

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 E. Washington Street
Urbana, IL 61802**

DATE:	March 17, 2022	PLACE:	Shields-Carter Meeting Room
			1776 East Washington Street
TIME:	6:30 p.m.		Urbana, IL 61802

MEMBERS PRESENT: Ryan Elwell, Lee Roberts, Jim Randol, Larry Wood, Tom Anderson

STAFF PRESENT: John Hall, Susan Burgstrom, Stephanie Berry, Isaak Simmers

OTHERS PRESENT: Tiffany Byrne, Brad Mumm, Kim Decker, Ed Decker, Josh Kamerer, Jacob Dohme, Matt Cheatham, Traci Bosch, David Bosch, Pamela Wood, Jimmie Wood, Thaddeus Bates, Nolan Herbert, Tyler Cler, Emily Cler, Roger Negangard, Larry Negangard, Kate Boyer, Aaron Fenter, Todd Horton, Gerald Byrd, John Burr, Keith Kilian, Ann Kilian, David Happ, Donald Carter, Jennifer Eisenmenger, Mark McLane, Willard Rothermel, Elizabeth Rothermel, Charlie Mitsdarfer, William Mitsdarfer, Justin Leerkamp, Terri Stigers, Matt Herriott, Daniel Herriott, Steven Herriott, Tricia Place, Allie Place, Sharon Herbert, Nicole Rohl, Collin Rohl, Douglas Schweighart, John Kraft, Jim Christian, Carol Christian, Ted Hartke, Kirk Allen, Darrel Rice, Benjamin Rice, Brian Armstrong, Andrew Miller, Monica Taylor, Brian Taylor, Cheryl Mumm, Matt Rice, Jeanne Daly, John Zeman, Thomas Daly, Marty Wilson, Shannon Reel, Dave Reel, Stephen Sinkos, Michael Hettinger, Stephen Smith, William Boyer, Dirk Rice, Lynn Rice, Bradley Shotton, Deborah Shotton, Margie Colter, Jeffery Richards, Gary Place, Jan Carter-Niccum, Sarah Hastings, Brandon Hastings, Shawn Klitzing, Fred Mumm, Leo Moore

1. Call to Order

The meeting was called to order at 6:32 p.m.

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the Witness Register.

3. Correspondence - None

4. Minutes- None

Mr. Elwell entertained a motion to move Case 040-AT-22 to the beginning of the Docket.

Mr. Wood moved, seconded by Mr. Roberts, to move Case 040-AT-22 to first on the agenda at this public hearing. The motion carried by voice vote. (Note: minutes are transcribed in numerical order

1 *per the agenda).*

2
3 **5. Continued Public Hearings- None**

4
5 **6. New Public Hearings**

6
7 Mr. Elwell asked Mr. Hall if there was anything that he would like to address the public about.

8
9 Mr. Hall stated that they have had lots of questions about how these particular changes came to the Zoning
10 Board of Appeals, and these were changes directed by the Environment and Land Use Committee of the
11 County Board. He said that many folks have reviewed the memo that they have included as an attachment.
12 He said these are the things that ELUC asked them to change. He said there is no time limit on testimony
13 at Zoning Board of Appeals meetings, but there is a lot of possible testimony at tonight’s meeting; the few
14 guidelines they do have on testimony is that it be relevant to the case at hand, and that it not be redundant
15 as much as possible. He knows redundancy is sometimes difficult to sort out, and the Board is generally
16 very patient with that, but the Board has five changes before them, and ELUC could have sent more
17 changes, but they didn’t. He said his advice to the Board is to try and focus the testimony on these five
18 changes, and if for example someone thinks that the proportion for separation from a wind farm turbine
19 to a participating or not participating dwelling currently isn’t enough, that is really not relevant here, it is
20 a relevant complaint to make to the Environment and Land Use Committee of the County Board. He said
21 the public can do that once each month, but ELUC didn’t see the setbacks as an issue, and his advice to
22 this Board is that is not a relevant issue for the Board to take up. He said that it is the Board’s decision if
23 they want to listen to every comment people have; that is their call, but under the By-Laws, he thinks the
24 Board could limit it to testimony that is specifically relevant to these five changes, that is the advice he
25 would have.

26
27 **Case 037-AT-22**

28 Petitioners: **Zoning Administrator**

29
30 Request: **Amend the Champaign County Zoning Ordinance as follows:**

- 31 **1. Add new paragraph 6.1.4 A.3. regarding Right to Farm Resolution 3425.**
- 32 **2. Amend Sections 6.1.4 C and D regarding WIND FARM TOWER height.**
- 33 **3. Revise paragraph 6.1.4 D.7. regarding Aircraft Detection Lighting Systems**
34 **(ADLS).**
- 35 **4. Add new Section 6.1.4 R to require conformance to the State of Illinois**
36 **Agricultural Impact Mitigation Agreement.**
- 37 **5. Revise Section 9 Regarding WIND FARM fees.**
38

39 Location: **Unincorporated Champaign County**

40
41 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
42 the witness register for that public hearing. He reminded the audience that when they sign the witness
43 register, they are signing an oath.

44
45 Mr. Hall stated that at the December 2021 ELUC meeting, it was suggested that the committee should
46 review the wind farm standards. He said he knew that specifically there was interest in updating their
47 Zoning Ordinance to require the aircraft detection lighting systems, and he knew there was interest to
48 update the Zoning Ordinance to allow the greater heights of towers that are currently part of wind farm
49 development. He said that he was just planning to leave their wind farm turbine height at 500 feet, and he

1 didn't think that Champaign County would get any wind farms, but any future wind farm developer would
2 have to request a waiver to go more than 500 feet. He said that he knows, for example, some members of
3 ELUC are familiar with these taller towers with wind turbines that put out more output; they have actually
4 spent some time around them, and they knew that there was this trend towards taller towers. He said they
5 would rather that Champaign County's Zoning Ordinance be up to date than behind the times having to
6 deal with waivers for any wind farms that are proposed. He said back in December 2021, he hadn't heard
7 any rumors about possible wind farms. He said that everyone has seen the Memorandum that they gave
8 to ELUC where they reviewed those things for other counties in Illinois. He said they consider McLean
9 County and Sangamon County to be a very comparable counties; they included other counties, but they
10 did not include all Illinois counties obviously. He said that ELUC gave them the direction for these
11 changes. He said in regard to height, he knows there is a lot of concern about maximum height. He said
12 he would expect any wind farm that they see in the near future to have a tower about the same height as
13 the Sapphire Sky Wind Farm that is proposed in McLean County; those are 590-foot-tall towers. He said
14 the reason he recommended no height limit was because they don't know where the technology is going
15 to go with wind farms. He said he doesn't know if they will even see any more wind farms, but rather than
16 having this incremental leveraging up on the height, in his mind it makes sense to eliminate that. He said
17 let's see what the market wants, what the FAA will allow, and their separation, if the wind farm towers
18 get taller, then the separation is going to grow; and that is the thinking behind that. He said that he is not
19 proposing to change that approach, he still thinks it is the best approach, but just for Board members, in
20 case they are reading all these comments, and wondering why they are doing this, if they were to adopt a
21 maximum height, he wouldn't recommend any tower under 699 feet tall. He said that is why he is
22 recommending no height limit, let's just do away with it and deal with the wind farm towers as the
23 technology and industry proposes them.

24
25 Mr. Wood asked him if there was an upper limit that the FAA would allow.

26
27 Mr. Hall said that he is not aware of any limit. He said FAA has four height ranges for wind farm towers;
28 they have a range for 199 feet and below, 499 feet and below, 699 feet and below, and 699 feet and above.
29 He said at 699 feet tall is when the FAA requires the intermediate set of lights on the tower, at 499 feet
30 tall is when the tower requires the second light on top of the tower, but they don't actually have a limit.
31 He said they review each proposal for the impacts on air traffic, and make a decision to the extent that
32 they find any proposal is an obstruction to air traffic; they call it out as that, and the wind farm developer
33 has to mitigate it somehow. He said he is sure there is a height beyond which they wouldn't, they just
34 couldn't deal with the obstructions to air traffic, but he has no idea what that would be, and obviously,
35 that would depend on what the air traffic is in any given area.

36
37 Mr. Wood said that he knows there were a number of questions on all the stuff that he has read about
38 decommissioning, and whether or not they were adequately funding that. He asked Mr. Hall if he could
39 describe exactly how they go through that process, and how that gets updated on a regular basis.

40
41 Mr. Hall said in regard to decommissioning, Champaign County is generally criticized as being
42 unreasonable for what they require, because it is so much greater than what other counties require. He said
43 that Champaign County has one wind farm, and they are in the process of converting their letter of credit
44 to an escrow account. He said right now that escrow account has more than three million dollars sitting in
45 there waiting for Champaign County, if it ever needs to draw against the escrow account. He said that he
46 thinks they are doing a good job keeping track of decommissioning, and ELUC has reviewed that amount;
47 they review it every three years for the first 12 years of the wind farm life, and after that they review it
48 every two years. He said that they are going begin moving into that every two year process, which is a
49 process he hates, but it keeps ELUC up to date on the amount, so he thinks they are doing a good job on

1 that.

2
3 Mr. Wood said every few years that they go through this process, there is an appraisal process that they
4 go through to determine the actual cost, and so it is increased at that point.

5
6 Mr. Hall said yes, they get a cost estimate by a licensed engineer, and he is happy to say they have used
7 the same engineer, so it is consistent, it has actually gained in detail over the years. He said they review
8 that, and they take into account both increases in construction cost as well as increases or decreases in
9 salvage value. He said the developer has only ever had to deal with increases in costs and decreases in
10 salvage value, so now they have over three million dollars, and that is why many people think they go
11 overboard on what they require.

12
13 Mr. Elwell asked if there were any other questions from the Board.

14
15 Mr. Wood asked if Mr. Hall could talk a little bit about exactly how the Agricultural Impact Mitigation
16 Agreement works, is there anything that they give up by relying on that with respect to the Illinois...

17
18 Mr. Hall interjected by saying no, in fact, their requirements are very similar to the Illinois Department of
19 Agriculture requirements, they model them on that. He said when they adopted their wind farm ordinance
20 originally, there was no such thing as AIMA, they didn't exist. He said they've since come into existence,
21 and as they know, they require those for solar farms, so when ELUC said, "well what do we need to do to
22 update their ordinance," that was an obvious choice. He said he thinks it makes their Zoning Ordinance a
23 little stronger, because not only is now Champaign County enforcing that, but the Illinois Department of
24 Agriculture enforces it, and most of those standards relate to the things they have to do during wind farm
25 construction. He said the decommissioning requirements under AIMA are actually much less restrictive
26 than their own, so they are not gaining anything there, and even under AIMA, the actual enforcement is
27 left up to the local counties, but he thinks overall it does make their Zoning Ordinance stronger and brings
28 it in line with State requirements. He said that they don't have to require compliance with AIMA, but as
29 the Zoning Administrator, it makes him feel more comfortable knowing that they have the Illinois
30 Department of Agriculture that they can fall back on if they ever encounter a problem.

31
32 Mr. Wood said that he knows the distances they are putting in here are a little bit more restrictive in terms
33 of distance away from personal property, buildings, or stuff like that. He asked if it would make sense to
34 actually make that distance away from the property line as opposed to the actual building on the property
35 if it was a residence.

36
37 Mr. Hall said that they have both; they require a greater separation to the dwelling than to the property
38 line. He said that ELUC considered that, and they were happy with what they have, so until ELUC tells
39 him to change it, he is not inclined to change it.

40
41 Mr. Anderson asked if someone could tell him the height of the blade at the peak of its height, and if it
42 were to fall over, what would that length stretch out to be.

43
44 Mr. Hall said the current wind farm that Champaign County has is 492 feet to the tip of the blade; if a
45 tower fell over, didn't crumple, but just fell completely over with a blade extended to the maximum, it
46 would fall 492 feet from the base. He said that they require a 1,000 feet setback for participating dwellings
47 with a 500-foot-tall tower, well even for a 492-foot-tall tower. He said that is how that geometry would
48 work out under the current system. He said the separation to the property line has to be one and one-half
49 times the wind farm tower height, it is not even going to fall over the property line, well a nonparticipating

1 property line.

2

3 Mr. Anderson asked if anyone had done any research on the pattern of fall that a tower would take when
4 it's super windy if it was blown over.

5

6 Mr. Hall said that he has never seen any numbers for that. He said that he has never heard of a wind farm
7 tower falling over, although he can't say that it hasn't happened.

8

9 Mr. Anderson said that during a hurricane or tornado there have been some that have blown over.

10

11 Mr. Hall said okay.

12

13 Mr. Elwell asked if there were any other questions from the Board. Seeing none, he moved to the Witness
14 Register for Case 037-AT-22. He called Mr. Stephen Smith to testify.

15

16 Stephen R. Smith, 454 CR 2400E, Broadlands, stated that he is against putting windmill farms in, and has
17 some serious concerns about it. He said his uncle has a wind farm near his home and farmland, so he
18 knows something about the issues he wants to bring up. He said they have destroyed the roads in the area;
19 they were blacktop, nice roads. He said they came in and covered them in gravel and calcium chloride,
20 which creates a lot of dust and rusts vehicles and body frames out. He said they tried to make the county
21 roads one way, which causes many accessibility problems in the area. He said the roads now have deep
22 ditches, which are a safety hazard and steep. He said heavy equipment broke down field drainage tiles,
23 which they do not always repair, although they said they would. He said the windmills are a hazard for
24 agricultural aircraft application of seed chemicals and fungicides; if they fly above the turbines, the drift
25 would be severe, and if they fly through them, it would be either dangerous or illegal, and could you
26 imagine trying to dodge prop blades on those towers while you are spraying chemicals? He said the
27 windmills cause noise which is disturbing, and he has a friend's yard that when you sit out there to visit,
28 you hear the whoop, whoop, whoop of the blades as they go around.

29

30 Mr. Elwell asked Mr. Smith if he was addressing the text amendment that they were looking at today, or
31 was he just complaining about wind farms.

32

33 Mr. Smith said there would be a safety issue with the blades breaking, and also they shed ice and snow.
34 He said they were talking about a 1,000-foot setback from a house; in Livingston County, they have six
35 times the height of the tower or 3,250 feet, whichever is greater.

36

37 Mr. Elwell told Mr. Smith that they were here to focus on the text amendment.

38

39 Mr. Smith said yeah, it needs to be set back farther, and it should be from the property line, not the house
40 itself. He said if you have a one acre or two-acre yard, and you're sitting out in your yard, it should be to
41 the property line, and he thinks they should change it to at least 3,250 feet, which is the same as Livingston
42 County. He said he has personally seen a broken blade; they talked earlier about losing a blade from a
43 tower. He said up on Route 49 North, the blade was stuck in the ground about half of the length of the
44 blade, and it was very close to the house right by the highway. He said it needs to be set back farther from
45 any of the houses and stuff. He said also the windmills cause flashing, like in your window. He said you
46 are sitting there, and a shadow goes by, it's like sitting there with a strobe light on.

47

48 Mr. Elwell told Mr. Smith that they were focusing on the text amendment today, not any particular
49 windmill. He asked him to focus his testimony on the five points of the amendment, he would greatly

1 appreciate that.

2

3 Mr. Smith said he thinks they should at least change the setbacks for the distance from any property line
4 for non-participating members to increase that.

5

6 Mr. Elwell thanked Mr. Smith and asked if there were any questions from the Board, and there were none.

7

8 Brian Armstrong asked if he could address the Board.

9

10 Mr. Elwell asked him for his full name and address.

11

12 Brian Armstrong, 105 East Irving Park Rd, Itasca, Illinois, said he is an attorney representing quite a few
13 of the people here. He said he is going to offer evidence later, but he just wanted to stop something in the
14 bud here right now. He said that Mr. Hall, Zoning Administrator, is incorrect that testimony regarding the
15 text amendment is irrelevant; that is plainly contrary to the law. He said if you prohibit these witnesses
16 from testifying to the text amendment that the Board is considering, you are violating their due process
17 rights, and the Board is not permitted to do that.

18

19 Mr. Hall told Mr. Armstrong that he had misunderstood what he said, and that is not at all what he said.

20

21 Mr. Armstrong said that the Chairman attempted to prohibit the first witness, and if he continues to
22 prohibit all the other witnesses...

23

24 Mr. Hall interjected that he is not prohibiting, he is trying to focus the testimony on the issues at hand.

25

26 Mr. Armstrong asked Mr. Hall to please let him finish. He said Mr. Elwell attempted to prohibit the witness
27 from testifying about the text amendment itself. He said that clearly is a violation of due process rights,
28 and if that continues, he is going to continue to assert his clients' due process rights. He asked him to
29 allow them to testify to the text amendment that the Board is considering, because if not, he thinks they
30 have a due process problem here. He said with that, he is going to allow Mr. Elwell to proceed calling all
31 of the witnesses and he would ask them to allow them to testify to the substance of the text amendment,
32 which is the whole reason this hearing is occurring.

33

34 Mr. Elwell asked if there were any questions from the Board, and there were none. He called Mr. William
35 Boyer IV to testify.

36

37 William Boyer stated that they are located at 525 CR 2400E, Broadlands. He said he is delivering this
38 testimony on behalf of his mother, Katherine Boyer, who also resides at the same address. He read his
39 mother's testimony as follows: "My name is Kate Boyer and my address is 525 CR 2400E, just north of
40 Broadlands by three miles. I have lived in the Homer-Sidney-Broadlands area for 40+ years, and am very
41 concerned about constructing wind turbines around our back yard. I am unable to attend tonight, so I am
42 sending my comment to be read to the Board. I am sure that the knowledgeable commenters attending
43 tonight will already be listing a myriad of reasons as to why many of us oppose a proposed wind farm. I
44 won't list all the reasons in an effort to refrain from redundancy, but I am concerned for my health and the
45 health of my children. I suffer from temporal lobe epilepsy, and several of my children are on the autism
46 spectrum. One of the main reasons we purchased an isolated country house was to bring relief to our
47 health. Noise and flickering lights are major triggers for both my epileptic seizures and my children's
48 autistic episodes. Moving to the peaceful country was such an amazing transformation of mental and
49 physical health. These machines will absolutely disrupt the peace which we have sought for so long to

1 attain. We thought we were choosing a place that would be a safe zone for our family and such a forest of
2 towering metal fans is jeopardizing that security. The short-term gain from a wind farm is not worth the
3 health of Champaign County and its residents. Please use sound reason and keep these machines away
4 from our homes. Sincerely, Kate Boyer.”

5
6 Mr. Elwell thanked Mr. Boyer and asked if there were any questions from the Board or staff. Seeing none,
7 he called Mr. Dirk Rice to testify.

8
9 Dirk Rice, 1752 CR 800N, Philo, stated he'd do his best, he came prepared and thought to address the
10 substance of what the Board is considering. He said after Mr. Hall's statement, that's what they want. He
11 said his first statement is regarding Section 6.1.4 C. (1) and (2), and it's related to the height in participating
12 and non-participating residence. He said the recommendation is two times the height for a participating
13 residence and 2.4 times the height for a non-participating residence. He said in his opinion, if you are non-
14 participating, it should be at least double what a participating residence would be, if not three times. He
15 said if what we are here to do is make recommendations to this Board, he would recommend voting against
16 that at this time. He said he applauds doing the Aircraft Detection Lighting System; he doesn't know how
17 much incoming wind farms will want to do that, he understands it is an extra expense. He said he would
18 really encourage, and you've mentioned this in your documents, all the regulations other counties have as
19 far as distance setback and everything, he would strongly recommend that the Board look at those,
20 especially when you look at the counties that are more current. He said several of them in his mind have
21 substantially more setback required than ours. He said in this day and age, he thinks the 2.4 times
22 separation is minimal; on a 600-foot tower, you're talking barely over one-quarter mile, which to him is
23 negligible and you might as well let them put it right next to you. He would strongly encourage this Board
24 at this time to recommend against what has been proposed here because he doesn't think the setback
25 requirements are anywhere close to what they need to be given the current technology and the size of the
26 towers. He said he also finds it interesting that we also call it zoning but we're just not going to limit the
27 height of towers; he thinks that's wrong and that you have to have a limit on everything. He said he doesn't
28 know how you can come into anything and say we're just not going to limit what you can do; he doesn't
29 see how that's reasonable at all.

30
31 Mr. Elwell thanked Mr. Rice and asked if there were any questions from the Board or staff. Seeing none,
32 he called Mr. Jeff Richards to testify.

33
34 Jeff Richards declined to testify at that time.

35
36 Mr. Elwell called Ms. Sarah Hastings to testify.

37
38 Sarah Hastings, 1947 CR 1100N, Sidney, stated that she has emailed citations to the Board, so if they have
39 any questions about where her sources come from, it has been put in front of them or is available via email.
40 She said regarding Case 037-AT-22, amend 2 B, amend 6.1.4 D.5, she does not understand the reasoning
41 in asking for an unlimited height restriction. She said according to the article cited in front of the Board,
42 it says that a 300-foot wind turbine can throw debris 1,200 feet. She said she does not understand; an
43 unlimited height restriction almost has no setback available to ensure the safety of the residents of this
44 county. She said her next point, according to the article "Modern Wind Turbines Generate Dangerously
45 'Dirty' Electricity" wind turbines, in addition to health problems, interfere with radio, TV, satellite, and
46 radar signal. She asked what provisions this Board would put into place to not interfere with the new
47 broadband towers we just heard about. She said she thinks we all heard about the tornado that went through
48 Macon County that disappeared from radar because of wind turbine interference on their property, and it
49 just popped up. She asked how we were going to protect the residents of this county from tornadoes, which

1 are a real potential threat to our livelihood. She said according to the article on Forbes.com which is in the
2 email, court cases have demonstrated that property values decrease 22% to 55% if a wind turbine is on or
3 near their property. She asked how the Board going to go about lowering the assessed value for homes in
4 the footprint of this project or near this project, and how is this decrease in tax revenue going to be
5 accounted for whenever this money goes missing.
6

7 Mr. Elwell thanked Ms. Hastings and asked if there were any questions from the Board or staff. Seeing
8 none, he called Kirk Allen to testify.
9

10 Kirk Allen thanked Mr. Elwell and said that he didn't see an agenda for the meeting, and asked for
11 clarification. He said right now is oral testimony, correct.
12

13 Mr. Elwell said there is testimony for this case.
14

15 Mr. Allen said okay, and asked if there would be a separate public comment.
16

17 Mr. Elwell said that is what this meeting is.
18

19 Mr. Allen said that if this qualifies as public comment time, the Attorney General has opined that you
20 cannot require people to provide their address.
21

22 Mr. Hall said this is actually not public comment, this is testimony in a public hearing; public comment is
23 a separate thing.
24

25 Mr. Allen addressed Mr. Hall, and said he did not know his affiliation here; he didn't hear the introduction
26 as to who he is and what capacity he has. He asked if he was the Board council.
27

28 Mr. Hall said no sir, he is not.
29

30 Mr. Allen said ok, and that is why he asked his question. He said if this is testimony, he needs to know,
31 because then he wants to know when his public comment is because there's two different things.
32

33 Mr. Elwell said as he read earlier, anyone wishing to testify in this case must sign the Witness Register by
34 which you solemnly swear that the evidence that you will present will be the truth, the whole truth, and
35 nothing but the truth, so help you God. He said that is signing the Witness Register.
36

37 Mr. Allen said right, you'll notice his name is on there, but he didn't sign it.
38

39 Mr. Elwell said correct.
40

41 Mr. Allen asked if this is his public comment period.
42

43 Mr. Hall told Mr. Allen that Item 9 on the agenda, after all the cases, is "Audience participation with
44 respect to matters other than cases pending before the Board."
45

46 Mr. Allen said ok, so that answers his question, there is a separate public comment period. He said so
47 you're saying during oral testimony that you are going to require an address, correct.
48

49 Mr. Elwell said that is correct.

1 Mr. Allen said that he would also provide public comment. He said this will be his oral testimony. He said
2 his name is Kirk Allen, residing at PO Box 593, Kansas, Illinois. He said to the members of this Board,
3 first off he represents Edgar County Watchdogs, a 501(c)(4) non-profit local government accountability
4 organization. He asked how many of the Board members have actually read the Zoning Act in the County
5 Code, and asked for a show of hands.

6
7 Ms. Burgstrom told the Board they were not required to answer that.

8
9 Mr. Allen said ma'am, please.

10
11 Mr. Elwell told Mr. Allen that he was going to show due respect for the staff and for the Board.

12
13 Mr. Allen said that he totally respected Ms. Burgstrom, but she is not the Chairman. He said he is asking
14 a question; does the Board choose to answer or not.

15
16 Mr. Elwell said that the Board does not have to answer the question.

17
18 Mr. Allen said, so during a hearing you don't have to answer any questions.

19
20 Mr. Elwell told Mr. Allen that he was providing testimony, not asking questions.

21
22 Mr. Allen said that his testimony would have some questions, and he is allowed to ask questions.

23
24 Mr. Elwell said but the Board does not have to answer his questions.

25
26 Mr. Allen said duly noted, he appreciates that; that says a lot.

27
28 Mr. Elwell said go ahead, sir.

29
30 Mr. Allen said that Section 5-12001 is right out of your County Code. He said he was actually appalled
31 that no one could raise their hand and say that they have actually read this. He read from the Code,
32 "authority to regulate and restrict location and use of structures for the purpose of promoting the public
33 health, safety, morals, comfort, general welfare, conserving the value of property throughout the County."
34 He said he finds it amazing that in this docket that was handed out, two of the most recent Zoning
35 Ordinances, one out of Christian County and one out of Edgar County, were not included that had some
36 of the most protective criteria focused on the value of property rights. He said he doesn't see anything that
37 focuses on the value of property rights. He said he would hope that we go back to the basics, read the
38 statute, and focus on exactly what the statute says we should be doing. He said that is all he had for his
39 oral testimony, and asked if there were any questions.

40
41 Mr. Elwell asked if there were any questions from the Board or staff. Seeing none, he thanked Mr. Allen
42 and called Mr. Armstrong to testify.

43
44 Brian Armstrong, Attorney with the firm of Luetkehans, Brady, Garner & Armstrong, said that his partner,
45 Mr. Luetkehans and he represent a number of people, residents here tonight and also a number of people
46 who cannot be here tonight.

47
48 Mr. Elwell asked him to state his address.

49

1 Mr. Armstrong said his business address is 105 East Irving Park Rd, Itasca, Illinois. He said that everybody
2 here knows that there are a lot of complex issues with respect to wind farms and wind turbines. He said
3 one of the biggest issues is noise, and that is directly related to one of the amendments, actually two of the
4 amendments: the height and the setback amendment. He said that some of you may know that the Illinois
5 Pollution Control Board has regulations regarding how much sound can be emitted from one property to
6 another property. He said he was not going to get into the details of all that, but suffice to say that
7 residential property has the most protection as far as how much sound can be emitted onto residential
8 property. He said the regulations also have different standards for sound that is emitted at night versus
9 sound that is emitted during the day; for obvious reasons, we want it to be quiet at night. He said the
10 regulations also provide that the limits apply to the entirety of someone's residential property and property
11 that is used for residential purposes. He said you might have a 20-acre parcel of property, maybe you farm
12 ten acres of it, and you use four acres of it for residential purposes. He said the entirety of those four acres
13 are protected against sound emissions that exceed the Pollution Control Board regulations. He said those
14 sound limits are measured at the boundaries of those properties. He said this is all relevant because the
15 size and the location and the setback of turbines all dictate sound that is emitted to those properties and to
16 those areas of properties.

17
18 Mr. Armstrong said that he had a number of exhibits that he would submit, and for administrative
19 purposes, he has paper copies that he can hand out to the Board today, but he also has them electronically
20 and is happy to provide them however the Board prefers, so just let him know. He said that one of the
21 most respected acousticians in the field is Dr. Paul Schomer, and some may have heard of him. He said
22 he is a PhD, and has studied sound issues for probably 50 years or so. He said Dr. Schomer is a University
23 of Illinois graduate, he has testified in quite a few wind farm cases, and also wind zoning amendments
24 and initial drafting of wind farm ordinances in Illinois and elsewhere. Mr. Armstrong said he would
25 provide the Board with some testimony that Dr. Schomer has provided in other counties. He said that in
26 the Illinois Pollution Control Board regulations, the sound limit that is the most a residential property can
27 receive under Pollution Control Board regulations is 45 decibels basically. He said it gets much more
28 scientific than that, but for our purposes we can use the number 45. He said that Mr. Schomer was on the
29 committee that helped draft those rules 40 to 50 years ago. He said that Dr. Schomer has testified
30 repeatedly that those regulations should not apply to wind farms because wind farms didn't exist when
31 they came up with those regulations, so they never contemplated the noise effects of wind farms and wind
32 turbines. He said since then, Dr. Schomer has done studies and reviewed other studies and has come to
33 the conclusion that the highest level of sound emission to residential properties should be in the range of
34 38 to 39 decibels. He said that is what he has testified to in McLean County and some other counties, that
35 that's the appropriate level. He said the way Dr. Schomer would come to that conclusion, as he would
36 explain, is the sound that is emitted to a property is measured by acousticians based on the annoyance
37 level that it creates. He said that when acousticians talk about annoyance, they don't mean someone is
38 annoyed because their internet is out for an hour. He said the annoyance that acousticians talk about from
39 sound is an all-encompassing problem; things that lead to disruption of your life or difficulty in living:
40 you can't sleep, it causes you headaches, things that affect your health. He said some of the things he is
41 going to provide the Board are the studies that Dr. Schomer and another doctor, Dr. Punch, rely on for
42 that. He said there is a study called the Health Canada Study that he and many other experts rely on. That
43 study concludes that annoyance begins at about 35 decibels. He said Dr. Schomer nonetheless concludes
44 that the 38, 39, 40 range is what is acceptable. He said the basis for his conclusion that it is acceptable is
45 that at 39 to 40 decibels, about 3 to 4% of the population that receive that level suffer from this high
46 annoyance level that is life disrupting. He said that Dr. Schomer recognizes that it is impossible to get to
47 zero, because if you hear sound, you have the possibility of being annoyed by it. He said at the level of 39
48 to 40 decibels, about 3 to 4% of the people are going to be annoyed; he concludes that is something we
49 can live with.

1 Mr. Elwell asked Mr. Armstrong if he is referring to tower height when we are talking about the decibel
2 and stuff like that.

3
4 Mr. Armstrong said that gets into a complicated question because tower height affects the decibel level,
5 the size of the blades affects the decibel level, the location of the turbine affects the decibels, how close
6 multiple turbines are to one another affects the decibel levels. He said the impact of towers and their
7 locations and their size on particular properties can only be studied when you have an actual plan with
8 turbine locations and you know the surrounding areas and how many turbines there are, how close they
9 are, that sort of thing. He said those are the types of engineering and sound studies that are submitted with
10 an application for a Special Use Permit to construct a wind farm.

11
12 Mr. Elwell asked if that testimony would then be appropriate when we have that in front of us, or with
13 this text amendment.

14
15 Mr. Armstrong said it will be, but as he said earlier, it is relevant to the amendments that you're proposing,
16 and he will get to that. He said another acoustician, Dr. Jerry Punch, studied the adverse health effects of
17 sound from wind turbines on people who are on property who receive the sound. He said he would provide
18 the Board with Dr. Punch's materials. He said to briefly summarize, there are documented adverse health
19 effects from sound from wind turbines. He said one other quick item that someone mentioned earlier,
20 blade failure happens; nobody knows when it is going to happen, how it is going to happen, where it is
21 going to happen, but sometimes these blades break or explode, and the pieces go flying. He said nobody
22 knows how far they are going to go, and nobody knows where they are going to land. He said it is the
23 same thing with ice; ice throw is a common issue with the blades when the turbines are spinning. He said
24 again, nobody knows how far these ice chunks are going to go and nobody knows where these ice chunks
25 are going to land. He said that manufacturers of the turbines typically have some data on safe zones, how
26 far away things should be from their turbines. He said part of that is based on these two things: ice throw
27 and blade failure and how far they anticipate pieces will go flying. He said that one recent example was
28 in Christian County where ice throw up to 2,000 feet is possible, so a chunk of ice can travel up to 2,000
29 feet from a blade. He asked how is all of this relevant to the amendments that are before you tonight. He
30 said obviously, tower height; the taller the tower, the bigger the blades, the more noise that is created and
31 the farther it will travel, and the higher the tower, the bigger the blades, the farther the ice throw, the
32 farther the projectiles if there is blade failure. He said these things are very relevant to tower height and
33 also very relevant to setbacks. He said the only way to mitigate these dangers he has been talking about is
34 having control over tower height and the setbacks of the towers; that's the best, the most practical way to
35 mitigate these risks. He said he doesn't think that anyone will ever say that these risks can ever be
36 eliminated, so we have to try to mitigate these risks. He said that setbacks are the most practical way to
37 mitigate risks; setbacks are squarely within the province and control of both the Zoning Board to
38 recommend and the County Board to approve, so these are things that you have control over.

39
40 Mr. Armstrong said he saw some things in the packet that have a comparison of a bunch of different
41 counties and what their rules are. He said Livingston County he believes has a setback of 3,250 feet and
42 Dekalb County has a setback that is six times the tower height. He said that his recommendation is that
43 the Board implements setbacks that are at least 3,250 feet from a residential structure, not 2,000 feet, that's
44 not far enough. He said we already know that ice chunks can travel 2,000 feet with ice throw. He said
45 3,250 feet is their recommendation, and that is not an arbitrary number by the way. He said going back to
46 Dr. Schomer and Dr. Punch, the evidence that approximately 3 to 4% of people will be highly annoyed at
47 the distance of 3,250 feet, that's their conclusion that is in their materials that he will give the Board. He
48 said any closer, the level of annoyance is increased, the risk from ice throw and blade failure increases,
49 and that's just to properties, saying nothing of streets and cars driving on the street. He said when turbines

1 are closer to the street than they are to a residential structure, obviously there is greater risk to people using
2 a street.

3
4 Mr. Armstrong said the last thing he wants to comment on is there were some statements that there should
5 be no height variation, or their recommendation for the amendment is to have no height variation on the
6 turbines and the towers. He said he thinks the comment was that was the trend; well, they have been
7 involved in wind farm matters in eight or ten counties, and we have never, in any county, seen an ordinance
8 that had no height variation of any kind. He said you're breaking new ground; you're in uncharted
9 territories with that. He said frankly, to impose no limit, the reason the Zoning Board of Appeals exists
10 and the reason why the conditional use permit process exists, and the variation process exists is, it's right
11 there in the statute that Mr. Allen quoted, it's to protect the health, safety and welfare of the public. He
12 said to impose no height limit at all is a complete and total abdication of your responsibility to the citizens
13 of the county to evaluate and protect their health, safety and welfare. He said to suggest that there be no
14 height limit at all is in his opinion completely improper. He said a special use process for height, a variation
15 process, a waiver process if an individual property owner wants to waive that, that's a different thing; but
16 to impose no limit at all is a complete abdication of the Board's responsibility.

17
18 Mr. Armstrong said finally, there was some comment about what the ELUC committee wanted and what
19 they asked for. He said the problem with that is you have to base your recommendations on the evidence
20 and testimony you hear tonight, not what the ELUC wants. He said the Board's obligation is to make its
21 decision, make its recommendation, on the evidence you hear from the public, not from what the ELUC
22 wants. He said with that, he would conclude. He said again, they think there should be a height limitation,
23 the idea of having no height limitation he thinks is completely improper, and they recommend a setback
24 distance of 3,250 feet. He said he has eight exhibits that he will give to whomever the proper person is to
25 give to distribute, and he would ask the Board to review those items, especially the testimony of Dr.
26 Schomer and the information from Dr. Punch, because that is directly relevant to the setback issues that
27 are being considered. He said he was happy to hear any questions.

28
29 Mr. Elwell asked if there were any questions from the Board.

30
31 Mr. Wood said that he thinks what they have under consideration here, as the height of the tower changes,
32 so does the separation; it's based on a percentage change. He asked Mr. Armstrong if he thinks the
33 percentages are too low.

34
35 Mr. Armstrong replied yes, 2.4 times the height is too low. He said if you have a 600-foot tower, that gets
36 you to roughly 1,400 feet; that's too low, that's not sufficient.

37
38 Mr. Wood asked what the percentage of the formula is.

39
40 Mr. Hall responded that it is 2.4 times the tower height, so for a 600-foot tower, it would be 1,440 feet.

41
42 Mr. Wood said that one of the issues that Mr. Armstrong brought up was the fact that you can have things
43 tossed farther than that distance for that particular height.

44
45 Mr. Armstrong said certainly, and as he said, the taller the turbine, the bigger the blades, the farther those
46 things are going to go. He said to have it tied to the tower height, that's one of the reasons why most
47 counties have at least some component of that. He said that Dekalb County has six times the height, which
48 is the highest they have seen, but 2.4 times the height is on the low side of what they have seen as well.

49

- 1 Mr. Elwell asked Mr. Armstrong if they take the 3,200 feet and divide that by 699 feet, which is the third
2 FAA level, 699 feet would result in a multiplier of 4.65.
3
- 4 Mr. Armstrong said understand that the 3,200 feet is from a residential structure. He said that if somebody
5 asks for a variance to reduce it, that's part of the reason the Zoning Board of Appeals exists, to make those
6 recommendations. He said 3,200 feet from a residential structure is appropriate.
7
- 8 Mr. Elwell asked if that would be any size turbine.
9
- 10 Mr. Armstrong said yes, that is correct.
11
- 12 Mr. Elwell asked if there is no multiplier then, like ELUC's multiplier recommendation.
13
- 14 Mr. Armstrong said the multiplier was six, and you had a 700-foot tower, that's 4,200 feet.
15
- 16 Mr. Elwell said that is correct; he is just trying to get Mr. Armstrong's opinion if 2.4 times the height is
17 not enough, and is 4.6 enough.
18
- 19 Mr. Armstrong said you're going to make me do some math.
20
- 21 Mr. Elwell said that's 3,200 divided by 699.
22
- 23 Mr. Armstrong said if you had a 500-foot tower, and your multiplier was 3, obviously that's 1,500 feet.
24 He said if you have a 600-foot tower and your multiplier was 3, that's 1,800 feet, and if you have a 700-
25 foot tower that's 2,100 feet. He said again, their recommendation for residential structures is 3,200 feet;
26 if that turns out to be six times the height, other counties have done it, and he thinks that would be
27 appropriate.
28
- 29 Mr. Elwell asked if he meant a flat 3,200 feet and not a multiplier.
30
- 31 Mr. Armstrong said that if you are going to impose a multiplier, it has to be enough to address the issues
32 that have been raised and that were discussed before: the ice throw, the blades and the noise. He said if
33 the Board is going to impose a multiplier, 2.4 is not enough; it doesn't create a sufficient setback to protect
34 safety. He said he cannot tell the Board what the correct number is, but he can tell the Board that 2.4 is
35 insufficient.
36
- 37 Mr. Wood said that he is curious if on the smaller towers the blades spin faster than they do on taller ones.
38
- 39 Mr. Armstrong said he is not engineer and he cannot answer that. He said he only knows that they probably
40 appear to move faster, just like a small plane appears to be traveling a lot faster than a 747, but he thinks
41 that is an optical illusion and he would have to defer to the wind turbine engineer on that.
42
- 43 Mr. Wood said that he is just curious because if it spins faster, it is going to throw it farther for a smaller
44 tower than for a larger tower; it just gives him a perspective.
45
- 46 Mr. Elwell asked if there were any other questions from the Board for this witness.
47
- 48 Mr. Anderson said earlier when Mr. Armstrong presented some acoustic data, at what frequency was that
49 acoustic data.

1 Mr. Armstrong said typically the standard for these measurements is 1,000 hertz.

2

3 Mr. Anderson asked if it was 1,000 cycles per second.

4

5 Mr. Armstrong said 1,000 hertz is the standard the acousticians measure with turbines to get to the A-weighted decibel level.

6

7
8 Mr. Anderson asked Mr. Armstrong if his data takes into account the sensitivity of peoples' hearing, the weather, and the pattern of the cycles.

9
10

11 Mr. Armstrong said he thinks he understands what Mr. Anderson is asking, and certainly geography affects how the sound travels, as does tree cover, existence of buildings, and what time of year it is; it travels farther in the winter when there is snow on the ground and no leaves on the trees. He said the issue that Mr. Anderson is asking about is the type of information that is typically included in a detailed application for a wind farm. He said there is an evaluation that includes that information to determine what sound levels a particular building or a particular property receives. He said it might be 41 decibels or 38 decibels or 45 decibels. He said when you set an ordinance or if you follow the Pollution Control Board regulations, it sets a decibel level and then it takes a weighted average over the course of an hour; it gets very detailed. He said when the studies are done and you see the numbers that are proposed in the application, typically if the study is done properly they account for that. He said we have seen it where they don't account for that and that's a problem because sound travels differently in different areas depending on the obstructions, the terrain, the geography, and the season of the year. He said when you get into the minutiae, those are the types of things to examine when you're looking at an application.

23
24

25 Mr. Anderson asked which type of noise do people report as bothersome: the rhythm of the blades on a quiet night, or the whistle when you have a strong wind.

26
27

28 Mr. Armstrong said different people suffer different consequences. He said some people hear the hum or constant noise of the blades turning, some people have testified that they actually feel it in their chest. He said another person testified that it is sort of hard to describe, but you can imagine the whoosh, whoosh, whoosh of the blades turning. He said different people suffer different effects.

29
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33 Mr. Anderson asked how you account for that in a restriction. He asked how you account for individual differences of peoples' hearing.

34
35

36 Mr. Armstrong said getting back to one of the exhibits, Dr. Schomer basically concludes if you get down to 39 or 40 decibels, you are basically going to have the smallest number of people adversely affected without completely eliminating the wind farm. He said that Dr. Schomer doesn't say that nobody will be affected, he said that's how you get to the lowest percentage of people having adverse effects.

37
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41 Mr. Wood asked Mr. Hall if the requirements are already embedded in the zoning laws that they have to meet the standards of the Illinois Pollution Control Board.

42
43

44 Mr. Hall said that's right.

45

46 Mr. Wood said Mr. Armstrong might be suggesting that is just not good enough.

47

48 Mr. Armstrong said yes, and that he understands that sound levels is not a subject that is being considered to be amended here, so getting into the details is perhaps more than we need to do, but his point is those

49

1 things are affected by both the size and the location of the setbacks. He said those things have a direct
2 effect on those things, and the bigger they are, the closer they are, the greater that effect. He said the
3 setbacks and the size are the most practical ways to mitigate those adverse consequences.
4

5 Mr. Wood said he sees that the problem we have is that we have so many other things that rely specifically
6 on that standard out there, and there are so many different types of noises. He said if this is something that
7 is particularly unique that needs a more definitive or better standard, he doesn't know. He said he doesn't
8 know where we might get that information other than what Mr. Armstrong might be willing to provide.
9

10 Mr. Armstrong said there is a lot of information out there, and if the Board wants more information than
11 what they provided, if you communicate that to the Staff, they are happy to get whatever type of
12 information the Board thinks would help them. He said if somebody just communicates that request to
13 them, they are happy to provide it.
14

15 Mr. Elwell thanked Mr. Armstrong and asked if there were any other questions from the Board and staff,
16 and there were none.
17

18 Mr. Armstrong said that he has exhibits labeled LBGA 1 through 8 that he will give paper copies to be
19 distributed as they see fit, and if they want electronic copies, he is happy to provide those as well.
20

21 Mr. Elwell called Mr. Hartke to testify.
22

23 Ted Hartke said he would do the best he could to talk into the microphone; it is very tough to hear in the
24 back of the room. He gave his address as 1183 CR 2300E, Sidney. He said his previous address was 2121
25 East 2250 North Rd, Fithian, and that was inside the Invenergy wind farm that was built in Vermilion and
26 Champaign counties. He said that he is exhibit number nine, and he is going to tell them what happened
27 to his family. He said a wind company came to his community, and they were in favor of it, they thought
28 it was going to be great. He said it was going to help his neighbor farmers financially, it was going to help
29 his school, his kids, everything was all set and the wind farm got approved. He said he worked for an
30 engineering company and did some surveying work for the wind farm while it was developing. He said
31 they built the project, and everything was still cool. He said as soon as they turned on the turbines, he, his
32 wife, and his kids could not sleep in their house any longer. He said they came and complained to the
33 county boards and went to public meetings. He said Invenergy turned off the wind turbines 51 nights
34 between January and May of 2013; Invenergy turned them off because they were trying to keep them at
35 bay and keep them quiet. He said on Mother's Day 2013 they refused to turn them off any longer, and that
36 is when he originally got the word out that these things are not good. He said by the fall, his wife and he
37 had taken all of the beds from their bedrooms and put them all in the living room. He said they lived in
38 the living room, sleeping in there until Christmas weekend when they moved out of their house because
39 of sleep deprivation. He said they moved out of a perfectly wonderful house and lived in a doublewide
40 mobile home for a year and a half. He said after that, he found a home in Sidney and they moved there.
41 He said they have been there since, have fixed up the house, and are finally happy again. He said it took
42 from 2013 to 2022 for them to get back to where they were with a nice home, comfortable living, and
43 back to what they had before.
44

45 Mr. Hartke said a lot has been mentioned about Dr. Paul Schomer, who lives in Champaign. He said they
46 tried to hire him in April 2013, but he could not work for them because he was already employed by
47 Invenergy, the wind company. He said they asked him to do a noise study at their house because they
48 weren't sleeping and knew something was seriously wrong. He said Dr. Schomer refused to help them
49 because he was already engaged with Invenergy. He said Invenergy showed up in the fall after lots of

1 pressure from them and a neighbor of theirs, and Invenergy proceeded to hire a guy, and Mr. Hartke told
2 them they wanted Invenergy to hire Dr. Schomer because he already worked for them and is from
3 Champaign; it made more sense to hire the local guy than the guy from Wisconsin. He said Invenergy
4 agreed to that, and Dr. Schomer did a partnership study at his house for four months, from August to
5 November. He said after he got done studying that for four months, Dr. Schomer went to several places:
6 Boone County, Livingston County, and after working for Invenergy and studying the noise at his house,
7 in Livingston County he came up with a slide. Mr. Hartke said that Invenergy wanted to build 500-foot-
8 tall turbines there, and Dr. Schomer analyzed that project. He said that one of Dr. Schomer's slides said
9 that he studied 220 homes, and 218 were protected, but two were still unprotected. He said on that slide
10 is where the 3,250 feet came from. He said here's a guy that studied noise at his house with the 500-foot
11 turbines, he analyzed the 500-foot turbine project in Livingston County, and he presented under testimony
12 to their Zoning Board 3,250 feet. He said the Livingston County Zoning Board put in that standard
13 distance, and they have a 500-foot-tall turbine limit based upon that testimony, because that is how they
14 could avoid lawsuits from wind companies who wanted to say they were too restricted. He said they had
15 some evidence and proof to fall back on to make themselves not susceptible for wind companies to
16 challenge it, and it has not been challenged yet.

17
18 Mr. Hartke said earlier, they talked about some noise and why it was bad. He said the reason why he
19 believes they left their home is not because they could hear it inside the house, and they could hear it in
20 the home, but it was how it would wake you up or keep you from sleeping. He said this is like a throbbing
21 or thumping noise that if you visited his house, it was not very perceptible. He said he had a lot of visitors
22 come and tell him he was crazy and that he was just a wuss. He said when they tried to sleep at night in
23 their beds, the throbbing noise was inescapable; it comes inside your home, and it is because it's like a
24 subwoofer base noise. He said it thumps and it is like people opening and closing car doors in the driveway.
25 He said if you've ever not had your shirt on and someone comes and visits you, and they hear a car door
26 out in the driveway, and you think, "oh my gosh, I need to get a shirt on." He said that is the feeling that
27 his family would get all night, it sounded like your child falling out of bed in the middle of the night, it
28 just jolts you awake. He said that if someone was trying to sleep, they just couldn't relax that last five
29 percent in order to fall asleep, and they are talking about annoyance and how this affects people differently.
30 He said that it all really has to do with someone's position from the wind turbine, if someone is downwind
31 from it, someone would feel that air pressure pulse. He said that at nighttime there is very little ground
32 movement of air, and at nighttime the wind turbines mostly move, because they are catching upper wind.
33 He said that when a turbine blade gets vertical, it catches a hard breeze, and it flexes a little bit; as it gets
34 back down to horizontal or lower, there is no wind there, and that blade will flex back. He said that the
35 blade flexing frontwards and backwards, there are three blades, that causes an air pressure pulse, that is
36 why they have sleep deprivation from the wind turbines. He said that if someone visits one in the daytime,
37 he has lived next to them, and visiting them in the daytime is nothing like trying to sleep next to them at
38 nighttime, so these are the things that he wanted the county to have.

39
40 Mr. Hartke said he thinks the 500 feet tall turbine height limit is good, but he wants the setback to be at
41 3,250 feet, because Dr. Schomer measured it at his house, and he went to Livingston County and they
42 used that number. He said that if the Board gives people the chance to have a safe setback, that they could
43 sleep in their homes, and the wind company says, "they can't live with that distance, they are going to
44 eliminate the wind farm," that is a false statement. He said that what the 3,250 feet setback does, is it lets
45 the homeowner, wherever they live, it lets them have the opportunity to discuss with the wind company
46 how much noise that they want to tolerate, and how close they want the turbine to be next to their house.
47 He said if the Board approves a big setback like 3,250 feet, and allows all the waivers that they could
48 imagine, a wind company could simply go to every homeowner and negotiate that distance that they would
49 want to come closer to their home. He said that those things are called good neighbor agreements, or they

1 could call it an easement, or a noise abatement zone, or whatever they would want to call it. He said at
2 least people would have the chance to do it, if the Board doesn't, and they allow the wind turbines to be
3 too close to people. He said what they do is become the middleman, and they insert themselves, and they
4 would give away those rights for free; they give away the ability for children to sleep in their bedrooms
5 at night, and they would just hand it over to the wind company. He said that if the Board put the safe
6 setback in place, then they would empower the minority; the smallest minority is the individual, so if they
7 were to let the individual family or homeowner decide for themselves, they let the homeowner handle
8 that, they wouldn't be jamming it into their backyards.

9
10 Mr. Hartke said on the noise thing, they talk about the Illinois Pollution Control Board noise limits. He
11 said to measure the IPCB noise limits is like nailing jello to a tree; it is very difficult, it is very expensive,
12 and it takes a long time. He said he and his wife, and his neighbor have spent about \$15,000 hiring an
13 acoustician to come measure his noise levels. He said he thinks Invenergy spent about \$200,000 doing a
14 four-month study just to prove that they were under that noise limit. He said that when the noise levels
15 came back from those reports, Invenergy was 0.1 decibels below the maximum allowed noise level for
16 nighttime noise. He said that someone can't expect or have a family stay, and sleep in their house, when
17 the noise levels are at the maximum noise allowed by the State of Illinois all the time, or three nights a
18 week, or four nights a week, it is impossible to raise a healthy family like that. He said that he sent his
19 kids to school sleep deprived, they got bad grades, it was very hard on his marriage, and he could go on
20 and on and get pretty emotional here, but he is going to save the Board from that. He said that over the
21 years he has become more controlled, and angrier, and he is able to tell them this story without breaking
22 down; it was very difficult. He said that when they were talking about the current setback at 1,200 feet,
23 that is absolutely pathetic, the distance from the 500 foot wind turbine that they had next to their house
24 was 1,665 feet away, and the next closest one was 2,225 feet away.

25
26 Mr. Hartke said that Ford County put in a distance of 2,250 feet, while his house is at 2,225 feet. He said
27 they came up with that number because it was 25 feet further than his house, because the wind turbine
28 company knew, because he had testified, and he told them what happened, and they felt they could do
29 that. He said that if they take the distance from his house that was 2,225 feet away from a 500 foot tall
30 turbine, they would need about 4.5 multiplied by the height of the wind turbine, and they would get the
31 exact same results that his house had. He said that he thinks the County setback needs to be 6 to 6.5
32 multiplied by the height of the wind turbine, regardless of their current 1,200 feet, but he wants to talk
33 about where 1,200 feet first came from; Mr. Hall wants to use this multiplier of 1,200 feet for a 500 foot
34 tall wind turbine, he wants that to be his multiplier for everything getting bigger. He said that he wants to
35 remind everybody here tonight that a 1,200 foot setback came from when wind turbines were only 350
36 feet tall, so if they took a 1,200 foot multiplier from the 350 foot tall wind turbine, they would come close
37 to five times the height. He said this is like moving a goal post all the time, they are trying to take
38 something that doesn't already work and make it better by using the same standard; they need to start
39 over.

40
41 Mr. Hartke said that after he and his wife had major issues with Invenergy and they left their home, Apex
42 Wind Company was building a wind farm up near Hoopston and Rossville, Illinois. He said the County
43 Board and the County Assistant State's Attorney told Apex that they didn't want any of those problems
44 like they had at the first wind farm, and Apex had told them no problem. He said that Apex went to every
45 single home in the entire footprint of the wind farm, and they did a good neighbor agreement with every
46 household within half a mile of the wind turbine, so the half a mile comes into effect, that if a wind
47 company thought a half a mile was good for a 500 foot tall wind turbine, then maybe that is where that
48 distance needs to start, then the multiplier would start from that. He said that there were three families in
49 the Apex Wind Farm in that same project who refused to sign the good neighbor agreement, so Apex

1 purchased those three houses. He said that at the next meeting, he is going to bring some PowerPoint
2 slides and show the Board exactly what happened with two of those homes, and how much Apex paid,
3 and if they were buying houses a half a mile away, and there is nothing wrong with wind turbines, doesn't
4 it sound like Apex was protecting themselves, because they know that there are problems within half a
5 mile of a wind turbine if they go ahead and purchase the house.
6

7 Mr. Hartke said that when he was talking about getting waivers, and letting families decide for themselves
8 to choose if they want the wind turbines close to them or not, the ultimate waiver is when the wind
9 company comes and buys the homeowners' house from them. He said that he thinks Champaign County's
10 citizens should be afforded the same thing that Apex Wind Company offered in Vermilion County, that
11 would be totally fair. He said that for a family that has kids like he does, and they happen to live in the
12 bullseye south of Sidney, Illinois, that is happening right now. He said that if he was a young father, after
13 having lived through what he did, he would tell people to sell out and get out of the way, take the money
14 from the wind company, and not go through what he already had; it was terrible. He said that after he
15 moved to Sidney, Illinois, his house was still for sale for like another year and a half. He said his house
16 was empty for three years, if you took three years times his insurance, mortgage payment, and taxes, he
17 shelled out about a \$100,000 for the privilege of owning an empty house that was 2,225 feet downwind
18 of a wind turbine. He said that nobody came to his aid, he was on his own, it was a huge setback, and he
19 doesn't want anything like that to happen to his neighbors south of Sidney, Illinois.
20

21 Mr. Hartke said that he wants to talk about some noise limits. He said one thing that was great that came
22 out of the solar farm meetings, and he came to every single solar meeting. He said at every meeting, he
23 had brought charts, and documents to show, and prove and give evidence to the Zoning Board at the time,
24 that anything at 40 decibels or louder was going to cause sleep issues and noise complaints from neighbors
25 next to solar panel inverters; the inverters make a buzzing noise. He asked the developer what noise level
26 he needed for solar, because he had been told that solar was so quiet someone would never know they are
27 there, and he had told him 45 decibels at the property line. He said that adverse health effects begin at 40
28 decibels, so he pounded on this, and the Zoning Board, ELUC committee, and County Board at the time
29 did not want to mess with the Illinois Pollution Control Board. He said they had told him that they don't
30 need to mess with that, they know it was bad for wind turbines, but for a solar farm, they were going to
31 keep the IPCB limits. He said that was mentioned a couple times by Zoning Board members; they know
32 turbines are bad, but the solar panels are not as impactful. He said that when they had come back to the
33 public hearings, specifically for the particular solar project, he had still hammered on about the noise level,
34 and they gave a special condition for the first solar farm that was approved for the Bay-wa project. He
35 said their special condition was to limit them to 39 decibels, and the way that the solar company agreed
36 to that was they would put noise shelters over the top of their inverters, or they would put the inverter in
37 the middle of the project. He said that he thought that was awesome, that is how these meetings should
38 go, decisions should be made upon information, and proof the public can bring to them, and he is asking
39 the same thing for a wind turbine. He said that if someone puts a wind turbine that is 500 feet tall and
40 3,250 feet away, the noise levels are just under 40 decibels; the Staff wants to limit their discussion to
41 only a height multiplier, but they do not want to talk about noise. He said that what drives the height, the
42 multiplier, and the setback is all about the noise for him and everyone else. He said that he plans to come
43 back here every night that they have a public hearing, and he is going to bring PowerPoint slides,
44 documents, and charts; he is going to give them all the backup data that they would need so they do not
45 end up with another exhibit number nine like he was, coming to zoning meetings, board meetings, and
46 testifying across the rest of the counties in Illinois that have wind farm meetings. He said he is tired of
47 going to those meetings. He said that he doesn't want that to happen here with any people, that spend a
48 bunch of their time for the next ten years feeling like they have to go help someone else, because they got
49 the shaft like he had. He thinks he has said enough for this evening, unless the Board has any questions.

1 Mr. Elwell asked if there were any questions from the Board.

2
3 Mr. Anderson thanked Mr. Hartke for educating him at his dismay and disappointment, he and his family
4 saved many of them time.

5
6 Mr. Hartke said that he doesn't know what to say to that response, but it is very hard to go places and get
7 in a situation where you can't help people, it's like a train wreck happening. He said he is very nervous
8 that people won't take to heart what he has to say; he is telling them the god honest truth, thank you very
9 much.

10
11 Mr. Elwell called Mr. Darrel Rice to testify.

12
13 Mr. Darrel Rice stated he lives at 726 County Road 1800 East, Philo, Illinois. He said that he certainly
14 can't compete with Mr. Armstrong's legal expertise, nor some of the scientific data that they have heard
15 from a couple of the witnesses tonight, but he has a plea for them, and he thinks he represents many, if
16 not most of the landowners and homeowners sitting behind him here tonight. He said that he and his wife,
17 Regina Rice, live on a farm on 1800 East just south of the line between Philo and Sidney; they live on a
18 sesquicentennial farm, which means it has been in their family for over 150 years. He said the farmstead
19 sits on an 80-acre tract that was purchased by his great-great-grandfather in 1857, and many of his
20 neighbors live on centennial farms, which is land that has been in the family for over 100 years. He said
21 that theirs is a heritage of producing crops and raising families on family farms for generation after
22 generation, and they have a love for the land, and as stewards desire to leave it in the best condition that
23 they can for generations to come. He said they are privileged to farm some of the most fertile ground in
24 this country, they do their best to feed their nation, and indeed a significant portion of the rest of the world.

25
26 He said that it makes no sense to them to take ground in this part of the country out of production for a
27 wind farm; they don't want to see it, they don't want to hear it, they don't want to farm around it, and they
28 don't want it near their homes or on their land. He said they built a house two years ago just down the road
29 from the original farmstead in order to allow their son, who is sitting in the back row in tonight's meeting,
30 and his family to move into the farmhouse; it is a log home, which he and his wife have been planning for
31 over a decade. He said they intended to retire and live out their years on this property, but the idea of a
32 wind farm right outside their window makes them think that they may have made a mistake. He said if
33 this does indeed happen, they ask the Board to please place reasonable height limits on the turbines and
34 increase the setbacks beyond what they are currently considering. He said it may just be another field to
35 them, but to them it's their home, thank you.

36
37 Mr. Elwell asked if there were any questions from the Board.

38
39 **Mr. Randol moved, seconded by Mr. Wood, for a 10-minute recess at 8:20p.m. The motion carried**
40 **by voice vote.**

41
42 Mr. Elwell called the meeting back to order at 8:30p.m. He called Mr. Benjamin Rice to testify.

43
44 Mr. Benjamin Rice stated that he lives at 768 County Road 1800 East in Philo, Illinois. He said that he is
45 here tonight to represent the sixth generation to farm their family ground, and he is already raising the
46 seventh generation. He said as he gets to see his one- and three-year-old run around their seven-acre yard,
47 he can only enjoy God's creation around him. He said to think something against his will, like an unlimited
48 height wind turbine, that could be put up to close to his yard could not only affect his family inside their
49 home, not taking into consideration the seven acres that his kids get to run around outside on. He said the

1 noise coming from these, they can't enjoy that, and then the dangers of watching these wind turbines break
2 apart or throwing ice. He said that he has always like the idea of his county Zoning Department going to
3 bat for his family, his rights, and watching out for his land that they have. He said that some of this that is
4 proposed tonight, he feels is going directly against that, so he would like to ask the Board to take into
5 consideration how this would be affecting them with him already raising the seventh generation, and if
6 these things are standing for next 100 years, then it would be affecting generations eight, nine, ten, and
7 even more than that. He said to please take into consideration their rights out there, getting to enjoy the
8 peace and quiet in the country, and in a safe manner also, thank you.
9

10 Mr. Elwell asked if there were any questions from the Board or Staff. Seeing none, he called Mr. Brad
11 Shotton to testify.
12

13 Mr. Brad Shotton stated that he lives at 664 County Road 1800 East in Sidney, Illinois. He said that he
14 appreciates the opportunity to speak; it will be brief, he only has one page here. He said that he is a
15 resident, not a farmer, and let him start by saying that they all live in one of the most beautiful parts of
16 Champaign County, where many of them here tonight call home, they would like to preserve this for their
17 kids and grandkids. He said that many times wind farms get placed in result of absentee landowners with
18 little to no regard for those who call that area home, they are asking the Board to give them a say in this,
19 give them a voice, and in order to preserve what they have, he would request that serious consideration be
20 given by increasing the required setbacks, and limiting the wind turbine height. He said that this proposal
21 before the Board is entirely unacceptable and he encourages them to not pass this. He said that Livingston
22 County setbacks and wind turbine heights seem entirely appropriate; he believes this would be appropriate
23 in their county as well, and this could partially mitigate issues with sound, vibrations, shadow flicker, and
24 these are all legitimate issues. He said if the Board has not been down to their part of the county, he would
25 encourage them to take a drive some evening south of Philo, and make a left on 700 North, or any of those
26 east or west roads, and just take a look at this beautiful gift that God has given them, it's a true gem,
27 especially in the evenings, it is a fantastic area, and the place they call home. He said this is their home,
28 please don't spoil it for them, thank you.
29

30 Mr. Elwell asked if there were any questions from the Board or Staff. Seeing none, he called Mr. Ed
31 Decker to testify.
32

33 Mr. Ed Decker stated that he lives 915 County Road 1700 East in Philo, Illinois. He said that first off, he
34 would like to thank the Board for their community service; he doesn't know what they get paid, but he
35 knows how community service is, and he would like to thank them for that. He said the two things he
36 would like to address is the height and setbacks. He thinks it would be totally irresponsible to give the
37 wind turbine an unlimited height and he is asking the Board to keep it at the 500 feet height limit. He said
38 he thinks the 3,250 feet has come up several times tonight for the setback, and he thinks that would be a
39 reasonable setback; he thinks that needs to be from each property line, as well as each dwelling. He said
40 his thinking on that is he has a 30-acre tract of land south of Philo, and these leases are for 90 years, 50-
41 year lease, two options for 20 years a piece, making 90 years. He said maybe his great granddaughter or
42 great grandson would want to build a house on that 30 acres someday, and make a dwelling out of it, but
43 his neighbor chose to put a wind turbine right next to it, and to keep it under the decibels, it would diminish
44 the value on that 30 acres, and his great granddaughter possibly couldn't build a house there. He said
45 respectfully that is what he is asking, don't raise the height limit and keep the setbacks up on the wind
46 turbines. He said if the Board makes the 3,250 feet setback from every boundary and house, it is going to
47 make it almost impossible for a wind farm company to put a wind farm down there; he is not going to beat
48 around the bush, that is what he is asking for. He asked the Board if there were any questions for him.
49

1 Mr. Elwell asked if there were any questions from the Board or Staff. Seeing none, he called Ms. Kelly
2 Vetter to testify.
3
4 Ms. Kelly Vetter stated that she is representing her family farm at 525 County Road 2400 East in
5 Broadlands, Illinois. She said that she wanted to thank the Board for their public service and listening to
6 the voice of their constituents, she knows that is hard to do sometimes. She just had a couple of questions
7 that she is hoping the Board could answer, because one of them was talked about tonight already. She said
8 the Board mentioned the decommissioning, and that the County had three million dollars in escrow. She
9 asked if that was for each tower to be removed or 3 million dollars across the board.
10
11 Mr. Hall said it is for the entire wind farm.
12
13 Ms. Vetter said that they have an engineer, and the engineer is the same as, she asked whose engineer, the
14 engineer they are using for the village, or the same engineer as the wind farm company.
15
16 Mr. Hall said for the one wind farm that the county has, the decommissioning estimate since 2010 has
17 been reviewed by the same engineer every time.
18
19 Ms. Vetter asked if it was their engineer, their personal engineer for the city, what or who does the engineer
20 belong to.
21
22 Mr. Hall said it is the engineer the wind farm company hires to do that.
23
24 Ms. Vetter said okay, that sounds like a conflict of interest to her.
25
26 Mr. Hall said that he asked the County Board to pay for consultants to assist the county in the review of
27 wind farms, and it was rejected, so they do the best they can with what they have.
28
29 Mr. Vetter said wow, okay, that is interesting. She said that the other thing she wanted to ask was if they
30 had done diligence in finding out what other counties, maybe even in other states, that have had long term
31 relationships with Apex Clean Energy, she is assuming it is Apex they are using, right, because they only
32 found out about this a few days ago.
33
34 Mr. Hall said this public hearing is not about a wind farm.
35
36 Mr. Elwell said it is about the text amendment.
37
38 Ms. Vetter said it is about the ordinances for the wind farm right.
39
40 Mr. Hall said right.
41
42 Mr. Elwell said the text amendment.
43
44 Ms. Vetter said that is about a wind farm then.
45
46 Mr. Hall said no it isn't. it is about a Zoning Ordinance requirement for wind farms.
47
48 Ms. Vetter said oh, so they are not in contract with anyone yet.
49

1 Mr. Hall said that they are not in contract with anybody ever.

2

3 Ms. Vetter said that nobody in the city is in contract with these wind farms yet.

4

5 Mr. Hall said that he can't speak for people in the city.

6

7 Ms. Vetter said that she was just curious, well it is the County that would regulate that anyway, so they
8 are just trying to make regulations. She said in parting, might she suggest they should do what other
9 counties have, and just make ordinances that prevent a wind farm from even coming in, that is all she has
10 to say, it is easy to do, and they could do it, thank you for their time.

11

12 Mr. Elwell asked if there were any questions from the Board or Staff. Seeing none, he called Mr. Todd
13 Horton to testify.

14

15 Mr. Todd Horton stated that he lives at 1808 County Road 900 North in Philo, Illinois. He said that he
16 shared an email to the Zoning Department before tonight's public hearing, and he believed that Ms.
17 Burgstrom responded that it had been received; he is not going to read it to them verbatim, but he does
18 want to talk about a couple of things. He said that bottom line, the purpose of Zoning Ordinances
19 everywhere is to prevent incompatible land use, incompatible land use would be having \$1.5 million homes
20 right next to the Clifford-Jacobs Forging in north Champaign, Illinois. He said they don't do that, right,
21 that would not be a good idea. He said Clifford-Jacobs, they are staying on their own land minding their
22 own business, but if someone has ever been outside of Clifford-Jacobs Forging, they would know it is
23 pretty dang noisy, isn't it. He said that in that area up there in Wilbur Heights Subdivision, the property
24 values are pretty low; he is not going to try to conflate that with wind turbines, but what he is saying is
25 what happens on any particular land if an allowed use does affect people beyond the limits of that allowed
26 use. He said that there are several examples throughout the Zoning Ordinance, he was just researching
27 one on light just the other day, no one likes flashing lights or flickering lights, it is in the signed ordinances.
28 He said the simplistic approach would be that it is on that homeowner's land, and they can do what they
29 want; no, they are looking at public health. He said he appreciates the comments of one of the earlier
30 testimonies this evening, that said, "I've got family members that are subject to negative health effects
31 with things like strobe lights," yes, he has an adult son with disabilities who has seizure disorders, and
32 they have to be very careful about keeping him away from flickering lights because that triggers his
33 seizures. He said that he is really concerned that an incompatible land use would be something that creates
34 flickering lights coming through the windows of their homes; he is not the only one that is concerned
35 about this, they have heard this from another testimony already this evening.

36

37 Mr. Horton said he wants to point out a couple of things in Section 6.1.4 Wind Farm County Board Special
38 Use Permit of the existing Zoning Ordinance, specifically letter M., the Standard Conditions for Shadow
39 Flicker. He said that before the question gets asked, this does pertain to wind turbine height and setback
40 distance. He referred to part M.1., which says, "The applicant shall submit the results of a study on
41 potential shadow flicker. The shadow flicker study shall identify the locations of both summer and winter
42 shadow flicker that may be caused by the project with an expected duration of 30 hours or more per year."
43 He said M.2. says, "Shadow flicker that exceeds the above standards shall be mitigated by any means such
44 as landscaping, awnings, or fencing." He said that he would go ahead and read some of this, because it is
45 probably clear, on the surface it appears that providing a study of shadow flicker during summer and
46 winter conditions as the standard says would be sufficient to define the preliminaries within and near the
47 wind farm project site. He said the sun angle is high during the summer and low during the winter;
48 however, this requirement ignores the sun conditions during half the year, there are two other seasons
49 besides summer and winter. He said the Board might think, well Mr. Horton, those are extreme conditions,

1 that is going to cover it; not necessarily. He said this requirement ignores the sun conditions during half
2 of the year; in other words, a property may be unaffected by shadow flicker during summer and winter,
3 yet adversely affected during spring or fall. He said the wind farm project developer merely satisfies the
4 language of the Zoning Ordinance as written, then their shadow flicker study would ignore the problem
5 for half of the project's lifetime: spring and fall.
6

7 Mr. Horton said he had listed the website in the document he provided for tonight's public hearing from
8 the U.S. Department of Energy, which stated "computer models can accurately predict when, where, and
9 to what degree this problem will occur, so wind project developers can mitigate this impact during the site
10 selection process." He said it a geometry problem. He said that they can do 3D geometry extremely well
11 these days with computer modeling. He read, "in addition, many local ordinances incorporate language
12 addressing shadow flicker to minimize any potential impact on neighbors." He said yes, the Champaign
13 County Zoning Ordinance does address shadow flicker in the section he had cited, and that is it. He said
14 that section places no obligation on the wind farm project developer beyond securing a study and providing
15 screening materials close to the affected citizens. He said the Zoning Ordinance as it stands right now does
16 not require the developer to actually use the study for decision making purposes; he asked the Board if
17 they got his point here. He said the wind farm project developer can create the study and check the box to
18 say they have a study; he has been in construction contract enforcement, and he is not the only one in the
19 room that has a great deal of experience with this. He said that he has worked for the federal and state
20 government, and trust him, there are plenty of folks out there, that if the standards are loose enough, they
21 will take advantage of that looseness. He said that the Champaign County Zoning Ordinance is extremely
22 loose, the language in Section 6.1.4 does not specifically require the wind farm project developer to
23 consider shadow flicker in site selection. He said it can be treated as an afterthought, according to the way
24 the Zoning Ordinance is written. He said that Section 6.1.4 does not define to what extent the shadow
25 flicker is to be mitigated, it just says, "mitigated," well mitigated doesn't mean eliminate, it means reduce;
26 he asked how much they should reduce it and call it good. He said that neither does the Zoning Ordinance
27 specify who would bear the cost of maintaining mitigation methods over the lifetime of the wind farm
28 project; thus, right now, as he sees it, Champaign County has no authority to compel the wind farm project
29 developer to offer any long-term solution to shadow flicker.
30

31 Mr. Horton said Section 6.1.4 in the Zoning Ordinance talks about shadow flicker. He said as he sees it,
32 it is legally toothless, it is boiler plate that says, "they have addressed shadow flicker," but it has no teeth.
33 He said that simply stated, the Zoning Ordinance does not require elimination of shadow flicker, it only
34 requires the wind farm project developer to attempt a reduction, and it does not establish a criterion for
35 successful mitigation; they can say they tried. He said like Mr. Hartke alluded to "they tried," but they got
36 tired of trying, and 51 nights, they turned the wind turbine off, then the wind farm company got tired of
37 trying, so they were able to say they attempted to mitigate it. He said when it comes to shadow flicker,
38 there is no standard for what an acceptable reduction of shadow flicker is, so really, they have
39 acknowledgement that shadow flicker exists, but they don't have anything in the current Zoning Ordinance
40 that says anything is enforceable, other than the wind farm project developer provides a shadow flicker
41 study, but it doesn't say the wind farm project developer has to follow the study. He said that perhaps the
42 simplest solution for shadow flicker is to temporarily immobilize appropriate wind turbines when the
43 shadow flickering is predicted to occur. He said current methods in modeling shadows readily enable wind
44 project developers to know exactly when and where shadow flicker will affect nearby properties; it is a
45 3D geometry problem, it's not hard. He said the language of the current Zoning Ordinance does not specify
46 this as a method for eliminating flicker, but it should. He said that this is a serious weakness of the current
47 Champaign County Zoning Ordinance; Section 6.1.4 appears well intentioned, but through its weak
48 language, it favors the wind farm project developer over the citizens who live within the shadow flicker
49 area. He said that the U.S. Department of Energy also states on the webpage cited above, "The impact of

1 shadow flicker from small wind turbines is minimal due to shorter heights and smaller rotor diameters.”
2 He said logically, the converse is true: the impact of shadow flicker from larger wind turbines will no
3 longer be minimal due to taller heights and larger rotor diameters. He said as wind turbines grow taller,
4 and he hopes they don’t, the shadow flicker issue will loom larger even if the wind turbines don’t get
5 taller, and they end up in southern Champaign County. He said the shadow flicker issue is not adequately
6 addressed in the current Zoning Ordinance; it is a token section that mentions it, but it has no teeth. He
7 said the Champaign County Zoning Ordinance in its current form needs careful modification to protect
8 not only their current citizens, but also their future citizens from increased shadow flicker. He said thank
9 you for the Board’s very careful consideration.

10
11 Mr. Elwell asked if there were any questions from the Board.

12
13 Mr. Wood said it is his understanding that the turbines actually change direction with the wind direction.

14
15 Mr. Horton said yes, shadow flicker is going to be affected by the wind direction because that is going to
16 rotate the entire head, the entire turbine.

17
18 Mr. Wood added that time of day also matters.

19
20 Mr. Horton said right, and certainly sun angle. He said in the summer you have a high sun angle, so the
21 shadow is not going to cast as far from the pylon. He said in the winter it is going to cast quite a ways. He
22 said one of the things he alluded to is if we look only at the extreme conditions, we’re not looking at the
23 in-between. He said he is really concerned that our current language is weak, but you are correct. He said
24 it is not hard from a modeling standpoint, with our 3D computer modeling capabilities, we know the path
25 of the sun through the sky extremely well. He said we can map the surface of the earth in three dimensions
26 extremely well these days. He said we can place on that 3D model each turbine, each house, every window
27 of every house, and then we can throw in what happens when the wind changes out of this direction, the
28 sun is shining out of here, where are those shadows going to fall. He said this is a technological solution
29 that already exists, but right now our language in the current Zoning Ordinance does not call for that
30 information to be used for either site planning or operational considerations. He said if a wind project
31 developer knows that certain times of the year these particular properties can be affected by shadow
32 flicker, then we know it is going to be these two or these three turbines. He said therefore, when the
33 conditions are right, we know we can turn those off. He said if the County Zoning Board builds into its
34 regulations not just what you have to do to get approval to build this, but what the negative impacts can
35 be during operations and then very clearly say you have to mitigate this and it’s going to be mitigated to
36 a specific level. He said then he thinks that wind farm technology can be a good neighbor. He said he is
37 not anti-wind farm; he is opposed to the language we currently have, which he believes is far too
38 permissive to protect the safe and healthy enjoyment in the long term of many, many residential properties
39 in what appears to be the next wind farm area to be considered in Champaign County.

40
41 Mr. Wood said so we need to be looking at the extremes, which according to what you’re suggesting,
42 occur during the spring and the fall.

43
44 Mr. Horton thanked Mr. Wood for following up. He said the extremes are mentioned in the ordinance,
45 and those are considered summer and winter. He said but spring and fall, with high sun angle in the
46 summer and low sun angle in the winter, what about those intermediate sun angles. He said he believes
47 this particular language in the ordinance effectively makes it easy for the wind farm developer to produce
48 a study that is easy to comply with. He said he believes it appears that particular paragraph is written to
49 not necessarily directly benefit the developer, but it leaves the landowner, the people who are going to be

1 living in this, high and dry with no recourse. He said it gets back to incompatible land use; if our ordinances
2 allow something and we've got unintended consequences, we need to make those unintended
3 consequences right. He said he appreciates the other voices here tonight who have spoken of what other
4 counties have done; he thinks really, as a county zoning board, there needs to be a very diligent study of
5 what has been successful in other counties and perhaps that is already going on. He thinks that study ought
6 to be presented to the public to say what was found, what didn't work so well for them, and what worked
7 for others. He said as a county we don't have to reinvent the wheel, we're not plowing new ground, let's
8 use the experience of other people who have gone down this path before. He said he is glad to hear we
9 have several contacts with those folks already.

10
11 Mr. Elwell thanked Mr. Horton, and asked if there were any other questions from the Board or staff, and
12 there were none. He said we have seven more people to testify, and the meeting will be ending at 9:30p.m.
13 He called Mr. Donald Carter to testify.

14
15 Donald Carter, 1799 CR 800N, Philo, said he lives just down the road from Brad, although his place is
16 not as pretty as Brad's, it is awfully nice. He said that the wind turbine heights as they relate to setbacks
17 is pretty much the whole ball game, so to him that is the relevance. He said 18 years ago, he retired from
18 enforcing the law in the City of Champaign, and he is very happy to be where he is at now. He said with
19 great joy he moved southeast of Philo, and they have enjoyed their time there amazingly. He said there is
20 a context to all of this, and it is not the riveting dialogue that happens at zoning meetings. He said we have
21 a company by the name of NextEra Energy who is planning a wind farm in a 50,000-acre area south of
22 Philo, Sidney, and Homer, and that is why they are here. He said NextEra Energy already has lease
23 agreements in the hands of many landowners, so it isn't they're thinking about maybe they'd like to do
24 this. He said the Board members are the residents' champions; the Board is the one that stands between
25 the residents and people that many of the residents feel would ill-use that land out there. He said
26 incompatible land use to decent life without the proper setbacks and the proper regulations – the Board is
27 all they have. He said they are here not to harass the Board, but to ask the Board to take up their case, take
28 up their cause by passing responsible aspects of this ordinance that is before them. He said they would
29 like the Board to do that very much, and they appreciate it.

30
31 Mr. Elwell thanked Mr. Carter, and asked if there were any other questions from the Board or staff, and
32 there were none. He called Mr. Mark McLane to testify.

33
34 Mr. McLane said he would forfeit his time.

35
36 Mr. Elwell thanked Mr. McLane and called Mr. Charlie Mitsdarfer to testify.

37
38 Charlie Mitsdarfer, 1587 CR 300N, Tolono, said NextEra Energy sent him a letter, and they got his name
39 spelling right, which is very unusual, but they couldn't spell Tolono right, so he has grave concerns about
40 how they'll operate on a grand scale. He said he noticed that right away, and almost threw it away because
41 he thought it was junk mail. He said he appreciates the Board's time here. He said most of the things he
42 wants to say have already been said time and time again. He said he is really worried about the height,
43 and even more concerned about the setbacks. He said these are an eyesore, and he is worried about
44 property values and what that does to County revenues if assessed values go down, which they should. He
45 said what are we going to do then, raise taxes, right; we have to make up for it somewhere. He said he
46 cannot see the wind farm southeast of here luckily, he has trees in his way, but his poor mom and brother
47 have to stare at it every day along with most people behind him. He said it is an eyesore and it is almost
48 in the next county, Douglas County – it's pretty far south. He said those things are 600 feet tall; they're
49 enormous, like the size of the Arch. He said his other concerns are that they have to be really concerned

1 with mitigation of land problems that are in existence. He said the wind farm south of Champaign County
2 has been there for a while now, and roads are crap; in fact, he thinks they are going to try to do some work
3 on them next week when the weather maybe gets good. He said maybe we should all go down there and
4 take a look at those roads in person, and he'll send pictures; it's terrible. He said road conditions are bad,
5 field conditions are bad, there's broken tile lines everywhere. He said you all know, especially the ones
6 behind him, as well as he does, that if you damage something in the field, you're never going to get it back
7 to where it was. He said you might get 80 or 90%, it might take decades, he doesn't know, but you're
8 never going to get it back to how it was, so that's a concern. He said, as many people have already
9 mentioned, this is very productive land that shouldn't be taken out of production. He asked if anyone had
10 ever talked to folks in some of these existing wind farms about groundwater. He said there are a lot of
11 residences with groundwater/well water problems. He said we are not all well-to-do on a city pipeline of
12 water, a lot of them have well water. He said some of these wells might be new, some might be 50 years
13 old, some might be in jeopardy of having to be dug again at some point or a new one drilled. He said he
14 knows people personally south of here on that farm he is talking about that have water problems that never
15 existed, and houses have been there 80 years on an 80-year well and on new wells. He said so let's think
16 about that. He asked Mr. Hall where his engineering degree came from.

17

18 Mr. Hall responded that he does not have an engineering degree.

19

20 Mr. Mitsdarfer said he didn't either, so they're on an equal playing field. He said he would like to know
21 where the 699-foot height limit came from that Mr. Hall is recommending.

22

23 Mr. Hall said it comes from a logic that he doesn't want to see the County having to bump up the allowable
24 height for wind farms, nor does he want to see wind farm developers have to ask for waivers given the
25 risk. He said he thinks the County Board should make a decision about what they're willing to allow and
26 what they're not willing to allow, and leave it at that.

27

28 Mr. Mitsdarfer said thank you. He asked Mr. Hall to help him understand why not 701 feet, or 698 feet,
29 out of curiosity; is there any data to back that up, or is that just a gut feeling. He said he has gut feelings a
30 lot and they are often wrong.

31

32 Mr. Hall said it was just a gut feeling.

33

34 Mr. Mitsdarfer said ok, he has had gut feelings that have been good and bad. He said Mr. Hall also
35 mentioned that he was not interested in stepping up height allowances like he just referred to; he prefers
36 to have something in place and not having to revisit that over and over again. He quoted Mr. Hall from
37 his notes, saying "you don't know where the technology is going." He said he doesn't know where the
38 technology is going either, but by that same token, that same logic, should we just put our speed limits at
39 95 miles an hour because at some point air bags are going to get even better, we'll have more reliable
40 vehicles, you know we should safely be able to travel at God knows what speed – who knows where the
41 technology is going. He said by that same logic, why do we have a speed limit. He said it's something to
42 think about. He said another question he has is if anyone has done an investigation to see whether it is true
43 or false that these wind farms in existence would be able to be self-sufficient without government tax
44 breaks or subsidies, and is that going to last forever; who pays that bill. He said we have already set our
45 children and our grandchildren, folks that haven't even been born yet, we've already saddled them with a
46 huge national debt and state debt, and now we're going to say hey, you're locked into this lease on this
47 wind farm for 90 years plus. He asked if that was fair. He said talking about setbacks, he thinks it was Mr.
48 Decker who recommended three quarters of a mile or something like that. He asked why not a mile; this
49 is a great county set up in square miles, and he is all for a one-mile setback and get it over with.

1 Mr. Elwell asked if there were any questions from the Board.
2

3 Mr. Wood said regarding the well water, did Mr. Mitsdarfer have any other specific information as to
4 what caused that.
5

6 Mr. Mitsdarfer said he could only speculate; he knows it was not like that before all the construction
7 happened, and they're really close to one of the turbines. He said he could speculate that vibration we've
8 heard about, does it penetrate the ground, does it cause settling, he doesn't know. He said all he knows is
9 cause and effect. He said he has no scientific evidence for that; he just knows it's been happening and it's
10 something he's heard from more than one source, so he thinks it is worth considering. He said he would
11 be happy to ask folks he knows about it.
12

13 Mr. Wood asked if Mr. Mitsdarfer knew how deep the wells are down there.
14

15 Mr. Mitsdarfer said not terribly deep, maybe 60 to 80 feet, it depends where you're at.
16

17 Mr. Elwell said when Mr. Mitsdarfer stated he mentioned the one-mile setback, would that not take more
18 farmland out of production than a closer setback.
19

20 Mr. Mitsdarfer said no, we're pretty much on square miles for most of this county and that would pretty
21 much eliminate the problem in the first place; that would be his reasoning for that. He said he had one
22 more thing he'd like to mention. He said when we're talking about safety, like of well water for example,
23 he actually helped a technician who was doing some wildlife surveys on a neighboring wind farm several
24 years ago. He said that day the technician was doing some regular service, and climbed up the tower to
25 check bearings or sensors. He said the technician came from Wyoming where they had been working for
26 several years at a large wind farm out there. He asked the technician what the craziest thing was that ever
27 happened to him. He said the technician said he saw one of these blow apart one time. He said so there is
28 blade failure. He said he asked the technician what that was like, and the technician said he's never been
29 shot at, and he's never had shrapnel come at him, but he was really afraid of a third of that blade coming
30 his way from a half mile away. He said that was not the first one the technician had experienced. He said
31 it's something to think about; he knows we kind of go with averages and there's a lot of probability you
32 have to worry about, but how many problems are enough. He asked if one is too little, if one blade through
33 a house is too little, if one blade through a kid's bike riding down the road to see grandma is too little.
34

35 Mr. Elwell thanked Mr. Mitsdarfer and called Mr. Justin Leerkamp to testify.
36

37 Justin Leerkamp, 548 CR 1900E, Sidney, said that from that address he can see both the existing
38 Champaign County wind farm at Penfield during the day and at night, and also the ones five miles south
39 of him in Douglas County that are 600 foot tall. He said when we talk about Item 2, the height increase,
40 he also farms in that Douglas County area adjacent to many of these windmills on properties he farms,
41 and he feels that the setback multiplier is not large enough having worked under these 600-foot towers.
42 He said if we do use a multiplier to increase the height, it should not be linear, it should be exponential as
43 the height increases. He said the purpose of that would be to reduce the shadow flicker. He said as these
44 grow in height, shadow flicker goes farther, but you're also higher, so you're closer. He said it was kind
45 of like the moon being smaller in a full eclipse of the sun when you think about it in those terms. He said
46 the shadow flicker is very annoying to work under, and he can't imagine living under it, so his concerns
47 for setback are there. He said he really doesn't feel that the height increase is warranted at this time; he
48 feels that the 500-foot limit has worked for this county. He said he really questions the request of ELUC
49 to change this zoning and to put the Board and administration in really a terrible position tonight; we have

1 a lot of upset people here. He said he went back and read the ELUC minutes from January and December
2 when it was first talked about. He said it seems very unusual to tinker with something that isn't broken
3 when current zoning seems to be working for Champaign County, so he questions the motives of that, and
4 he feels bad that the Board is dealing with a lot of upset people tonight because it is obviously a highly
5 emotional issue. He said moving on to Item 3, the lighting mitigation, he thinks that is an excellent idea
6 and he wishes Douglas County had zoning and that they would have required that for that existing wind
7 farm that is five miles south of his house. He said every night when he looks out and sees those red lights
8 or when he works underneath them at night it's highly, highly aggravating, and annoying – it makes you
9 not want to be there. He said if they were closer to his house they would make him want to sell his house
10 and move. He said they built a house that is their forever home, or so they thought, but maybe they'll have
11 to reconsider that. He said he does question the lighting mitigation; while it would help, he would like
12 more data on how much it would help. He said being southeast of Willard Airport, obviously it's not a
13 huge, busy airport, but there are a lot of private flights that come in and out, primarily private flights and
14 not many commercial flights, as we know. He said he doesn't know how many of those come in after
15 dark, but they are in the ILS approach of the runways at Willard, so he thinks a study on how many flights
16 there are might be worth the time. He said again, it might help the situation, it might be off some, but is
17 that percentage half the time, 10% of the time, is it 90% of the time, he has no idea, but he thinks that item
18 should be considered. He said again, he is opposed to increasing the height, he thinks if you do increase
19 the height, the multiplier should be greater and should be exponential and not linear, and he is for lighting
20 mitigation.

21
22 Mr. Elwell thanked Mr. Leerkamp and asked if there were any questions from the Board or staff. Seeing
23 none, he called Mr. William Mitsdarfer to testify.

24
25 William Mitsdarfer, 250 CR 1600E, Tolono, said that he just had a couple of things. He said for people
26 who live in town, he hears people complain about the railroad a lot, or living next to a grain elevator. He
27 said he understands that it's probably noisy and dirty or whatever, but that elevator or railroad were there
28 before the house was or the town, so people knew that when they moved there. He said their homes are
29 there now and there's no windmills, so that's his point on that. He said also because of that, they farm
30 southern Champaign County, and we need those elevators to deliver grain to help feed America, help feed
31 the world, so that's a must-have. He asked what good a windmill is except to line the pockets of greedy
32 people.

33
34 Mr. Elwell thanked Mr. Mitsdarfer and asked if there were any questions from the Board or staff. Seeing
35 none, he called Ms. Traci Bosch to testify.

36
37 Traci Bosch, 2265 CR 300N, Broadlands, said if you know county zoning, you know that 300N means
38 that she is 3 miles north Douglas County. She said that means she is just 3-3/4 miles from the Douglas
39 County windmills. She said her son farms in Douglas County, and he just told her today that he is tiling
40 and working on some tiling right next to the windmill and asked her if she knew what it sounded like. She
41 asked the Board if anyone could answer that question, looking at her right now. She asked if anyone had
42 ever stood by a windmill. She said it's pretty quiet, she hears the birds chirping. She said it sounds like a
43 blowtorch, a non-stop blowtorch. She said she would recommend, before the Board makes its decision,
44 that they drive out to the country. She asked if anyone could even tell her where Broadlands is. She said
45 most of them have probably not driven out to the country. She said her sister lives out near Royal, also
46 around windmills that the Board has approved and put in. She said she sits in her sister's back yard and
47 yes, she sees the flash. She said someone asked earlier about what happens when these windmills blow
48 apart. She said maybe they should ask the residents in northern Champaign County what happens. She
49 said she was told they blow all apart, and one of those blades went straight into the ground, so maybe they

1 should ask questions before they make decisions, maybe they should talk to the residents in northern
2 Champaign County and ask how they feel about it. She said maybe they should take some drives around
3 Douglas County and look at their country roads. She said she just stepped down from Supervisor of
4 Raymond Township, so she thinks about roads a lot. She said she doesn't want her roads destroyed and
5 still looking like Douglas County. She said she is now the Assessor of South Homer, Raymond, and Ayers
6 townships, so her biggest concern is the assessing and what these houses are going to sell for in five years.
7 She said you guys are getting a lot of money up front right now, but what happens when these subsidies
8 stop, what happens when you can't sell a house because there's a windmill in your back yard or your front
9 yard. She said your taxing assessments are going to go down. She said in the long run, is this a big money
10 maker, no, it's not, so our school districts are going to lose still, our fire departments are going to lose still,
11 because you're not going to be bringing the money in like you thought. She said her sister in Royal has
12 told her that the wind farm has already sold three times, so what happens when the contracts are renewed
13 over and over and over when they promise these farmers that they will be paid this much each month. She
14 said what happens when the new contract comes out; that money is just going to keep decreasing. She said
15 they are making promises today, but what does that stand for in 25 years; we don't know. She said what
16 about five years; we don't know, but she has to look out for the future of her fellow rural folks that she
17 hopes the Board will think about too. She said she just asks the Board to drive out to the country, sit next
18 to a windmill, open your window – she has – and just think about whether they want their house there, do
19 they want to sit and listen to this when they want to go home after work and sit and enjoy some sunshine,
20 but no, what are they seeing, a flash across their back porch, hearing this high-pitched whirring noise
21 that's like a blowtorch. She said she personally doesn't want that, and she would like the Board to think
22 about that before they make these decisions for the residents.

23
24 Mr. Elwell thanked Ms. Bosch, and asked if there were any questions from the Board or staff and there
25 were none.

26
27 Ms. Bosch said she did write a lot of other questions, and asked the Board not to ignore them, to please
28 not just go through those papers and throw them out because they are all concerned, and they spent a lot
29 of time today, yesterday, all week writing these questions out. She asked the Board to not just scan through
30 them. She said earlier, she saw a lot of the Board members looking at phones, a lot of them whispering at
31 each other, and she felt that was pretty inconsiderate because it is her life and her livelihood, and she didn't
32 feel like that was very professional at all what they were doing. She said this is their life and concerns
33 them and their future, so please think about that.

34
35 Mr. Elwell called Mr. Daniel Herriott to testify.

36
37 Daniel Herriott, 30 Dunlap Woods, Sidney, said Dekalb County was referenced earlier; Dekalb County
38 was one of the first in Illinois to build wind turbines. He said they started their construction back in 2009
39 and they made their setbacks six times the turbine height, so when looking at other counties to consider,
40 he would look at Dekalb County and make the setback six times the height. He said he would also look at
41 their Zoning Ordinance, which has a zero flicker on any non-participating neighbors. He said that they
42 have farmed ground in Douglas County and whenever they went back and forth in the field at harvest
43 time, that flicker starts to get to you whenever you are just in the field. He said granted, that landowner
44 signed up for it, so they had to tolerate it, but he cannot imagine sitting on the other side of the road in
45 Champaign County and having that flicker hitting his house. He said granted, that's Douglas County and
46 Champaign County, you're on the line but here where they talked about a wind farm would be solely in
47 Champaign County, not close to the line. He asked that the Board look at and consider a zero flicker for
48 any neighbor that is not part of the wind farm. He said if it's too restrictive for a wind farm, they can
49 always go to all the neighbors and ask for them to sign some type of agreement, so that way they can have

1 the flicker and build the turbines where they want to. He said he would also ask that we continue with the
 2 500-foot limit on the wind turbines. He said we have wind turbines in Champaign County already; they
 3 are under that 500 feet, so why not just keep it where it is already. He said there is obviously some company
 4 that can build turbines in this County, so we should just keep it at that 500. He said the other comment he
 5 would like to make is that he used to previously manage some land, and one of those folks he managed
 6 land for owned land up in Dekalb County and Douglas County. He said they chose to have wind turbines
 7 put on their property up in Dekalb County, but when the Douglas County farm came through, they said
 8 no thank you, we're not going to do this again, and they simply said no. He said the company came back
 9 to them and said they really wanted their farm because they wanted to cross through with a turbine and
 10 for them to be part of the project. He said they again said no. He said he thinks there's some merit in
 11 looking at Dekalb County, they've been through this before and now it looks like they're starting to ratchet
 12 up their Zoning Ordinance to consider all participants in the county – those who participated in the projects
 13 and those who did not participate in the projects.

14
 15 Mr. Elwell thanked Mr. Herriott, and asked if there were any questions from the Board or staff, and there
 16 were none.

17
 18 Mr. Hall recommended that Case 037-AT-22 be continued to the next meeting, which would be March
 19 31, 2022.

20
 21 Mr. Elwell entertained a motion to move Case 037-AT-22 to the March 31, 2022 meeting.

22
 23 **Mr. Roberts moved, seconded by Mr. Randol, to continue Case 037-AT-22 to the March 31, 2022**
 24 **meeting. The motion carried by voice vote.**

25
 26 **Case 040-AT-22**

27 **Petitioners: Zoning Administrator**

28
 29 **Request: Amend the Champaign County Zoning Ordinance as follows:**
 30 **Add new paragraph 4.2.1 C.7. to provide that a private or commercial transmission and**
 31 **receiving tower (including antenna) over 100 feet in height may be authorized as a**
 32 **SPECIAL USE Permit in the AG-1 and AG-2 Agriculture Districts as a second**
 33 **PRINCIPAL USE on a LOT with an Electrical Substation.**

34
 35 **Location: Unincorporated Champaign County**

36
 37 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
 38 the witness register for that public hearing. He reminded the audience that when they sign the witness
 39 register, they are signing an oath.

40
 41 Mr. Hall stated that he hopes this is a very simple text amendment; they are not proposing any new
 42 standards other than to allow towers more than 100 feet in height as a second Principle Use on substation
 43 sites. He said they had an inquiry from an electrical co-op that was going to build towers for their own
 44 management of their substations, and at the same time they were approached by a company wanting to
 45 lease towers as a means of providing better internet connection for rural areas. He said that in their rural
 46 districts they are very prohibitive of multiple principal uses on a lot. He said that what they are proposing
 47 is to allow towers more than 100 feet in height on electrical substation sites in AG-1 and AG-2; that is all
 48 it is. He said there are already standard conditions for towers over 100 feet in height, there are a few
 49 standard conditions for substations. He said he would anticipate that not many substations would have the

1 greater yard requirements required for towers over 100 feet in height, and again, at this point they don't
2 even know if they will need any over 100 feet in height. He said this is sort of a back stop text amendment,
3 but the Board should be prepared that there may be some waivers for these side and rear yards. He said
4 that most substations are next to farmland, so hopefully that won't be an issue, but they can deal with that
5 when they are presented with that. He said for right now, the proposal is simply to allow this as second
6 principal use.

7
8 Mr. Elwell asked if there were any questions from the Board.

9
10 Mr. Wood asked if the proposal was to change the height to 120 feet as opposed to 100 feet for towers.

11
12 Mr. Hall said they are keeping the 100 feet in height, they are not changing that, they are keeping all the
13 existing tower requirements, which are that a tower 100 feet or less is by right, and over 100 feet is a
14 Special Use. He said that in these future cases, the Board will be dealing with two Special Use requests
15 on the same property possibly, one for a tower of more than 100 feet in height, and the other is for a tower
16 as a second principal use.

17
18 Mr. Elwell asked if there were any other questions from the Board. Seeing none, he opened the Witness
19 Register and called Mr. Mike Wilson to testify.

20
21 Mr. Mike Wilson stated that he was representing Eastern Illini Electric Cooperative, and they are based
22 out of 330 West Ottawa, Paxton, Illinois. He said they have eight substations within Champaign County,
23 and these are the substations in question. He said that recently the federal government had what was called
24 the Rural Digital Opportunity Fund, which is called ARDOF, that provided federal grant money to provide
25 internet access to underserved areas of which east central Illinois has quite a few. He said the company
26 that won the ARDOF auction in their area is a company called NextLink, so once they figured out that
27 they won the auction, they have dollars they have to spend in east central Illinois to upgrade internet
28 infrastructure. He said they had gotten in contact with them and realized that their substations are uniquely
29 located in nice spread-out areas within the rural areas, so that lined up well with what they wanted to do,
30 so they approached them to say, "hey, can we put monopoles up in your substation locations." He said it
31 worked out really nice because they are also starting a new metering project, where they needed to put up
32 poles in their substations for radio communication systems for their meters. He said as it turns out, the
33 optimum height for wireless broadband internet is 120 feet, and that is why they are here tonight. He said
34 that basically what NextLink would like to do is put up 120-foot poles within their substations, so they
35 are going to grant them a small lease in their substation area. He said they will put up a 120-foot pole for
36 their internet system right below their internet equipment, and they will have their radio equipment for
37 their electric distribution system. He said that he would encourage the Board to approve this, thank you.

38
39 Mr. Elwell asked if there were any questions from the Board or Staff. He asked if this was up to 100 feet,
40 and they are asking for presumably 120 feet, so for each of the poles, they would have to come back before
41 the Board for a variance, correct.

42
43 Mr. Hall said they would come back for a Special Use Permit for any tower more than 100 feet in height,
44 and a Special Use Permit for that as a second principal use on the substation property.

45
46 Mr. Wilson said just to clarify from what he understands, they can already come and request a Special
47 Use Permit for a tower height above 100 feet, but in this case it is a secondary use since they will have
48 both their electric distribution system equipment and the internet equipment operating on the same pole.

49 Mr. Elwell asked if there were any other questions from the Board. Seeing none, he thanked Mr. Wilson.

1 Mr. Wilson said thank you very much, and thank you for moving this up on the agenda tonight.

2
3 Mr. Elwell asked if anyone else would like to testify in this case. Seeing no one, he entertained a motion
4 to close the Witness Register for Case 040-AT-22.

5
6 **Mr. Randol moved, seconded by Mr. Wood, to close the Witness Register for Case 040-AT-22. The**
7 **motion carried by voice vote.**

8
9 Mr. Elwell asked how the Board would like to proceed.

10
11 **Mr. Randol moved, seconded by Mr. Wood, to accept the Preliminary Draft, Findings of Fact, and**
12 **move to the Final Determination for Case 040-AT-22. The motion carried by voice vote.**

13
14 Mr. Elwell said that he would be reading the Final Determination for Case 040-AT-22 from Attachment
15 E, page 10 of 11 in the Preliminary Memorandum, as follows:

16
17 **FINAL DETERMINATION FOR CASE 040-AT-22**

18 **Mr. Wood moved, seconded by Mr. Roberts, to pursuant to the authority granted by Section 9.2 of**
19 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
20 **recommends that:**

21
22 **The Zoning Ordinance Amendment requested in Case 040-AT-22 should BE ENACTED by the**
23 **County Board in the form attached hereto.**

24
25 **The foregoing is an accurate and complete record of the Findings and Determination of the**
26 **Zoning Board of Appeals of Champaign County.**

27
28 Mr. Elwell requested a roll call vote.

29
30 The vote was called as follows:
31 **Randol- yes Roberts- yes Anderson- yes**
32 **Elwell- yes Wood - yes**

33
34 **The motion carried.**

35
36 Mr. Elwell congratulated Mr. Hall.

37
38 Mr. Hall told Mr. Wilson that they would see him at the April 7, 2022 ELUC meeting.

39
40 Mr. Wilson said very good, thank you very much.

41
42 Mr. Elwell entertained a motion to extend the meeting until 9:35p.m.

43
44 **Mr. Roberts moved, seconded by Mr. Randol, to extend the meeting until 9:35p.m. The motion**
45 **passed by voice vote.**

46
47 **7. Staff Report – None**

48
49 **8. Other Business**

1 **A. Review of Docket**

2
3 Mr. Elwell asked if there were any absences anticipated, and there were none anticipated.

4
5 **9. Audience participation with respect to matters other than cases pending before the Board**

6
7 John Kraft said he had a couple of observations. He said Champaign County needs to get a better sound
8 system for the meeting room; he cannot believe a county the size of Champaign County has a sound system
9 that sounds like it came out of a little toy box or something; wherever they purchased this from didn't do
10 them justice. He said that he finds it offensive that the Board and Staff would continually interrupt people
11 during their testimony to claim, "oh this is not about a wind farm," everything in that text amendment is
12 about a wind farm. He asked them if they thought an unlimited height had nothing to do with the proposed
13 wind farm idea that they know nothing about. He said everything including the sound, shadow flicker, and
14 setbacks, it all has to do with the wind farm, and to sit there and say it has nothing to do with the wind
15 farm, they should know better. He asked them if they thought people were just going to think, "well, hey
16 Bob what do you want to do this week? Oh, let's change the ordinance to say unlimited height, because
17 nothing is going to happen." He said he thinks everybody knows there is a plan, somebody knows there
18 is a plan, somebody gave the idea to increase the maximum height, and that has to do with a wind farm
19 whether they say it does or not.

20
21 Kirk Allen said that he spoke during the testimony phase and ironically, he was informed that the Board
22 doesn't answer questions; however, they answered multiple questions for other people, and he found that
23 very interesting. He said that he has attended probably in excess of maybe 50 to 75 public hearings, and
24 for every public hearing he has ever been to, except this one, the purpose of a public hearing was for the
25 public to get answers to the questions, and for the public body to get input from the public. He says it is
26 ironic with what he was told, because on their own document, and quote, "If you would like to submit
27 comments or questions before the meeting, please call the P & Z Department at 217-384-308 or email
28 zoningdept@co.champaign.il.us no later than 4:30p.m. the day of the meeting." He asked what the purpose
29 was of submitting a question, anybody. He said thank you, the purpose is to get an answer, and it is really
30 ironic that they have gotten to the level, that they can't even have a dialogue to address tough questions.
31 He said he doesn't know how much time he has, he asked if this public body had adopted a public comment
32 policy. He asked the chairman, Mr. Elwell, if they had a public comment policy, he doesn't know what
33 his time limit is.

34
35 Mr. Elwell said yes.

36
37 Mr. Allen asked him if he could tell him what the time limit is on their adopted public comment policy.

38
39 Mr. Elwell said until 9:35p.m. or until they extend the meeting for each meeting.

40
41 Mr. Allen said he would rephrase his question. He said what he is looking for is the amount of time that a
42 citizen has speaking under public comment, he asked how much time they were permitted to speak under
43 the adopted comment policy that they have.

44
45 Mr. Elwell said that he is not for certain.

46
47 Mr. Randol said that he knows one thing, that the Board voted that this meeting would end at 9:35p.m.
48 tonight, and for tonight that would end public comment.

49

1 Mr. Allen said that he would remind everyone that public comment is a First Amendment right, and he
2 first spoke to what he found in the County Code, and no one was willing to raise their hand to have ever
3 read the County Code, “For purpose of promoting the public health, safety, morals, comfort, general
4 welfare, and conserving the values of property throughout the county,” that is the State statute. He said
5 what he found really ironic is the mission statement for the zoning is, “to enable the County Board to
6 formulate and prioritize clear, and effective policies, plans, and programs related to land use, and
7 development to implement the County Board policies...,” there is not a single mention about any of the
8 required particles that are found in the Public Act for Zoning under counties.
9

10 Mr. Hall asked him if he could just offer that Champaign County has adopted a Zoning Ordinance that
11 includes all of those good things there in the Zoning Enabling Act, and these Board members have read
12 their Zoning Ordinance.
13

14 Mr. Allen asked if he was answering for the Board.
15

16 Mr. Hall said yes he is.
17

18 Mr. Allen said wow, the Board just can’t say they have read the Zoning Enabling Act, but Mr. Hall says
19 they have.
20

21 Mr. Hall said no, he said they have read the Champaign County Zoning Ordinance, not the Zoning
22 Enabling Act.
23

24 Mr. Allen said that his question...
25

26 Mr. Elwell interjected that what he is not interested in, is any gotchas or any type of confrontation back
27 and forth. He said the Board gives up their time to do this to be good stewards of what God has given
28 them here in Champaign County.
29

30 Mr. Allen said that he appreciates that and part of being...
31

32 Mr. Elwell interjected that everything tonight...
33

34 Mr. Allen interjected this was his public comment...
35

36 Mr. Elwell interjected that everything tonight...
37

38 Mr. Allen interjected that he was interrupting him sir...
39

40 Mr. Elwell interjected that everything tonight has been...
41

42 Mr. Allen said this was his public comment.
43

44 Mr. Elwell said Mr. Allen has been attacking the Board...
45

46 Mr. Allen interjected that it was a simple question, because he had to lay a foundation.
47

48 Mr. Elwell said that he asked a question, and he was answering the question sir.
49

1 Mr. Allen asked him what question he answered.

2

3 Mr. Elwell said that he is answering the question of why the Board was here.

4

5 Mr. Allen said that he didn't ask them why they were here, he asked him what question he was answering.
6 He said that he wanted to lay a foundation, because it is the most basic thing, he thinks Mr. Hartke said it,
7 they need to get back to the basics, they need to start over, because not one Board member has been able
8 to say they have read the law, the actual law that they are bound by, and that is concerning. He said the
9 public comment portion of this meeting is nothing more than a chance to be able to share input of peoples'
10 concerns. He said his concerns are what he was reading on the statute related to policy says nothing about
11 what the law says; to him that is a concern. He said when he asked if they had an adopted comment policy,
12 they said they do, but he guesses he will have to FOIA it to find out what it is, because they don't know
13 what the public comment policy is, they can't tell him how long he has to speak, he wants to respect the
14 policy they have adopted, but they can't tell him what it is, that is a problem. He said that it is a problem
15 and an aspect of where is the limits, and it's the same if they don't want limits for height; well, what is
16 their limits for public comment, they want to limit that, but they don't want to limit heights.

17

18 Mr. Elwell informed Mr. Allen it was 9:35p.m.

19

20 Mr. Allen asked Mr. Elwell if they were cutting him off, is that what he was telling him.

21

22 Mr. Elwell said that it was 9:35p.m., and he does not have a motion to move past 9:35p.m., and for him
23 personally, he doesn't think that the Board is going to be able to have this come to a resolution tonight,
24 that is all the Board has given him for time wise tonight, so unfortunately yes, the participation...

25

26 Mr. Allen interjected if they were cutting him off from his public comment time, is that correct.

27

28 Mr. Elwell said that is correct.

29

30 Mr. Allen asked if they were forbidding him to continue speaking, is that correct.

31

32 Mr. Randol said that he could keep talking all night if he wants, but they were going to go home. He said
33 it is 9:35p.m., and they have already made to motion to do that, so this can be continued at the next
34 meeting.

35

36 Mr. Allen asked if his public comment continued at the next meeting.

37

38 Mr. Elwell said that Mr. Allen himself said that he had a First Amendment right to speak, he can't tell him
39 no, but he can tell him that they are going home.

40

41 Mr. Allen said so they are cutting him off, correct.

42

43 **10. Adjournment**

44

45 Mr. Elwell entertained a motion to adjourn the meeting.

46

47 **Mr. Roberts moved, seconded by Mr. Randol, to adjourn the meeting. The motion carried by voice**
48 **vote.**

49

1 Mr. Allen interjected if Mr. Elwell said adjourn or are they recessing, there is a difference gentlemen.

2

3 The meeting adjourned at 9:36 p.m.

4

5 Mr. Allen interjected by telling Mr. Elwell, the chairman, that he had adjourned the meeting, he did not
6 recess the meeting. He said that he didn't recess and there is a big difference.

7

8 Respectfully submitted,

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12 Secretary of Zoning Board of Appeals

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