Ellsworth, IL, stated that she lives with her husband  
27 and children on a rural homestead near Ellsworth and their property is located approximately 1,500 to  
28 1,800 feet from three turbines. She said that one of the wind farm’s two electric sub-stations are located  
29 approximately 1,100 feet from the east wall of their home and anyone who toured the Twin Groves  
30 Project probably saw their home when they stopped near the electric sub-station. She said that living  
31 near the sub-station has changed many things in their lives because they often have to close their  
32 windows during nice weather to avoid turbine noise within their home. She said that the closing of  
33 windows forces them to use air conditioners when at times they would prefer not to. She said that while  
34 they retain the use of their property much of the time they are no longer able to enjoy it and only do what  
35 they need to do outside and hurry back inside their house to avoid the constant noise from the turbines  
36 and the sub-station and even inside their home they can hear and feel the turbines. She said that during  
37 the winter they experience many times when they consider the noise from the wind turbines to be  
38 excessive and at one time they borrowed a noise meter to measure the sound level and although this was  
39 not a professional instrument and they are not experts at taking readings they were obtaining readings of  
40 85 to 90 decibels at the wall of their home. She said that they have found that the sound of the turbines is  
41 loudest at night between 10 p.m. and 3 a.m. and have experienced many occasions at night when no wind  
42 is blowing at the surface and the turbines were operating at full speed. She said that this operation results  
43 in tremendous noise because there are no surface winds to mask the turbines noise and when the winds  
44 are above 25 mph they no longer hear the “swish” or “thump” of the blades and it sounds more like a

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1 train running across the back of their property. She said that the noise issue has been most difficult for  
2 their eleven-year old son who has been diagnosed with high functioning autism and is very sensitive to  
3 sound and at times he fixates on a sound the rest of the family cannot hear therefore becoming fitful and  
4 hard to deal with and being required to be taken out of the area. She said that as parents they do  
5 everything humanly possible to ensure the safety of their children and it is heart wrenching to watch him  
6 sit on the floor with his hands over his ears screaming to make the noise stop. She said that every member  
7 of her family has experienced difficulty sleeping, waking up from turbine noises, daily headaches,  
8 irritability, pressure in their ears and severe fatigue. She said that since the wind turbines went on line,  
9 two years ago, her youngest daughter tells her that it feels like a hamster running in her chest and what  
10 she is experiencing is heart palpitations and her oldest daughter was placed on anti-depressants this past  
11 December. She said that she feels that most of the problems that her family is experiencing are due to a  
12 lack of sleep from the wind turbine noise.

13  
14 Ms. Taylor stated that last May, in the middle of the night, lightning struck and damaged the wind turbine  
15 located 1,500 feet from her home and it sounded like a bomb exploding. She said that her children, who  
16 range from 21 years old to eleven-years old, came running into her bedroom because they were terrified.  
17 She said that her children are now terrified every time there is a thunderstorm because they are afraid that  
18 this even will happen again. She that they have had a fairly icy winter this year and they could hear the  
19 ice shedding from the turbines and crashing to the ground and she wouldn't let her children go to the barn  
20 to take care of their horses nor would she turn the horses out while she could hear the ice crashing to the  
21 ground. She said that they were told that the wind turbines would shut down when icing occurred but she  
22 has not seen this happen to date. She thanked the Board for the opportunity to speak.

23  
24 Mr. Taylor stated that Champaign County is considering a 1,500 foot setback from neighboring  
25 properties for the wind turbines and at the last meeting someone spoke about the crash in Altona, New  
26 York of a wind turbine and the debris field was about one-quarter of a mile away. She said that this crash  
27 occurred during calm wind conditions and if there had been any wind, with a 1,500 foot setback, there is  
28 a possibility that the debris would land on a non-participating landowner's property. She said that she  
29 has been working with a number of people from the state of New York, Clinton County, Wyoming  
30 County and Franklin County, New York, and there is a developer in that location that has not paid a  
31 number of construction people and other related construction fees. She said that to date these unpaid  
32 people have filed over 43 mechanic's liens against the property owners because the developer did not pay  
33 his bills. She submitted copies of two of the mechanic's liens as Documents of Record.

34  
35 Mr. Thorsland asked the Board if there were any questions for Ms. Taylor and there were none.

36  
37 Mr. Thorsland asked if staff had any questions fro Ms. Taylor and there were none.

38  
39 Mr. Thorsland called Mr. John Doster to testify.

40  
41 Mr. John Doster, representative for Invenergy, stated that his company is looking to develop a wind  
42 project in Champaign and Vermillion Counties. He said that they are moving forward with this project  
43 and have received tremendous support from landowners in those areas and Invenergy continues to sign  
44 up a significant number of landowners. He said that the 1,000 foot separation from non-participating

1 landowners in the Wind Farm Overlay would require more land and more acreage to get a project put  
2 together. He said that a 1,000 foot setback is a standard setback in Vermillion County. He said that  
3 Invenergy feels that 1,200 feet is an acceptable setback but a 1,500 setback becomes more difficult and  
4 the higher the number the more it indicates to the developer that your county is not interested in having  
5 wind turbines. He said that Invenergy will always abide by the safety setbacks and standards and they do  
6 conduct noise studies prior to construction therefore, with respect to the previous speaker, he is not sure  
7 if the developer for Twin Groves conducted such a study prior to construction. He said Invenergy  
8 conducts the noise studies so that they are assured that they will have no adverse areas that will have  
9 significant noise impacts on the neighbors.

10  
11 Mr. Doster stated that Invenergy conducts many environmental studies and they have already completed  
12 the risk assessment for the proposed area in the County. He said that currently they are conducting a very  
13 thorough environmental study and are receiving guidance from IDNR (Illinois Department of Natural  
14 Resources) so that they can put together a project that will have very little environmental impact with  
15 respect to the sustainability of endangered species, birds, bats, ground squirrels, mussels, snakes, turtles,  
16 etc. He said that the safety and environmental impacts on the area are taken very seriously when they  
17 complete the identification and layout of a location. He said that they will stay away from a landowner's  
18 dwelling although they request that the setbacks not be 1,200 feet because it makes it difficult for a  
19 developer to find locations and it sends a signal to the developer that your county is not interested in  
20 developing a wind farm and if that is the case then that is your county's decision. He said that as  
21 Invenergy is doing their development they move fairly quickly and they would ask that the year long  
22 environmental study not be required for the special use permit but perhaps for the building permit. He  
23 said that they are starting their studies now to get the spring migration but they anticipate moving dirt by  
24 the end of spring of 2010. He said that it takes a full year to acquire those studies and if there are any  
25 impacts they will make adjustments at that time. He said that he believes that if the requirement for the  
26 year long study was required for the special use permit it would pretty much dictate that no development  
27 would take place from Invenergy within Champaign County.

28  
29 Mr. Doster stated that Invenergy is interested in developing in Champaign County but the more  
30 restrictive your county becomes the more difficult and costly it will be for a developer therefore forcing  
31 them to question when identifying a specific location the likelihood of that area being approved versus  
32 another area in another county. He said that currently it appears that a wind developer will be forced to  
33 overcome some very significant hurdles in order to develop in Champaign County therefore he would  
34 like the Board to consider if they want to have wind development in Champaign County or not. He said  
35 that Invenergy would like to develop in Champaign County and there are a lot of landowners who would  
36 like to see this development happen therefore he would ask that Champaign County not over-regulate to  
37 where it becomes impossible or extremely difficult to obtain a permit. He said that Invenergy does take  
38 the safety and the setbacks very seriously because they want to make sure that their projects are not going  
39 to be a hazard to any individuals or the environment and desires to be a positive contributor to the  
40 community and they feel that they have done this in previous projects.

41  
42 Mr. Thorsland asked the Board if there were any questions for Mr. Doster.

43  
44 Mr. Schroeder asked Mr. Doster if all of the turbines that Invenergy would construct in an area are the

1 same size and height.

2  
3 Mr. Doster stated that typically Invenergy would use the same size turbines but that does not mean that  
4 their project would have the same size turbine that another developer's project would have.

5  
6 Mr. Schroeder stated that all developers do not use a unified wind turbine.

7  
8 Mr. Doster stated no.

9  
10 Mr. Courson asked Mr. Doster if there was an increase in noise when the generators start and stop.

11  
12 Mr. Doster stated that the only time that any mechanical noise would be generated is when the generator  
13 has to mechanically brake itself and stop operation. He said that the generator has sensors installed and  
14 when those sensors indicate that something is wrong the generator will mechanically brake and shut itself  
15 down and at that time there may be a short period of extended noise.

16  
17 Mr. Courson asked Mr. Doster if high winds will also trigger the mechanical braking system to operate.

18  
19 Mr. Doster stated yes. He said that typically a 55 mph wind will cause the turbine to shut down so that  
20 an over spin situation does not occur.

21  
22 Mr. Thorsland asked staff if there were any questions for Mr. Doster.

23  
24 Mr. Hall asked Mr. Doster if he could give the Board an idea of how many non-participating dwellings  
25 would be encountered during a typical wind farm development.

26  
27 Mr. Doster stated that it is site specific and it depends on how close the project is from a town or a more  
28 developed area. He said that without the numbers in front of him it is hard to make an accurate  
29 determination and it would be pure conjecture. He said that he could obtain this information and forward  
30 it to staff for review.

31  
32 Mr. Hall stated that it is his expectation that Invenergy would not consider a wind farm where there are  
33 alot of homes therefore Mr. Doster's previous comment regarding how a 1,200 or 1,500 foot setback  
34 would make it more difficult for a developer to accommodate and would have an impact seems  
35 inaccurate. He said that regarding Mr. Doster's concern regarding the full year study for avian impacts  
36 the condition that is included in Paragraph 6.1.4L(2) states the following: If the risk assessment indicates  
37 risk may be high enough to potentially adversely effect the sustainability of bird or bat populations a full  
38 year of site specific, bird and bat use surveys may be required to address those species and conditions  
39 representing high risk from the beginning of the spring migration for birds or bats, and extending through  
40 the end of the fall migration for birds or bats and include both the spring and fall migration for both birds  
41 and bats in the proposed WIND FARM area. Mr. Hall stated that this year, he assumes, that Invenergy  
42 will be able to study the spring and fall migration and that might be good grounds for a waiver to prevent  
43 the need for another spring/fall cycle. He said that he cannot see how obtaining such a waiver would be a  
44 significant problem being that Invenergy is in an unusual situation because Invenergy would be first in

1 line. He said that he would hate to see the county adopt a lesser standard when they have the option to  
2 grant a waiver. He encouraged Mr. Doster to work with the County because these are standard  
3 conditions and are subject to the request of a waiver.  
4

5 Mr. Doster stated that he understands the opportunity that Invenergy can request a waiver and he is fine  
6 with that option because they will have a substantial amount of data that they will be able to present staff  
7 when requesting a permit.  
8

9 Mr. Thorsland called Ms. Kim Schertz to testify.  
10

11 Mr. Thorsland reminded the audience that anyone desiring to testify should refrain from redundant  
12 testimony and should keep their testimony to zoning related issues only.  
13

14 Ms. Kim Schertz, who resides in Hudson, IL, stated that first of all she wanted to correct a couple of  
15 things from the previous hearing but she did misspeak when she said that 4,000 wind turbines were  
16 proposed for Livingston County. She said that it is more accurate to state that there are about 2,000 to  
17 4,000 megawatts proposed for Livingston County. She said that Jeannie Rapp, ex-president of the Board  
18 has indicated that, as of this week, approximately 1,400 actual towers are planned for that county and she  
19 believes that some of those turbines are up to 3 megawatts each.  
20

21 Ms. Schertz stated that there was an error on the flyer which she previously submitted titled: "Subsidies,  
22 Who Gets the Most While Producing the Least?" therefore she resubmitted the flyer with the correct  
23 information. She said that when the outputs were figured it was assumed that 240 wind turbines were  
24 proposed for Ellsworth but only 120 wind turbines are proposed. She said that the corrected number  
25 would be an operating factor of 12.4% for Ellsworth in August of 2008. She said that in the summer  
26 months when we need the power the most you can expect these wind turbines to operate at only around  
27 10-12% capacity.  
28

29 Ms. Schertz stated that Mr. Schildt spoke about two instances of turbines throwing debris up to 1,600 feet  
30 and those were turbines that were less than 400 feet tall therefore the setbacks that Champaign County is  
31 proposing would not protect your citizens from a 400 foot tall turbine let alone the nearly 500 foot tall  
32 turbines which are being proposed. She said that testimony, such as that presented by Michael Jarboe,  
33 which speculates that "they are developing new technology all of the time and wind turbines could be not  
34 higher than 100 feet" flies in the face of everything that is put out by wind turbine manufacturers that are  
35 stating that new technologies are allowing bigger turbines to be put in less windy places in order to  
36 capture the wind at higher heights. She said that she finds Mr. Hall's statement that all aerial  
37 applications done by aircraft could essentially be done by ground sprayer to be absolutely ridiculous and  
38 indicative of an extreme lack of understanding of the agricultural nature of this county. She said that if it  
39 all could be done by ground sprayers then we would not have had the need for aerial application for the  
40 last 40 years. She said that an aircraft can cover about three times more ground in a day than a ground  
41 sprayer can and when there is an extreme crop threat such as with Asian Soybean rust, in which there is a  
42 very short window of time to treat in conditions which generally involve a wet field, and in those  
43 situations an aircraft is the only viable means to treat the field. She said that she has heard so much about  
44 the John Deere Hagee ground sprayer and how it can be used with the same efficiency as an aircraft but



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1 she has heard from people who use them and they have indicated that a full height corn crop cannot be  
2 treated without major damage to the canopy and without massive amounts of pollen buildup on the unit  
3 causing it to overheat. She said that she discussed this issue with a member of the Champaign County  
4 Board when they both attended a landowner meeting on February 13<sup>th</sup> and he told her the exact same  
5 thing.  
6

7 Ms. Schertz stated that no one has discussed the issue of all the specialty seed corn crops grown in this  
8 area and the problems that the 500 foot towers will cause to the effective treatment of those crops. She  
9 said that her husband is an aerial applicator and does treat the Monsanto fields down here and it usually  
10 involves a steady three day rotation of spraying to protect those high value crops. She said that this issue  
11 brings her to another point that she can testify to personally. She said that the mere suggestion of these  
12 wind turbines coming to Champaign County has already stymied your real estate market whether you  
13 realize it or not. She said that their business just purchased a fourth aircraft and they have been looking  
14 for land near the Monsanto plant for months to put up a landing strip and hangar but they have ruled out  
15 Champaign County until they see what the wind developers will do here. She said that her husband went  
16 to Piatt County to search for available land but when she came home from the last public hearing she told  
17 him that Piatt County was not an option because wind turbines are proposed for Piatt County also. She  
18 said that she knows from a personal standpoint that just the mention of these turbines coming to  
19 Champaign County has prevented them from purchasing land here and bringing business into the county.  
20 She said that generally when there is one situation such as this there are normally more to follow.  
21

22 Ms. Schertz stated that the Board needs to take a hard look at just where the *Model Wind Ordinance*  
23 came from and what facts back up the supposed justification for the 1,000 foot setback or 1.1 times the  
24 tower height. She said that she enclosed a copy of the *Model Wind Ordinance* so that the Board is aware  
25 of where it came from. She asked the Board if they have required any wind developer to submit  
26 scientific facts to back up their claims that these are "safe zones" based on research and not just pulling a  
27 number out of a hat in order to fit more wind turbines into a smaller area with larger concentrations of  
28 people who will be harmed. She said that the first *Model Wind Ordinance* appeared in May 2003 and it  
29 was written by the Chicago Legal Clinic and funded by a grant from the Illinois Clean Energy  
30 Foundation. She said that it was drafted after consultation with a wide group of stakeholders including  
31 wind energy developers, technical consultants, environmental non-profits, government, third party  
32 certifying agencies and private environmental attorneys and they all shared office space with the first  
33 wind company in Illinois which was Illinois Wind Energy. She said that the Environmental Law Clinic  
34 was in the same building as the Chicago Legal Clinic which was in the same building as Illinois Wind  
35 Energy which was developing the first utility scale wind farm in Illinois. She said that their goal was a  
36 statewide, multi-stakeholder task force to develop uniform local siting standards for utility scale wind  
37 farms. She said that the task force developed the uniform local siting standards which were to be  
38 distributed to the full range of local officials. She said that the standards which each county is adopting  
39 were written by the wind industry, for the wind industry with no scientific studies and no claims to back  
40 it up other than "trust us" which is the last thing which she is inclined to do. She said that the Board  
41 needs to seriously consider who's guarding the henhouse and whether or not these suggested setbacks  
42 were written to protect your citizens from the hazards of wind turbines or to line the pockets of  
43 developers by opening up your county to wind turbines.  
44

1 Ms. Schertz stated that the purpose of the special use permit is to protect the health and safety of your  
2 citizens not to allow wind developers at all costs, especially when those costs are born by your citizens.  
3 She submitted informational handouts as Documents of Record.

4

5 Mr. Thorsland asked the Board if there were any questions for Ms. Schertz and there were none.

6

7 Mr. Thorsland asked staff if there were any questions for Ms. Schertz.

8

9 Mr. Hall asked Ms. Schertz to explain to the Board why the noise readings that were referenced were so  
10 different than the measurements that she submitted at the last hearing.

11

12 Ms. Schertz stated that she stayed on the main roads at Ellsworth and she was quite a distance from the  
13 turbines. She said that she drove towards the turbine on the main gravel road and stuck the noise meter  
14 out the window and took a reading. She said that she was not really near the turbine and as she got  
15 further away she crossed Route 9 which is probably one-mile away and that is where she got the night-  
16 time noise readings of 26 decibels. She said that she does not have specific measurements as to how  
17 close she was to the turbines but only wanted to give an overview that at two miles away from the  
18 turbines the reading was at 26 decibels and 1/2 to 3/4 miles was up to 50 decibels.

19

20 Mr. Hall stated that as he recalled there was only one reading that was above 48.9 decibels and it  
21 appeared that it was either in a car going at 65 mph or a car passed her at 65mph.

22

23 Ms. Schertz stated that was to demonstrate the difference because she was on Route 9 at an intersection  
24 with no noise and when one single car went past her the decibels increased. She noted that these were  
25 short readings and normally the readings are at one hour minimum but since she was standing in the  
26 middle of the road at night she was taking short readings to get an idea of the background noise.

27

28 Mr. Hall stated that his previous statement, that Ms. Schertz referred to in her testimony, that aerial  
29 applications could be essentially be done by ground sprayers was recounting testimony made by a farmer  
30 and was not his idea of what was possible.

31

32 Ms. Schertz stated that the statement made by that farmer is very incorrect and very simple. She  
33 apologized that she did not understand that Mr. Hall was referencing someone else's testimony.

34

35 Mr. Miller stated that he would like to present a handout for the Board's review titled, "Wind Power  
36 Myths vs. Facts." He said that this handout was part of the packet distributed by Invenergy but it  
37 appears that it was put together by the American Wind Energy Association.

38

39 Mr. Thorsland called Mr. Rich Porter to testify.

40

41 Mr. Rich Porter who resides at 1400E CR 100N, Paxton stated that he represents a group called Illinois  
42 Wind Watch which is a new statewide group to begin assessing the claims of the wind industry. He said  
43 that what Champaign County does tonight and in the next few weeks is going to be very important for its  
44 citizens because if it is not done right the County will not protect all of the citizens that are paying taxes

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1 to the County and are depending on the Board to make the correct decisions. He said that this Board is  
2 being asked to quickly make a decision so that these companies can come in and develop. He said that  
3 Mr. Doster has stated at least three times that if Champaign County does not do this right then the  
4 companies will simply go elsewhere. Mr. Porter stated that he is here to tell the Board that if they do this  
5 right they will be able to live with themselves and their constituents.  
6

7 Mr. Porter stated that Dekalb County has a wind ordinance that they have already put into place and now  
8 the companies are coming to make their presentations for special uses. He said that Florida Power and  
9 Light, the largest wind company in the country, has just lost their hearing in Dekalb County because the  
10 Hearing Officer ruled against them. He said that Florida Power and Light thought that they could go to  
11 Dekalb County and the citizens of that county would just roll over and allow them to develop but they  
12 were wrong. He said that the citizens came prepared and they brought a different perspective than what  
13 the companies had said. He read one of the Dekalb County's Hearing Officer's comments from the  
14 March 21, 2009, Findings of Fact as follows: There is significant disagreement between expert sources  
15 relative to the effect of wind farms on property values. Mr. Porter stated that property values are  
16 something that this zoning body is here to protect and it is very clear using simple common logic that  
17 when you take a certain number of people out of the pool that are prospective buyers you necessarily then  
18 decrease the value and property price. He said that when you take away buyers you increase the supply  
19 of that property therefore fewer buyers and a bigger supply means lower prices and that is what we are  
20 finding from independent people who are not paid for by the wind companies. He said that they are  
21 finding this from the independent property assessors and from the citizens that are paying for  
22 independent reports which show that numbers have not been necessarily true when it comes to what  
23 property values are and in fact they are decreasing. He said that there is a report from the University of  
24 Iowa's Legal Department and they were advising lawyers, based on what is happening in Illinois, to be  
25 very careful advising their clients, the farmers, about wind turbines coming in and to make sure that the  
26 farmer's property values are protected.  
27

28 Mr. Porter stated that the Dekalb County Hearing Officer also stated in the March 21, 2009, Findings of  
29 Fact that there was a significant disagreement between expert sources as to the impact of wind turbine  
30 noise on public health and it is essential that appropriate setbacks and conditions for the placement of  
31 wind turbines are identified because financial gain cannot take precedence over public health, safety and  
32 welfare of the citizens of Dekalb County. Mr. Porter stated that apparently the Hearing Officer does feel  
33 that Florida Power and Light has paid attention to the public's well being even though they followed  
34 Dekalb County's minimum zoning ordinance, which is the *Model Ordinance* that the State came up with  
35 but that was not good enough for the Hearing Officer because of the testimony that was given at the  
36 hearing. He said that this hearing lasted 19 hours it started at 9 a.m. and ended 3:45 a.m. the next day  
37 and it is his opinion that this was a complete abrogation of due process to the citizens because many of  
38 the citizens were unable to speak because they needed to go home.  
39

40 Mr. Porter stated that the Dekalb County Hearing Officer stated that adequate property value guarantees  
41 were not put in place in the Florida Power and Light's plan. He said that the Hearing Officer felt strong  
42 enough about property values that without protection put into their own zoning for this particular special  
43 use he said no. He said that the Hearing Officer indicated that there is no evidence to clearly show how  
44 Florida Power and Light would pay property taxes after the current formula for paying taxes expires after

1 2011. Mr. Porter stated that the property taxes that these companies report that they will pay will not be  
2 required of them any longer because that law expires and then a new one will have to be made. He said  
3 that the real issue is will they be left exempt although there is some talk that these companies are pushing  
4 for a national exemption through the federal government and there is also a possibility that the companies  
5 will make pilot payments which are in lieu of taxes and if they do the payment will not be as much as  
6 what the property taxes would have been. Mr. Porter stated that the Hearing Officer indicated concerns  
7 that the proposed project would negatively impact drainage tiles and farmland. Mr. Porter stated that  
8 since this is proposed for Grade-A farmland the drainage implications were so much that the Hearing  
9 Officer decided that was one of the points he decided would have to mean “no” for Florida Power and  
10 Light. Mr. Porter submitted the Dekalb County Findings of Fact dated March 25, 2009, as a Document  
11 of Record.

12  
13 Mr. Porter stated that farmers and other landowners in New York were not adequately protected by their  
14 contracts from the wind companies and as a result mechanic’s liens have been filed against landowners.  
15 He said that he has been told by people in New York that those liens are expected to increase because not  
16 one company but many companies are nearing financial difficulty. He said that the way the laws are  
17 written no matter what happens to the wind turbine companies and no matter what the wind contracts  
18 indicate when people do not pay the bills for what has happened to the wind turbines the bills attach to  
19 the landowner and the same thing would happen if the taxes are not paid or a bankruptcy is filed. He  
20 submitted a Malone Telegram dated March 18, 2009, from Darcy Fargo as a Document of Record. He  
21 also submitted a photograph, taken on March 26, 2009, of a damaged wind turbine in LaSalle County.  
22 He said that the National Weather Service called for a high wind warning, which consists of a 45 to 50  
23 mph wind event, for all areas south of Interstate 80 two days ago. He said that the wind turbine is less  
24 than 2,000 feet from a neighbor’s house and the woman who lives in the house told him that nothing that  
25 she was told, in order for her to sign the neighbor agreement, was true including the noise and safety  
26 concerns. Mr. Porter said that from what he understands the proposal for the wind towers in Champaign  
27 County will be more than the 1.5 megawatts turbine that is indicated in the photograph and it is evident  
28 what happens when a 50 mph wind occurs. He said that the question is what will happen when tornadoes  
29 strike and will the turbines become projectiles. He said that a study from Rutgers’s University is available  
30 on the internet which estimates that the setback should be no less than 1,800 feet because the potential for  
31 debris throw, because of the increased height of the newer turbines versus the older, existing turbines.

32  
33 Mr. Thorsland asked the Board if there were any questions for Mr. Porter and there were none.

34  
35 Mr. Thorsland asked staff if there were any questions for Mr. Porter.

36  
37 Mr. Hall stated that Dekalb County has not seen fit to add the use WIND FARM to their Zoning  
38 Ordinance therefore they have not taken the time to add standards for such use.

39  
40 Mr. Porter stated that he is not familiar with Dekalb County’s standards but what Florida Power and  
41 Light was proposing in their proposal was that they would follow the state model wind ordinance.

42  
43 Mr. Hall stated that there is no state model wind ordinance but there is a *Model Ordinance* but it is not  
44 promulgated by the state and he is not sure if it is encouraged by any state agency. He said that he has

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1 spoken with Dekalb County and they have no standards, for example, they have no indication of what is  
2 required in a public road agreement.

3  
4 Mr. Porter stated that the Finding of Fact indicates that Florida Power and Light left that out of their  
5 agreement which is one of the reasons why the Hearing Officer bounced it out. He said that Florida  
6 Power and Light did not even propose to protect the roads.

7  
8 Mr. Hall asked Mr. Porter if he has any idea why Dekalb County would let a project like that go into a  
9 public hearing without requiring an agreement.

10  
11 Mr. Porter asked Mr. Hall if he is speaking about a blanket zoning agreement.

12  
13 Mr. Hall stated that he doesn't understand why they would let it move forward if they could not obtain an  
14 agreement about their roads. He said that this is not relevant to Champaign County because we have an  
15 extensive list of requirements therefore we would not enter into a public hearing if we do not have an  
16 agreement on roads.

17  
18 Mr. Porter stated that it has been said that Florida Power and Light, being the largest company owning  
19 wind turbines in the United States, knows how to do it right. He said that wind turbine companies that  
20 supposedly, "know how to do it right," apparently do not know how to go to a Hearing Officer and get  
21 this passed and they had alot of problems with that in Dekalb County. He said that he is not familiar as  
22 to whether Dekalb County has passed a blanket ordinance but the state does have a model standard.

23  
24 Mr. Hall noted that the State of Illinois does not have standards for wind farm development.

25  
26 Mr. Porter stated that his county, Ford County, indicated that they drafted their own ordinance based on  
27 what the state said.

28  
29 Mr. Hall stated that the model ordinance is not a state ordinance.

30  
31 Mr. Porter stated that he did not indicate such and it isn't a state law that everyone has to follow but it is  
32 a suggested model that counties can base their ordinance upon.

33  
34 Mr. Hall stated that it is not suggested by the State of Illinois.

35  
36 Mr. Hall asked Mr. Porter if he could provide any background regarding this anecdotal evidence that is  
37 reported in the Iowa State University Center for Agricultural Law and Taxation. He said that it is a  
38 footnoted paper yet there are no footnotes regarding the anecdotal data from Illinois.

39  
40 Mr. Porter stated that what he would suggest, since they are talking to attorneys about this, that staff calls  
41 that organization since their attorneys deal with land use. He said that there must be some weight to this  
42 study because they are teaching their attorneys that they must be aware of that.

43  
44 Mr. Hall asked Mr. Porter if he is familiar with the *Champaign County Zoning Ordinance* and the limits

1 on residential development in rural areas. He said that Champaign County does not encourage residential  
2 development and requires rezoning, just as is being proposed for the wind farm, because the zoning  
3 district is for agriculture. He asked Mr. Porter if he was aware of how Dekalb County approaches their  
4 zoning.

5  
6 Mr. Porter stated that as far as he knows, which is merely a guess on his part, one of the main topics at  
7 the hearing had to do with rural versus developed use of the land. He said that what they were looking at  
8 specifically with the people who came with complaints were people who were living in existing rural  
9 homes therefore he is assuming that this is similar to Champaign County in that there are a certain  
10 number of homes that are already there that are old.

11  
12 Mr. Thorsland asked if there were any further questions for Mr. Porter and there were none.

13  
14 Mr. Thorsland called Ms. Sherry Schildt to testify.

15  
16 Ms. Sherry Schildt, who resides at 398 CR 2500N, Mahomet thanked the Board for allowing her to speak  
17 again tonight. She said that she has had a chance to read the Revised Draft Ordinance and the Draft  
18 Finding of Fact for Part A. of Zoning Case 634-AT-08, and would like to make a few comments and ask  
19 a few questions.

20  
21 Ms. Schildt stated that at this time she will be referring to Attachment E, Page 7, Paragraph C.2. She said  
22 that she is glad to see that an expanded setback of 1,500 feet from a non-participating dwelling or  
23 principal building has been suggested, however according to her research as well as the information that  
24 has been made available to the Board this would still be insufficient to protect against the ill effects of  
25 noise and shadow flicker. She said that she must continue to contend that the setback from a non-  
26 participating landowner should be measured at his/her property line not from the residence, otherwise the  
27 free and clear use of a portion of that non-participating land will be taken away. She said that in regard  
28 to Paragraph C.4 she is not sure if she is interpreting it correctly and asked if this separation distance  
29 refers, under any circumstance, to a non-participating property and if so, what are the exact conditions.

30  
31 Mr. Hall stated that the separation distance indicated in Attachment E, Page 7, Paragraph C.4, does not  
32 refer to a non-participating property. He said that it is not intended to and that is what it means when it  
33 indicates the separation distance equals 1.1 times the total WIND FARM TOWER height (measured to  
34 the tip of the highest rotor blade) from the exterior above-ground base of a WIND FARM TOWER to the  
35 nearest adjacent property line for property that is also part of the WIND FARM County Board SPECIAL  
36 USE Permit.

37  
38 Ms. Schildt stated that this is what she thought but she wanted to make sure. She said that Attachment E,  
39 Page 17, Paragraph H.4, indicates that the electromagnetic interference mitigation refers only to "local  
40 broadcast residential television. She asked about private AM and FM radio reception, cell phones and  
41 GPS systems because she understands that there can be problems with those as well. She said that in  
42 general she does not see any provisions for handling violations of the regulations regarding shadow  
43 flicker and what recourse and remedies might affected citizens be able to call upon.

44

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1 Ms. Schildt stated that she will now address the Draft Finding of Fact beginning with Page 9, Item #8.  
2 She said that regarding farmland protection and preservation, which is very important to this county, she  
3 would disagree with the contention that wind developments do not violate this land use goal although  
4 each turbine may only take about one or one-and-one half acres out of production, the cumulative effect  
5 of a wind farm with, say, 100 towers and a substation, which she understands takes about 10 to 15 acres,  
6 would be to remove 115 or more acres. She said that if you consider that we are possibly looking at 3  
7 developments in this county you could be looking at the loss of approximately 300 acres or more and this  
8 would be equivalent to adding about 20 or so typical rural subdivisions to the County. She said that  
9 judging from the memoranda that has been distributed so far she assumes that the following statement,  
10 included on Page 14, Item 9(c), “Based on evidence there is no apparent detrimental effect on property  
11 values” is based mostly on the Renewable Energy Policy Report (REPP). She said that there are critiques  
12 of this report that find serious defects with its methodology. She submitted two such critiques as  
13 Documents of Record and read from one of them (Hoen’s critique). She said that it is also interesting to  
14 note that the REPP study was done in 2003 and did not study any developments that came online after  
15 2001 therefore even if the methodology were not flawed the results are not applicable to today’s reality  
16 where turbines are much larger and getting larger all the time. She said that the IEEE reports that in  
17 Denmark legislation is going into effect next year “that will require wind-park operators to compensate  
18 residents if wind turbines reduce their property values.”

19  
20 Ms. Schildt stated she does not understand the statement included on Page 15, Item #9.A(1)(f) and  
21 requested clarification.

22  
23 Mr. Hall stated that Paragraph 6.1.4.C. is the wrong reference because at the time that this item was  
24 written the 1,000 foot separation was in the map amendment and not the special use permit. He said that  
25 with the new material, if the Board accepts it, that reference would be correct.

26  
27 Ms. Schildt stated that, in general, she is concerned about the noise discussion included on Page 11 of the  
28 Preliminary Draft Finding of Fact. She said that an article that was published on March 26, 2009,  
29 although she could not distribute copies of the article because it has a huge warning about reproducing it,  
30 can be found at [www.watertowndailytimes.com](http://www.watertowndailytimes.com) and it is titled “Engineer talks to Orleans wind panel  
31 about noise.” She read the article as follows: An acoustic engineer told the Town of Orleans Wind  
32 Committee that low frequency noise needs to be measured and controlled as part of any zoning ordinance  
33 created. Charles E. Ebbing, retired engineer with Carrier Corp. with nearly 50 years experience,  
34 explained the source and stress effects of low-frequency noise to the committee, which met Tuesday  
35 night. Low frequency noise ranges from a few thousand hertz down to nearly zero hertz. A house shuts  
36 out all high frequency noise and allows in only low frequency. The noise level of low frequency can be  
37 greater inside than outside because of the residents inside buildings. Mr. Ebbing observed that very few  
38 acoustical engineers have worked on low frequency noise. Besides the decibel level Mr. Ebbing pointed  
39 to other types of problems with noise. The meter does not measure what you hear but measures the  
40 energy of the sound pressure and does not measure noise but only the loudness and does not measure  
41 quality. Mr. Ebbing said that heating and air conditioning systems are often required to be quieter if they  
42 have an impulsive tone quality. He said that measurements of both audible or dBA and low frequency or  
43 dBC noise should be conducted and those measurements should be compared to each other by subtracting  
44 dBA from dBC. He said that if dBC is greater than dBA by more the 25 decibels the noise will have a

1 rumbling quality. In working with air conditioning products Mr. Ebbing has seen the effects of low  
2 frequency noise and the rumbling quality increases stress, distraction and in homes sleeplessness occurs.  
3 Mr. Ebbing stated that to protect people should include initial measurements, compliance afterwards and  
4 regular monitoring as the years pass. He reiterated that ambient background noise in rural areas is as low  
5 as 24 decibels at night and according to the wind industry a typical wind farm is about 44 decibels at  
6 1,500 feet.

7  
8 Ms. Schildt noted that 1,500 feet is the proposed extended setback from non-participating homes and as  
9 she has read from the information distributed by Mr. Hall 10 decibels is a doubling of the noise. She said  
10 that this would be an increase of 20 decibels which means the noise would be four times louder than what  
11 people are used to in a rural setting at night.

12  
13 Ms. Schildt continued reading the article. Noise explanations from the wind industry indicate that rural  
14 areas are quiet when there is no wind and turbines do not generate power when there is no wind. They  
15 are implying that when the wind is blowing and the turbines move they will create noise but there will be  
16 other noise to cover it. She said that Mr. Ebbing stated that they are wrong and most of the time there  
17 could be no wind blowing at the ground but have wind higher up so wind turbines can turn when we  
18 don't have any other noise on the ground and with the turbines becoming taller and taller this could  
19 become more of a problem.

20  
21 Ms. Schildt stated that in the draft ordinance there does not appear to be any consideration of dBC noise  
22 nor does there seem to be any provisions for affected property owners if noise levels should be found to  
23 be above the required levels nor according to previous statements made at this hearing are there any  
24 enforcement mechanisms by the County or by the State. She said that the discussions that she has heard  
25 here seem to indicate that this is an area that is not well understood by the County and her concern is that  
26 if there should be a problem after the turbines are up and running what is going to be done. She said that  
27 given that the turbines will be over 400 feet tall sitting on a foundation of tons of concrete and steel rebar  
28 it is not likely that they will be moved in order to mitigate the problem. She said that given the million or  
29 so dollar cost for each turbine it is also unlikely that the developer will just turn it off therefore she would  
30 suggest that either the County take some time to study the issue so they can get the setbacks right or that  
31 they increase the setbacks to such an extent that the likelihood of a problem will be negligible. Ms.  
32 Schildt submitted her written statement as a Document of Record.

33  
34 Mr. Thorsland asked the Board if there were any questions for Ms. Schildt and there were none.

35  
36 Mr. Thorsland asked if staff had any questions for Ms. Schildt.

37  
38 Mr. Hall stated that he agrees with her criticism of the report on property values. He asked Ms. Schildt if  
39 there was good property value data from the study in Wisconsin.

40  
41 Ms. Schildt stated that in the handout, she is submitting as a Document of Record, Wisconsin indicates  
42 that it is almost impossible to obtain good data. She said that the actual transactions that take place near  
43 wind farms are so few that it is hard to find good property value data.



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1 Mr. Thorsland asked staff and the Board if there were any further questions for Ms. Schildt and there  
2 were none.

3  
4 Mr. Thorsland called Mr. Jerry Watson to testify.

5  
6 Mr. Jerry Watson, President of the Champaign County Farm Bureau, stated that he appreciates the  
7 opportunity to address this critical case before the Board and would like to provide the organization's  
8 thoughts on several items that are in the proposed Wind Farm Zoning Ordinance. He said that the  
9 Champaign County Farm Bureau Board of Directors supports wind energy and they hope that wind  
10 projects are able to develop here in Champaign County. He said that the CCFB believes that these  
11 projects can benefit both individual landowners and the County as a whole and they look forward to  
12 working together to ensure these projects become reality.

13  
14 Mr. Watson stated that with this being said, the Board of Directors also has a few thoughts regarding the  
15 proposed ordinance. First, in regards to the ag mitigation proposal, protecting the integrity of farmland  
16 and insuring that, upon completion of this project, the land is still in a farmable condition is of the utmost  
17 importance to their organization and their membership. He said that projects like this will cause  
18 considerable damage to the land that the towers, substations, access roads and underground cable go over  
19 and under. However, with proper precautions established by the County and the individual landowners  
20 they believe this damage can be mitigated, and the soil returned to the high level of productivity we  
21 currently enjoy. He said that the Farm Bureau believes that through the proposed standard conditions to  
22 mitigate damage to farmland the proper protection is being recommended and that through this and  
23 individual landowner contracts the quality of our soils in this area will be maintained. The Board of  
24 Directors would encourage the Board to review the ag mitigation agreement developed by the Illinois  
25 Department of Agriculture as another resource for ways to protect farmland. He said that the Directors  
26 believe that there are many points within the state's agreement that are worthy of including in this section  
27 of the ordinance.

28  
29 Mr. Watson stated that in recent months the financial viability of many businesses, including banks  
30 across the country, has hit headline news stories on a daily basis. He said that this is one reason why  
31 their committee is concerned about the decommissioning and reclamation policy that Champaign County  
32 is proposing. He said that it is very difficult to determine what it may cost to decommission a wind farm  
33 site in the future however it is crucial that the county have some sort of policy in place protecting both  
34 the landowner and the county's interest as a whole. He said that although they did not specifically  
35 identify a perfect approach to this potential challenge they do believe that strong decommissioning and  
36 reclamation policy that provides sufficient protection for landowners and the county must be in the  
37 *Zoning Ordinance*.

38  
39 Mr. Watson stated that their committee looked at the proposal for a Wind Farm Overlay Zoning District.  
40 He said that this proposal is the first of its kind in the state and does create some additional steps for the  
41 developers of these projects. He said that it may also lead to more confusion from the general public in  
42 trying to understand what the ordinance requires and what it does not however this portion of the  
43 proposal does allow for greater transparency in the process and allows for more input from townships  
44 that have plan commissions as well as individual landowners. He said that for these reasons, the

1 Champaign County Farm Bureau is supportive of the proposed Wind Farm Overlay District.  
2 Furthermore, the Farm Bureau has taken into consideration the recommendation that additional  
3 conditions be added to the proposal explicitly authorizing the County to enforce the Illinois Pollution  
4 Control Board's noise regulations. He said that the Farm Bureau believes that this may be costly to the  
5 county which is already facing a challenging financial position. He said that additionally the Farm  
6 Bureau questions the time that may be needed to follow through on these claims and whether the office  
7 has the type of spare time to investigate both legitimate and perhaps false claims of noise violations. He  
8 said that regardless if the County hires a professional noise expert, which they will have to do, or if the  
9 wind developers pay for this individual there will still be time and effort spent on these claims. He said  
10 that the issue of setbacks has been a point interest both from individuals addressing the Board at earlier  
11 meetings, as well as within the Farm Bureau. He said that they have examined numerous other county  
12 ordinances from throughout the state and are favorable to the proposed 1,000 foot setback with a signed  
13 waiver and they also believe that a 1,200 foot setback from any non-participating landowner's dwelling is  
14 appropriate and thus supported by the Farm Bureau. He said that he believes that any further setback  
15 from a dwelling or property line would be detrimental to the locating of such projects in the county.

16  
17 Mr. Watson stated that the final issue that he would like to address is the proposed standard condition  
18 regarding liability insurance. He said that the proposed bodily injury and property damage limits of  
19 \$1million per occurrence and \$1 million in aggregate is simply not enough and the Farm Bureau would  
20 like to see these limits raised to \$5 million per occurrence and \$5 million in aggregate. He said that they  
21 firmly believe these increased limits will offer better protections to all involved in these types of projects.  
22 He said that as he concludes his comments this evening he would like to reiterate the Farm Bureau's  
23 strong support for wind energy development in Champaign County and they appreciate the opportunity to  
24 address this vital issue and hope that the Board takes into consideration their views as it deliberates on  
25 this issue. Mr. Watson submitted his written statement as a Document of Record.

26  
27 Mr. Thorsland asked the Board if there were any questions for Mr. Watson and there were none.

28  
29 Mr. Thorsland asked if staff had any questions for Mr. Watson and there were none.

30  
31 Mr. Thorsland called Mr. Steve Burdin to testify.

32  
33 Mr. Steve Burdin, who resides at 2527N CR 450E, Mahomet stated that there is a very simple formula  
34 used to figure out what the distance to the horizon is for an object He said that it is based on the diameter  
35 of the planet and the height of the object or observer. He said that the Vestas wind turbines located in the  
36 Twin Groves Wind Farm has a height to the hub of 260 feet with the addition of 134 feet for the rotor  
37 radius with a total of 394 feet to the tip of the highest rotor. He said that the formula indicates that with  
38 that height the distance to the horizon for that object is 24 miles. He said that another good example  
39 would be in relation to a six foot tall person whose distance to the horizon would be about 2.8 miles. He  
40 said that if those two numbers are added together you could tell when that object for a six foot person  
41 would come into view and that number is about 27 miles. He said that this may sound alarming but the  
42 fact is that the formula does not account for numerous things such as atmospheric conditions or change in  
43 terrain. He said to indicate a better idea for the Board he went out and took some pictures, submitted as  
44 Documents of Record, on Tuesday evening. He said that he drove out on CR 2500N, which is west of

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1 where he lives, into Piatt County and the wind turbines located northwest of this area were unable to be  
2 seen and the only reason that he could photograph the wind turbines was with a pair of binoculars. He  
3 said that later during that day he drove out to Route 47, which is approximately a few hundred feet north  
4 of Champaign County Road 2425N and looking northwest you could see the blinking red lights which  
5 are on top of the wind turbines. He said that he took pictures in two locations, one at CR 2500N which is  
6 where you really can't see the turbines because just west of Route 47 the land rolls up and obscures the  
7 view where the turbines are located. He said that the other location is just north of CR 2425N because  
8 Route 47 actually rises there and there is a nice flat area to the northwest where you can see the wind  
9 turbines very clearly. He said that without some sort of magnification it is very hard to see the turbines  
10 during the day because they are simply down at the horizon. He said that at magnification, 432 mm you  
11 can see them sticking up in the horizon. He said that the formula may seem alarming in that you can  
12 supposedly see these objects at 26 miles away but the truth is that it is a lot more difficult to see them.

13  
14 Mr. Thorsland asked the Board if there were any questions for Mr. Burdin and there were none.

15  
16 Mr. Thorsland asked if staff had any questions for Mr. Burdin and there were none.

17  
18 **Mr. Schroeder moved, seconded by Ms. Capel to grant a five minute recess. The motion carried by**  
19 **voice vote.**

20  
21 **The meeting recessed at 8:35 p.m.**

22 **The meeting resumed at 8:40 p.m.**

23  
24 Mr. Thorsland called Mr. Jed Gerdes to testify.

25  
26 Mr. Jed Gerdes, who resides at 1448 CR 2700E, Ogden stated that he is a landowner and farmer in  
27 Champaign County. He said that it appears that everyone believes that Champaign County has to have  
28 this wind turbine project in our county but he wonders why it is so important to everyone. He said that  
29 he believes that the real reason why it is so important is because the wind turbine companies are handing  
30 out money. He said that he was wondering when the last time any corporation had all the residents and  
31 citizens of Champaign County's true interest in heart. He said that he was glad to see that the Board is  
32 considering a 1,500 foot setback. He said that he called Horizon Wind Energy to see what their typical  
33 setback recommendation would be and they indicated that anything less than a 1,500 foot separation  
34 would not be safe for their 400 foot towers. Mr. Gerdes asked the Board what is the point of having a  
35 *Zoning Ordinance* that is less than what the wind company actually believes is safe. He said that it is  
36 interesting that no one has discussed this but farmers normally plant their crops north and south because  
37 corn does not grow very well after the temperature reaches 85 degrees therefore they are trying to capture  
38 more light during the hours that the crop is growing. He said that a 500 foot tall wind turbine has a  
39 shadow at sunrise and still exists until 10:00 a.m. He said that if the setback is anything less than 1,000  
40 feet from the property owner's line the wind turbine will be shading the non-participating neighbor's  
41 crop which will deter their crop. He said that anyone who does not believe that this makes a difference  
42 should visit the University of Illinois Morrow Plots which are located right next to the underground  
43 library. He said that the library is underground for a reason and that reason is because it could very well  
44 cast a shadow on the Morrow Plots.

1  
2 Mr. Gerdes stated that anyone who sprays for fungicides knows that the best quality fungicide spray  
3 application comes with the most potent chemical or gallons per acre. He said that airplanes fly at two  
4 gallons per acre where most ground applicators are at least 10 to 15 gallons per acre. He said that a  
5 couple of years ago farmers were having Headline sprayed with ground rigs and they were spraying it  
6 before the corn tasseled because ground rigs can't handle it very well when the corn has tasseled. He  
7 said that there were severe yield reductions all over the state of Illinois due to people spraying Headline  
8 with ground rigs therefore proving that ground rigs cannot substitute for aerial application. He said that  
9 everyone is into conservation and keeping our soils in place and there are people out there who are  
10 actively growing cover crops such as annual rye grass every year. He said that he has been practicing  
11 this for several years and the only possible way for him to plant his crop in his field is with an airplane  
12 therefore will this Board take away a farmer's right to plant his crop in his field. He said that if the  
13 towers do go up and there is a non-participating landowner that is being charged 50% more for his crop  
14 to be sprayed, due to the surrounding wind turbines, he should be compensated for that additional cost or  
15 for any damage incurred by ground rig application. He said that this non-participating landowner could  
16 not negotiate with the wind turbine companies because he did not sign a contract with them.

17  
18 Mr. Gerdes stated that the life expectancy of the wind towers is 30 years. He said that one of the first  
19 wind projects in California was away from everyone and there were no houses around the project. He  
20 said that he believes that we have crossed the line because these wind farms were meant to function out  
21 in the open range away from people's houses not near people's houses where the transmission lines are  
22 located. He said that this is supposed to be a green project yet the County will allow tons and tons of  
23 concrete and iron to be left in the ground when the project is decommissioned. He said that if this is a  
24 green project then all of the concrete and iron should be removed, reclaimed and recycled when the wind  
25 project is over. He said that he has a buddy that worked on the pipeline that runs from St. Louis to  
26 Chicago and it was buried four feet deep into the ground 40 years ago and now there are places that are  
27 less than 18 inches deep because things work up. He asked what will happen to that buried concrete and  
28 iron when the 30 years have passed because the landowner will not be able to afford to get rid of it and  
29 we cannot allow this debris to be left behind to scar the land. He said that the wind company can tear  
30 down the tower and sell it for scrap iron. He said that we cannot call this a green project and not require  
31 recycling of all of the material.

32  
33 Mr. Gerdes stated that the Board needs to keep the map amendment because the landowner's of  
34 Champaign County that are signing up may not live near the projects. He said that there are a high  
35 percentage of people who own land in Champaign County but do not live in Champaign County and do  
36 not even live in the state. He said that he farms for people who live in Florida, Arizona, and Wisconsin  
37 therefore many of the people who are getting paid money for these projects do not live in Champaign  
38 County therefore will this Board protect the welfare and safety of the citizens of Champaign County. He  
39 requested that the Board keep the map amendment because people should have the right to say what is  
40 going on around them and with distant landowners it is very hard to get a feel of what percentage of the  
41 population really wants this.

42  
43 Mr. Thorsland asked that Board if there were any questions for Mr. Gerdes and there were none.  
44

1 Mr. Thorsland asked if staff had any questions for Mr. Gerdes and there were none.

2  
3 Mr. Thorsland called Russ Taylor to testify.

4  
5 Mr. Russ Taylor, who resides at 1301 West Hickory Street, Mahomet stated that he would like to make  
6 two statements one regarding land value to residences and land value to farmland. He said that when he  
7 has clients who are being transferred from companies such as ADM and Pioneer they request that he goes  
8 out to evaluate different properties. He said that these companies use a Red Flag Checklist which has 27  
9 items that are required to be checked to see if any of those items exist on or near the subject property as  
10 well as their affect on value. He said that four of the items that are included on this list are: location to  
11 railroad tracks (regarding noise); subjects view is undesirable; audible street or highway noise present;  
12 and located near/in view of power lines, water towers, radio towers. He said that the companies created  
13 the Red Flag Checklist so that when they transfer a person with their company they know the value of the  
14 property so when they go to sell the property they know why it did not sell. He said that everyone knows  
15 that farmland values have gone down a little bit but so have home values and it is unknown how the wind  
16 farms will affect those values. He said that he spoke to Derry T. Gardner of Gardner Appraisal Group,  
17 Inc. in San Antonio, Texas who did an extensive study on agricultural land and Texas rural land and he  
18 proposed in his study that turbines decrease the value an average of 37% if the turbine is on the farm. He  
19 said that if a turbine is within .4 miles it decreases the value 26% and if it is within 1.8 miles it decreases  
20 the value 25% therefore the wind farms devalue houses and farmland both. Mr. Taylor submitted a copy  
21 of the Red Flag Checklist and a copy of a handout from Gardner Appraisal Group, Inc. titled, "*Impact of*  
22 *Wind Turbines on Market Value of Texas Rural Land.*"

23  
24 Mr. Thorsland asked the Board if there were any questions for Mr. Taylor and there were none.

25  
26 Mr. Thorsland asked if staff had any questions for Mr. Taylor and there were none.

27  
28 Mr. Thorsland called Mr. Jeff Suits to testify.

29  
30 Mr. Jeff Suits, who resides at 2703 CR 2500N, Penfield stated that he lives half way between Royal and  
31 Penfield and is basically in dead center of the area proposed for the Invenergy Project. He said that he is  
32 a school board member of Prairieview-Ogden School District and is also on the Compromise Township  
33 Plan Commission but he is present at tonight's meeting as a farmer. He said that he and his family have  
34 about 500 acres that is in the area that is involved and he is hoping that the Board will come up with  
35 some sort of compromise which will allow the wind turbines to come into the County. He said that for  
36 50 years he has lived within a ½ mile of a railroad track and there is nothing that makes much more noise  
37 than a train coming through, therefore you learn to tolerate a lot of things and you weigh the risks. He  
38 said that a train could jump off the tracks and hit his residence but there are alot of things that could  
39 happen because there are accidents all of the time. He said that as a school board member he is  
40 concerned about the tax assessment and the sunset is in 2011 and the current law is Public Act 95-644  
41 HB 664 with an effective date of October 17, 2007. He said that this is about a 120 page bill and the  
42 sunset date is on Page 5, Line 5 and 6. He said that Representative Matino from Spring Valley is the one  
43 who proposed this bill. Mr. Suits stated that he spoke to Attorney Stuart Witt, who assisted in drafting  
44 the legislation, and he indicated that the sunset was basically put in because Speaker Madigan insisted on

1 it but the intention is that it will be renewed next year in 2010. He said that if the Board makes the  
2 setback too large they will be looking out for one landowner but will also be hindering a landowner who  
3 does want the development on their property.  
4

5 Mr. Thorsland asked the Board if there were any questions for Mr. Suits and there were none.  
6

7 Mr. Thorsland asked if staff had any questions for Mr. Suits and there were none.  
8

9 Mr. Thorsland stated that Mr. Eric McKeever has signed the witness register to testify but he is only  
10 present to address Part B. He said that he will recall Mr. McKeever if the Board has time to address Part  
11 B.  
12

13 Mr. Thorsland called Mr. Bill French to testify.  
14

15 Mr. Bill French, Project Coordinator for Midwest Energy, stated that they are interested in developing a  
16 wind farm in the western side of Champaign County stretching out into Piatt County. He said that they  
17 have read the draft ordinance and offered three comments. He said that they feel that the overlay district  
18 is redundant since the request will be done as a special use which allows for public notice, review and  
19 comment. He said that the 1,600 foot setback near an underground gas storage facility is inconsistent  
20 with the development that has occurred in that area. He said that this is a very large facility and people  
21 already have houses in the area, roads have been built and other utilities have been installed above this  
22 facility and requiring a 1,600 foot setback for wind farms is rather excessive and is not consistent with  
23 what has already occurred in the area. He said that they would recommend a setback which is something  
24 closer to 1.1 or 1.5 times the turbine height. He said that they have typically seen a setback of 1.1 times  
25 the height of the turbine near high pressure pipelines and many cases there are no setbacks and they work  
26 with the utility companies. He said that they would request that 1.1 times the height of the turbine be  
27 considered for the setback from underground high pressure gas lines.  
28

29 Mr. Thorsland asked the Board if there were any questions for Mr. French.  
30

31 Mr. Courson asked Mr. French what type of generators are used in their projects.  
32

33 Mr. French stated that they would be a typical 80 meter hub so roughly 400 feet therefore it would  
34 require a 475 foot setback. He said that they do not use one manufacturer and use several different kinds.  
35  
36

37 Mr. Courson asked Mr. French what the manufacturer recommends for setbacks from a structure.  
38

39 Mr. French stated that he is not sure what those recommendations are at this time.  
40

41 Mr. Thorsland asked the Board if there were any additional questions for Mr. French and there were  
42 none.  
43

44 Mr. Thorsland asked if staff had any questions for Mr. French and there were none.

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Mr. Thorsland called Mr. Jerry Cohen to testify.

Mr. Jerry Cohen, who resides at 3211 Cypress Creek Rd, Champaign stated that he is a landowner and would like to address some of the comments made tonight. He said that Mr. Suits indicated that House Bill 664 is to be renewed in 2010. He said that the banking system in this country is failing therefore there is no guarantee that anything is stable right now let alone the deduction that the federal government is going give for the wind turbines.

Mr. Thorsland informed Mr. Cohen that he should direct his comments to zoning issues only.

Mr. Cohen asked if there has been an independent soil compaction study that has been done by an independent company that will keep the integrity of the agricultural land in its proper state after the equipment that has been hauled across the property for set up of the wind turbines. He said that at the present time it is his understanding that there is no credible land study that has been completed for the compaction of the soil and the amount of heavy equipment that it takes to set these wind turbines into place. He did not know if the County has done any type of soil compaction study because the *Ordinance* requires keeping the integrity of the agricultural land in its most pristine place. He also recommended that the Board approve the map amendment.

Mr. Thorsland asked the Board if there were any questions for the Mr. Cohen and there were none.

Mr. Thorsland asked if staff had any questions for Mr. Cohen and there were none.

Mr. Thorsland stated that this concludes the names on the witness register at this time. He asked if anyone in the audience desired to sign the witness register to present testimony regarding Case 634-AT-08 and there was no one.

Mr. Thorsland requested a motion to close the witness register.

**Mr. Palmgren moved, seconded by Mr. Schroeder to close the witness register for Case 634-AT-08. The motion carried by voice vote.**

Mr. Thorsland stated that at the last meeting the Board tossed back and forth the idea of requiring a map amendment and there was some discussion as to how to approach such. He said that currently the way that the case is written is that the Board is working on a Preliminary Draft Finding of Fact for both a County Board Special Use Permit and a Wind Farm Zoning District. He said that if the Board chooses to go without a map amendment then the Board needs to indicate such.

Mr. Hall stated that the Zoning Administrator and the Zoning Board are presumably all on the same page and he does not have a problem with the Board changing the petition and including something other than what was advertised. He said that it is up to the Board and whatever they deem necessary.

Mr. Thorsland stated that at the last meeting he received some indications from Mr. Roger Miller and Ms.

1 Capel that a map amendment was not needed and he played the devils advocate and sided with them. He  
2 said that since the Board has received additional testimony at tonight's hearing he requested that the  
3 Board discuss their views regarding a need for a map amendment.  
4

5 Mr. Roger Miller stated that it would be okay to have the map amendment included but we may be  
6 helping and hindering the project at the same time. He said that he still has a concern regarding requiring  
7 a map amendment but he is unsure if it would be overbearing.  
8

9 Mr. Thorsland asked Ms. Capel for her thoughts about the map amendment.  
10

11 Ms. Capel stated that she is sort of shell shocked. She said that with the map amendment the townships  
12 and landowners would have the right to protest but without the map amendment they can only give public  
13 input.  
14

15 Mr. Thorsland stated that townships with a plan commission can protest the amendment to the *Ordinance*  
16 itself.  
17

18 Ms. Capel stated that townships with plan commissions can protest the amendment to the *Ordinance*  
19 itself but once it is passed the protest rights are over. She said that the special use permit does not allow  
20 protests from landowners only public participation.  
21

22 Mr. Thorsland stated that, at times, he gets the impression that when a map amendment is sent to ELUC  
23 that it may be possible that the amendment is not done therefore the Board will work on it some more.  
24 He asked Mr. Hall if the Board sends the amendment to ELUC with the map amendment does ELUC  
25 have the ability to modify what is sent to them.  
26

27 Mr. Hall stated that this is how we got into this predicament in the first place because ELUC modified an  
28 amendment in 2000 which would have provided for wind farm development but they decided to change it  
29 at ELUC therefore we had to re-do it. He recalled that the State's Attorney has always advised against  
30 ELUC changing ordinances and it is not typical for them to change something. He said that he hopes that  
31 the ZBA's recommendation is not based on what the Board believes will get through the system the  
32 quickest.  
33

34 Mr. Thorsland stated that this is not where he is going with this topic. He said that at the moment we  
35 need to settle this issue first because we have an alternative draft without the map amendment and the  
36 Finding of Fact has both in it therefore we can do it with or without it. He said that his personal opinion  
37 currently is that up until tonight the general consensus of public input has been on the distances and the  
38 setbacks more so than the simplicity of the map amendment. He said that tonight is the first night where  
39 he has heard any direction from the public so either public awareness is getting better or this is an issue  
40 that as been bandied about and people are more likely to comment on it now. He said that the map  
41 amendment is giving the landowners and certain townships more control over what happens in their area  
42 but not control over the *Ordinance*. He said that, regardless, at some point the amendment can still be  
43 protested upon while it's on its way to the County Board. He said that at the moment he is leaning on not  
44 having the map amendment because with it we will push non-participating parcels into small rectangular



1 pieces as shown in the diagram.

2  
3 Mr. Hall stated that the legal description of the land is just for purposes of the land which is to be  
4 rezoned.

5  
6 Mr. Thorsland stated that if the Board works off of the legal description of the wind farm overlay district  
7 will there be any setbacks to go off of that district border.

8  
9 Mr. Hall stated no, they are all part of the special use permit.

10  
11 Mr. Thorsland stated that the map amendment is included in the amendment currently therefore sending  
12 it back to ELUC changed would not be what staff had provided for review. He said that if the Board  
13 would like to go forward with the map amendment he would entertain a motion to do so or he would  
14 entertain a motion to move ahead without the map amendment.

15  
16 Mr. Palmgren stated that no less than twelve times the same statement appeared which indicated that the  
17 map amendment was warranted.

18  
19 Mr. Hall stated that staff was simply pointing out the benefits of the map amendment and the purpose  
20 was not to indicate that the County has to have a map amendment. He said that the purpose was simply  
21 to preload this and he would recommend that if the Board chooses to move ahead with the special use  
22 permit only the finding should contain why a map amendment is not necessary. He said that in  
23 anticipating a map amendment the finding explains why it is beneficial but it does not indicate why it is  
24 necessary. He said that the only thing that we have to be worried about is why a map amendment is not  
25 necessary. He said that staff does not believe that it is necessary legally and these issues can be dealt  
26 with during the special use permit but the map amendment is more consistent in his mind as to how the  
27 *Zoning Ordinance* currently treats development in the rural areas.

28  
29 Mr. Palmgren stated that currently he is leaning towards keeping the map amendment.

30  
31 Mr. Courson stated that he supports the map amendment because it will protect the public who live near  
32 the turbines.

33  
34 Mr. Thorsland stated that at this point the Board will review the Draft Finding of Fact. He asked the  
35 Board if there were any concerns or comments on the required setbacks. He said that the Board needs to  
36 make sure, before they continue with the amendment itself, that it is functional and works well  
37 countywide.

38  
39 Mr. Thorsland stated that Item 6.1.4.C.9 of Attachment H, dated March 20, 2009, should be revised to  
40 indicate 10,000 gallons capacity in the aggregate rather than 500 gallons capacity in the aggregate. He  
41 said that Item #8.C.(2)(b) of the Preliminary Draft Finding of Fact dated March 26, 2009, recommends a  
42 1,500 feet setback separation from any wind farm tower to an existing, non-participating dwelling or  
43 principal structure. He said that it is his opinion that 1,500 feet may be excessive and perhaps 1,320 feet  
44 may be more appropriate because that would coincide with how the sections are laid out in Champaign

1 County. He said that the 1,000 feet separation from any wind farm tower to an existing, participating  
2 dwelling or principal structure would remain the same with their right to obtain a waiver.

3  
4 Mr. Miller asked Mr. Thorsland if he was talking about a setback from the dwelling or the property line.

5  
6 Mr. Thorsland stated that the setback would be from the dwelling.

7  
8 Mr. Courson stated that if the wind farm developers are telling the owners that they need to be 1,200 or  
9 1,300 feet away from a structure then the County should not be telling them that they can place them any  
10 closer. He said that the Board could add text regarding the developers required setback from a dwelling.

11  
12 Mr. Thorsland asked Mr. Courson what would happen if there were different developers with different  
13 recommendations. He asked Mr. Courson how the County would handle that.

14  
15 Mr. Courson stated that each one would be based on the recommended setbacks from that manufacturer.

16  
17 Mr. Thorsland stated that he recommended the 1,320 feet separation because when the wind farm  
18 developer comes in they do not run out to the dwelling with a tape to measure the distance and then begin  
19 digging. He said that the Board has heard from some the wind farm developers that they intend to go  
20 further in.

21  
22 Mr. Courson stated that he prefers a 1,500 feet separation but if the Board goes lower it should not be  
23 lower than the manufacturer's recommended setback.

24  
25 Mr. Thorsland asked Mr. Courson if he desires to make the separation distance specific to each tower.

26  
27 Mr. Courson stated yes.

28  
29 Ms. Capel stated that the Board should just establish a minimum setback regardless of the manufacturer.

30  
31 Mr. Thorsland stated that the 1,320 feet separation would be the minimum and if for some reason a  
32 developer comes out with a 499 foot tower that is built in a way that they want the setbacks much further  
33 then a clause should be inserted which states this is the minimum or the manufacturer's recommendation.

34  
35 Ms. Capel stated that relying on the manufacturer to indicate the minimum setback may not be adequate  
36 in every case.

37  
38 Mr. Hall stated that the *Ordinance* was originally proposed with a 1,200 foot separation from non-  
39 participating dwellings and at one point Vestas was recommending 1,300 feet. He said that this would  
40 have been an instance where the County would have allowed something less than what Vestas was  
41 requiring at the time. He said that the Board needs to decide what it believes is the minimum and then  
42 include a provision that if the manufacturer requires more then that is what will be used.

43  
44 Mr. Palmgren stated that Champaign County will have to enforce these structures therefore the closer

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1 they are placed to dwellings the more enforcement action that will be required. He said that perhaps  
2 there should be a waiver available for non-participating landowners. He said that the participating  
3 landowners have an interest in the project but he is worried about the non-participating landowners.  
4

5 Mr. Miller stated that there are young people in the community that would like to build in the rural  
6 setting and if their family has had farmland for many generations they may want to build on that  
7 property. He said that if we do not address the non-participating and the family so chooses to not put  
8 their 80 acres in the wind farm area the setbacks mean nothing to them and the Board would be  
9 disregarding their choices as to where their house or farm would best be suited on their land. He said that  
10 non-participating acres should be looked at totally different than beyond the standard setbacks.  
11

12 Mr. Thorsland asked Mr. Miller if he is suggesting a larger setback from the non-participating dwellings  
13 or from the entire property.  
14

15 Mr. Miller stated that it needs to be addressed completely separate. He said that one-mile, as previously  
16 mentioned, is not practical either but we have to visualize, for example, three 80 acre parcels lying side  
17 by side and if the middle 80 acres decides not to participate and a tower is placed on each side of that 80  
18 acres on the property line there may not be adequate separation for the non-participating landowner to  
19 build on that non-participating 80 acres. He said that if the Board skips over this issue then we have  
20 taken away the future or current rights of those property owners.  
21

22 Mr. Thorsland asked Mr. Miller how he would like the Board to approach this issue.  
23

24 Mr. Miller stated that Item # 8.C.(2)(b) should indicate a 1,500 feet separation from the property line and  
25 not from the dwelling or existing structure.  
26

27 Mr. Thorsland stated that if a wind tower is placed 1,500 feet from a non-participating, existing dwelling  
28 and the non-participating landowner decides that they want to construct another house that new house  
29 could be sited without any waiver as close as 1.5 times the height.  
30

31 Mr. Hall stated that there is no mandatory separation relative to a new dwelling. He said that the  
32 *Ordinance* which is before the Board assures a 1,000 foot separation when a dwelling is within one-  
33 quarter mile from a public street but when you are more than one-quarter mile from the public street you  
34 cannot be assured and should not expect a 1,000 foot separation. He said that this would either be a big  
35 increase in land area required for the wind farm or it is a big decrease in the number of turbines and once  
36 you are more than one-quarter mile from the street Champaign County doesn't care if someone could put  
37 a house there. He said that the County does not want to encourage people placing houses where the fire  
38 protection district has to go one-quarter mile from the street to get to them. He said that this is mainly  
39 because of the impact on the wind farm developer which really means the impact on the people who are  
40 going to participate in the wind farm because it cuts down on the number of turbines which makes the  
41 whole thing less attractive.  
42

43 Mr. Miller stated that he would like to think that the bigger part of the landowners within these proposed  
44 areas, if they are on board, is a non-issue. He said that for the few who have decided to not accept the

1 \$10 dollars per acre and desire to reserve their development rights whether it means maintaining the land  
2 as farmland or for a future home for their family. He said that in those particular cases taking the  
3 setbacks to the property line would be justified.

4  
5 Mr. Thorsland stated that, in the example of the three 80 acres, placing the setback from the property line  
6 could potentially make an interested party's land a non-viable site for a tower. He said that they may be  
7 willing to participate in the wind farm but will be prevented due to the required setback, especially if they  
8 have an odd shaped site.

9  
10 Mr. Miller stated that he disagrees with Mr. Thorsland because the placement of the towers is entirely up  
11 to chance.

12  
13 Mr. Thorsland stated that Mr. Miller appears to be leaning towards the map amendment.

14  
15 Mr. Miller stated that he is willing to give up the map amendment if the Board gets the setbacks right.

16  
17 Mr. Thorsland asked Mr. Miller if he would be comfortable with 1,500 feet from the structure.

18  
19 Mr. Miller stated that the 1,500 feet from the structure does not protect the non-participating landowner  
20 in regards to their future rights.

21  
22 Mr. Thorsland asked Mr. Hall if the 1.5 times the height could be applied to a non-participating property  
23 line. He said that this would prevent a participating property from having a tower right on the line. He  
24 said that this was done for the road so that the road separated the activity.

25  
26 Mr. Miller stated that just because a building is not located on a property currently does not mean that the  
27 landowner does not have plans for a future home. He said that if someone chooses that the tract be non-  
28 participating then that is what the Board is here for also to look after that landowner's interests. He said  
29 that it would be easy to look over this issue because the wind farm isn't there now.

30  
31 Mr. Thorsland asked Mr. Miller if Item# 8.C.(2)(b) should indicate a 1,000 feet separation from any wind  
32 farm tower to an existing, participating dwelling or principal structure, and a 1,500 feet separation from  
33 any wind farm tower to any non-participating dwelling or principal structure with a minimum setback  
34 from a non-participating property line of 1.5 times the tower height.

35  
36 Mr. Hall stated that the draft that is before the Board currently indicates 1.5 times the tower height to the  
37 street, 1,000 feet to a property line within one-quarter mile of the road and at more than one-quarter mile  
38 of the road it is 1.1 times the height.

39  
40 Mr. Courson stated that if there was a forty acre tract that is subdivided and houses are placed on the  
41 entire 40 acre tract those landowners would not have that protection.

42  
43 Mr. Hall stated that first of all this is Champaign County therefore any subdivision is not guaranteed and  
44 it depends on the shape of the 40 acres. He said that if the entire subdivision is along the street then the

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1 landowners are protected and if it is a long 40 acres then ½ of it is protected and ½ of it would have some  
2 overlap.

3  
4 Mr. Schroeder stated that he is concerned with the legal aspects because we don't want to tie somebody  
5 down.

6  
7 Mr. Thorsland stated that the County is currently doing this with the RRO.

8  
9 Mr. Schroeder stated that he does not want to step on anyone's toes or make anyone mad but this Board  
10 has to do this right because we will only have one chance at it.

11  
12 Mr. Thorsland asked Mr. Schroeder what he would suggest in making this right.

13  
14 Mr. Schroeder stated that he would like to have heard from some of the County Board members.

15  
16 Mr. Thorsland stated that the State's Attorney has requested that County Board members do not testify  
17 during this hearing.

18  
19 Mr. Schroeder stated that he is just being cautious because he doesn't want this to be sent back to the  
20 Board because of disagreements by the County Board.

21  
22 Mr. Thorsland stated that currently it has been discussed that we leave the 1,000 feet separation for a  
23 participating dwelling and 1,500 feet from a non-participating dwelling and 1.5 times the tower height  
24 from a non-participating property line.

25  
26 Mr. Hall asked Mr. Thorsland if he is intending to not mention the greater separation within one-quarter  
27 mile of the street.

28  
29 Mr. Thorsland stated no, it would have to include that text.

30  
31 Mr. Miller stated that he is having a hard time of keeping track and may need to see it in writing before  
32 he can vote.

33  
34 Mr. Hall reviewed Attachment H. with the Board beginning at Paragraph #6.1.4.C.1 through 6.1.4.C.5,  
35 all of which remains unchanged. He said that a new Item #6.1.4.C.6 should read as follows: A  
36 separation distance equal to 1.50 times the total WIND FARM TOWER height from the above-ground  
37 base of a WIND FARM TOWER to the nearest property line of a non-participating property. He said  
38 that the items following new Paragraph #6.1.4.C.6 should be renumbered. He said that Paragraph  
39 #5.5.3.C.2 should be revised as follows: All land that is within a distance of 1.50 times the total WIND  
40 FARM TOWER height (measured to the tip of the highest rotor blade) from non-participating property  
41 lines.

42  
43 Mr. Thorsland stated that this would put a buffer around the non-participating landowner's property.  
44

1 Mr. Miller stated that it might not be enough but it would be making an effort.  
2  
3 Mr. Thorsland read Item #8.C(2)(d) and stated that the noise issues are very difficult and he is not sure  
4 about the 1,500 feet separation because the noise level could be different for every landowner.  
5  
6 Mr. Hall stated that the noise discussion in Item #8.C(2)(d) is not a requirement and is only intended to  
7 give an idea because the important thing about these separations is what the Board is doing about noise.  
8  
9 Mr. Palmgren stated that on Page H-17 of the Attachment H, Paragraph #6.1.4.I.4 indicates 1,200 feet  
10 and should be revised to 1,500 feet.  
11  
12 Mr. Hall stated that Mr. Palmgren is correct.  
13  
14 Mr. Hall stated that Subparagraph #6.1.4.A.2(c) discusses areas leased for underground gas storage and  
15 to eliminate questions he proposed the following: In any area leased for underground gas storage or  
16 under easement for same, unless the lease or easement requires that gas injection wells and other above  
17 ground appurtenances be located in conformance with paragraph 6.1.4.C.8.  
18  
19 Mr. Palmgren commented that in regard to Paragraph 6.1.4.C.10, he does like the 3,500 feet separation  
20 from the exterior above-ground base of a wind tower to any restricted landing area or residential airport.  
21 He said that this is fine for the side but it should be specified as to how close the turbines can be at both  
22 ends of the runway. He said that he feels that a 7,500 feet separation, using the 15:1 ratio, as stated in his  
23 attachment to the March 20, 2009, Supplemental Memorandum, should be added to indicate how close a  
24 turbine can be located from the front and rear of the runway.  
25  
26 Mr. Hall stated that Paragraph 6.1.4.C.10 establishes a minimum and a greater separation off the end of  
27 his runway is something that staff would catch during the review of the wind farm that will be located  
28 near his subdivision. He said that he would prefer not to keep adding statements.  
29  
30 Mr. Palmgren agreed. He said that testimony was received tonight from Jerry Watson, Farm Bureau  
31 President, mentioned liability concerns. Mr. Palmgren stated that he also had this concern in his notes  
32 and he does not believe that \$1 million per occurrence is nearly enough. He said that testimony was  
33 received that an up-and-running tower costs approximately \$1.5 million therefore perhaps \$5 million per  
34 occurrence would be a good number.  
35  
36 Mr. Thorsland requested the Board's comments regarding this issue.  
37  
38 Mr. Hall stated that Paragraph #6.1.4.O.2 indicates the standard condition for liability insurance.  
39  
40 Mr. Palmgren asked Mr. Hall if there is a formula that could be used to determine the amount of liability  
41 per occurrence that would be acceptable. He said that hopefully it is something that would never be used  
42 but it could and the recommendation from the Farm Bureau was \$5 million per occurrence and \$5 million  
43 per aggregate. He said that perhaps the question should be who will get sued.  
44

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1 Mr. Thorsland stated that this is why the County has attorneys.

2  
3 Mr. Hall stated that staff will revise Paragraph #6.1.4.O.2 to indicate \$5 million per occurrence and \$5  
4 million per aggregate.

5  
6 **Mr. Palmgren moved, seconded by Mr. Courson to extend the meeting for fifteen minutes. The**  
7 **motion carried by voice vote.**

8  
9 Mr. Thorsland asked Mr. Hall if the Board should address the new Attachment H. Revised Draft of  
10 Paragraph 6.1.4.L dated March 26, 2009.

11  
12 Mr. Hall stated that staff discussed the attachment and Mr. Doster indicated that he agreed with the  
13 proposed changes. He said that the new attachment will replace the text included on Page H-18-19 of  
14 Attachment H. Revised Draft Ordinance dated March 20, 2009. He said that the important change on the  
15 new attachment is Item #2(e) which indicates if the risk assessment indicates the risk may be low, no  
16 further surveys are required.

17  
18 Mr. Thorsland stated that he is comfortable with this text and requested the Board's comments.

19  
20 **The consensus of the Board was that they accepted the revisions indicated in Attachment H.**  
21 **Revised Draft of Paragraph 6.1.4L dated March 26, 2009.**

22  
23 Mr. Thorsland asked the Board if there were other areas of the *Ordinance* which they believe requires  
24 revision.

25  
26 Mr. Hall stated that Paragraph 6.1.4.T.(a)(1) should be revised to indicate WIND FARM towers rather  
27 than WECS Towers. He asked the Board if they are comfortable with the fees.

28  
29 Mr. Miller stated that it appears that Champaign County will be within reason of other counties.

30  
31 Mr. Hall stated that the fees are very reasonable and some might say that they are too low. He said that  
32 the difficult thing is that these are fees so unlike other fees and it is hard to compare them to anything  
33 else but clearly this is going to be a lot of work and it would be very unfortunate for the County to end up  
34 subsidizing the wind farm approval.

35  
36 Mr. Thorsland asked the Board if they feel like they have gone through the draft *Ordinance* and come up  
37 with an agreeable setback formula that covers both participating and non-participating landowners.

38  
39 Mr. Miller stated that the fees are something that staff recommendation would have to supersede what the  
40 Board thinks.

41  
42 Mr. Thorsland stated that staff should have the best idea of what things cost.

43  
44 Mr. Miller stated that if staff believes that the fees are low then the Board should be informed of such.

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Mr. Palmgren asked Mr. Hall if there will be a fee structure for how staff will handle complaints.

Mr. Hall stated that complaints will be an area where the County subsidizes the project. He said that he is very sensitive to fees and the higher the fee the harder it is to prove that the fee is related to the actual costs that are incurred therefore he will always under-estimate that cost. He said that as it stands now Champaign County will receive fewer fees per wind turbine than Ford County receives but it is only a difference of \$460. He said that Champaign County's standards are more complicated so we will put more work into approving a wind farm than Ford County. He said that it is unknown if the fees charged by Ford County are an accurate reflection of their costs therefore for that basis alone the Zoning Use Permit fee could be increased \$400 and we will still be in the middle and anything over that \$400 would not be worth it.

Mr. Palmgren stated that he would not have a problem with increasing the permit fee to \$400.

Mr. Hall stated that Item #20 on Page H-26 of Attachment H. Revised Draft Ordinance dated March 20, 2009, should be revised to indicate \$4460, which would make Champaign County comparable to Ford County.

Mr. Miller recommended \$4500.

Mr. Thorsland stated that the Board has handled the issue of setbacks from non-participating landowners and gas storage fields and the fee has been adjusted appropriately and the liability issue has been addressed.

Ms. Capel stated that the decommissioning process has not been completely addressed.

Mr. Hall stated that the decommissioning cost will be 150% of an independent engineer's cost estimate to complete the reclamation.

Mr. Thorsland asked who pays the independent engineer.

Mr. Hall stated that the County pays the independent engineer.

Mr. Thorsland asked the Board if there were any other suggestions other than the 150%.

Mr. Courson asked Mr. Hall how the engineer determines the cost estimate.

Mr. Hall stated that the wind farm developer will submit a cost estimate and staff reviews the estimate. He said that once staff agrees that the developer presented a reasonable estimate it is multiplied by 1.5 to get the cost for decommissioning.

**Mr. Miller moved, seconded by Ms. Capel to extend the meeting for an additional fifteen minutes. The motion carried by voice vote.**



1  
2 Mr. Courson stated that it costs more to take concrete out of a hole than it does to put it in the hole.

3  
4 Mr. Hall stated that they have to take it down four feet. He corrected his previous statement in that the  
5 decommissioning is not based on the cost of construction but on the cost of removal. He said that in the  
6 only previous instance Vestas submitted an estimate from their contractor for removal costs and staff  
7 contacted another contractor to evaluate the estimate for accuracy. He said that staff establishes the  
8 values during the special use permit hearing but we do not actually need the Letter of Credit until they  
9 really build.

10  
11 Mr. Thorsland stated that the road agreement must be acceptable to everyone because no one has  
12 mentioned any concerns about it. He asked Mr. Schroeder if, as a farmer, is he happy with what the  
13 developer has proposed for land leveling and soil compaction.

14  
15 Mr. Palmgren stated that the Board received testimony regarding the removal of the concrete and iron  
16 work. He asked Mr. Hall to clarify the depth.

17  
18 Mr. Hall stated that it is four feet.

19  
20 Mr. Palmgren asked Mr. Hall if the concrete slab is 8' x 40'.

21  
22 Mr. Hall stated that the concrete slab is deeper than 8 feet.

23  
24 Mr. Palmgren stated that perhaps a slab that big will not resurface again out of the ground but it might in  
25 the future therefore why is only half of the depth required for removal.

26  
27 Mr. Hall stated the he would assume that four feet is the minimum that is required to try and farm the  
28 land.

29  
30 Mr. Palmgren asked if the frost level is an issue.

31  
32 Mr. Hall stated no.

33  
34 Mr. Miller stated that the companies have an agreement in place that they will remove the concrete slab  
35 four feet below the ground level therefore some of the rest of the responsibility will fall back on the  
36 landowner. He said that the landowner will, at that point, have been compensated for all these years and  
37 if they want the additional concrete removed then the landowner will have to absorb those costs.

38  
39 Mr. Schroeder stated that the County cannot protect everyone that has twenty feet of concrete on their  
40 land due to a turbine that they have been compensated for.

41  
42 Mr. Miller stated that if someone builds a home today and in twenty-five years they decide that they do  
43 not want a basement they cannot expect the contractor to absorb the costs for tearing out the basement.

44

1 Mr. Palmgren stated that perhaps the reason that they are only removing the first four feet of the slab is  
2 because anything deeper than that is below the frost line.

3  
4 Mr. Hall stated that the four feet is not included in the reclamation section and this seems to be generally  
5 applicable therefore this would be done on a case by case basis.

6  
7 Mr. Thorsland asked Mr. Hall if this would be between the landowner and the wind farm developer or by  
8 each permit.

9  
10 Mr. Hall stated that the County has to determine what will be required during the special use permit  
11 process.

12  
13 Mr. Thorsland asked the Board if there were any other areas that need further review.

14  
15 Mr. Hall stated that if the Board is comfortable with the provisions for non-participating landowners then  
16 he believes that it is ready for approval.

17  
18 Mr. Palmgren asked Mr. Hall if the 3,500 feet separation from the exterior above-ground base of a wind  
19 farm tower to any restricted landing area or residential airport is just from the side.

20  
21 Mr. Hall stated that there are other parts of the *Ordinance* which specifies no intrusion into those areas.

22  
23 Mr. Thorsland asked the Board if they desire to send the amendment to the County Board with or without  
24 a map amendment.

25  
26 Mr. Schroeder stated that he believes that it should be sent to the County Board with the map  
27 amendment.

28  
29 Mr. Palmgren agreed with Mr. Schroeder.

30  
31 Mr. Thorsland stated that he is comfortable with the required setbacks therefore he would recommend  
32 sending it forward without the overlay. He said that in order to send this forward without the overlay a  
33 vote is necessary by the Board.

34  
35 Mr. Hall stated that the Board has seen the language for the amendment and the changes that were made  
36 were for both.

37  
38 Mr. Thorsland stated that if the Board moves forward without a map amendment the amendment can still  
39 be protested by townships with plan commissions but that is where it stops. He said that if the Board  
40 moves forward with a map amendment the amendment can be protested and the townships can protest as  
41 well as the 20% of the bordering landowners. He said that the initial concern was that the non-  
42 participating landowners were not protected enough although he is comfortable with the additions that  
43 were made to ensure that protection. He said that he is comfortable moving forward without the map  
44 amendment.

1  
2 **Ms. Capel moved, seconded by Mr. Miller to remove the map amendment. The motion carried by**  
3 **voice vote with two opposing votes.**  
4

5 **Finding of Fact for Case 634-AT-08:**  
6

7 Mr. Hall stated that the description of the case must read as follows: Authorize the County Board to  
8 approve Special Use Permits (SUP) and to change the requirements for the development of wind turbine  
9 developments (wind farms) to a County Board Special Use Permit (CBSUP).  
10

11 Mr. Hall stated that the Board could simply eliminate all of the statements regarding the overlay district  
12 or they could be modified to indicate that the overlay district is not necessary. He said that indicating  
13 that the overlay district is not necessary is so simple that it may be questioned what value that statement  
14 provides but on the other hand it makes it very clear that the Board did not find it necessary.  
15

16 **Mr. Palmgren moved, seconded by Ms. Capel to extend the meeting for an additional fifteen**  
17 **minutes. The motion carried by voice vote.**  
18

19 Mr. Miller stated that he would prefer that the text be removed.  
20

21 Mr. Hall stated that the following items should be removed from the Finding of Fact: Item #7.A(4); Item  
22 #7.B(2); Item #7.D(5); Item #7.F(2); Item #8.C(8); Item #8.D(2); Item #9.A(1)(h); Item #9.A(2)(b); Item  
23 #9.A(3)(b); Item #9.A(4)(b); Item #11.B(5); Item #11.C(2); Item #11.G(6); and Item #11.I(3)(b).  
24

25 Ms. Capel stated that an item should be added indicating that the Board did not feel that the map  
26 amendment is necessary. She recommended the following text: The map amendment is unnecessary  
27 because the conditions imposed under the County Board Special Use Permit will adequately mitigate  
28 impacts on adjacent landowners.  
29

30 Mr. Hall agreed with Ms. Capel and stated that new Item #13 should read as follows: The map  
31 amendment is unnecessary because the conditions imposed under the County Board Special Use Permit  
32 will adequately mitigate impacts on adjacent landowners.  
33

34 Mr. Hall stated that the following items should be added to the Documents of Record: Item #28:  
35 Supplemental Memorandum for Case 634-AT-08, dated March 26, 2009, with attachments; Item #29:  
36 Example Wind Farm Plans submitted on March 26, 2009; Item #30: Letter from Champaign County  
37 Farm Bureau dated March 26, 2009; Item #31: Red Flag Checklist and Gardner Appraisal Group  
38 Handout submitted by Russ Taylor at the March 26, 2009; Item #32: Wind Power Myths versus Facts;  
39 Item #33: Pictures submitted by Steve Burdin on March 26, 2009; Item #34: Written statement  
40 submitted by Sherry Schildt on March 26, 2009; Item #35: Dekalb County Finding of Fact received on  
41 March 26, 2009, submitted by Rich Porter; Item #36: Noble Environmental information submitted by  
42 Rich Porter on March 26, 2009; Item #37: Documents submitted by Kim Schertz on March 26, 2009; and  
43 Item #38: Documents submitted by Rene' Taylor on March 26, 2009.  
44

1 Mr. Schroeder moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents  
2 of Record and Finding of Fact as amended. The motion carried by voice vote.

3  
4 Mr. Miller moved, seconded by Mr. Schroeder to close the public hearing for Case 634-AT-08, Part  
5 A. The motion carried by voice vote.

6  
7 Mr. Thorsland informed Mr. Hall that a full Board is not present at tonight’s hearing and four affirmative  
8 votes are required for approval. He asked Mr. Hall if he desired to proceed to the Final Determination or  
9 continue Case 634-AT-08 to a date when a full Board is present.

10  
11 Mr. Hall indicated that since Mr. Bluhm has abstained from the vote the Board is as full as it is going to  
12 get in regards to this case and yes, he would like the present Board to proceed to the Final Determination.

13  
14 **Final Determination:**

15  
16 Mr. Miller moved, seconded by Ms. Capel that pursuant to the authority granted by Section 9.2 of  
17 the *Champaign County Zoning Ordinance*, the Zoning Board of Appeals of Champaign County  
18 determines that the Zoning Ordinance Amendment requested in Case 634-AT-08 should BE  
19 ENACTED by the County Board in the form attached hereto.

20  
21 The roll was called:

|    |                 |               |               |
|----|-----------------|---------------|---------------|
| 22 | Capel-yes       | Courson-no    | Miller-yes    |
| 23 | Palmgren-no     | Schroeder-yes | Thorsland-yes |
| 24 | Bluhm-abstained |               |               |

25  
26  
27 **6. New Public Hearings**

28  
29 None

30  
31 **7. Staff Report**

32  
33 None

34  
35 **8. Other Business**

36  
37 None

38  
39 **9. Audience Participation with respect to matters other than cases pending before the Board**

40  
41 Mr. Schildt asked Mr. Hall how long it will take to obtain a copy of the *Ordinance*.

42  
43 Mr. Hall stated that he anticipates that copies of the Ordinance will be available by Tuesday, March 31,  
44 2009.

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**10. Adjournment**

**Mr. Schroeder moved, seconded by Mr. Palmgren to adjourn the meeting. The motion carried by voice vote.**

The meeting adjourned at 10:45 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

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***DRAFT SUBJECT TO APPROVAL DRAFT***

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**DRAFT SUBJECT TO APPROVAL DRAFT**

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