

AS APPROVED FEBRUARY 25, 2010

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: February 1, 2010

PLACE: Lyle Shields Meeting Room
1776 East Washington Street

TIME: 6:30 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Doug Bluhm, Catherine Capel, Thomas Courson, Melvin Schroeder, Eric Thorsland, Paul Palmgren

MEMBERS ABSENT : Roger Miller

STAFF PRESENT : Connie Berry, John Hall, J.R. Knight

OTHERS PRESENT : Al Kurtz, Herb Schildt, Sherry Schildt, Terry Ladage

1. Call to Order

The meeting was called to order at 6:35 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with one member absent.

3. Correspondence

None

4. Approval of Minutes (January 14, 2010)

Mr. Thorsland stated that Page 10, Line 31 should be revised as follows: He said that he was uncomfortable with a ten foot side yard setback with a 150 foot tower but not with a 50 foot setback with a 150 foot tower.

Mr. Palmgren stated that Page 25, Line 24 should be revised as follows: Mr. Palmgren stated that there are fewer residential airports in this area right now but there is a trend for more nationwide due to the closing of many small airports.

Mr. Thorsland moved, seconded by Mr. Palmgren to approve the January 14, 2010, minutes as amended. The motion carried by voice vote.

Ms. Capel moved, seconded by Mr. Thorsland to rearrange the agenda and hear Case 658-AT-09 prior to Case 634-AT-08, Part B. The motion carried by voice vote.

5. Continued Public Hearing

Case 634-AT-08 Part B. Petitioner: Zoning Administrator Request: Amend the Champaign County Zoning Ordinance as follows: 1. Add definitions for “SMALL WIND TURBINE TOWER” and “BIG WIND TURBINE TOWER” and revise the definition for “WIND FARM.”; and 2. Amend subsection 4.2.1. to allow “BIG WIND TURBINE TOWER” as a second principal use on lots in the AG-1 and AG-2 Zoning Districts; and 3. Amend paragraph 4.3.1.E. to add new height regulations that apply to “SMALL WIND TURBINE TOWER” and “BIG WIND TURBINE TOWER.”; 4. In Section 5.2 replace “wind turbine” with “BIG WIND TURBINE TOWER,” and indicate “BIG WIND TURBINE TOWER” is only authorized as a second principle use on lots in certain Zoning Districts; and 5. in Section 6.1.3. add new standard conditions for “BIG WIND TURBINE TOWER” that are similar to the standard conditions for a WIND FARM; and 6. Add new subsection 7.7 making “SMALL WIND TURBINE TOWER” an authorized accessory use by-right in all zoning districts and add requirements including but not limited to: (a) the turbine must be located more than one and one half miles from the nearest municipal zoning jurisdiction; and (b) minimum required yards that are the same as for other accessory structures in the district provided that the overall height is not more than 100 feet; and (c) an overall height limit of 200 feet provided that the separation from the nearest property line is at least the same as the overall height and authorize private waivers of the separation by adjacent neighbors; and (d) a limit of no more than two turbine towers per lot; and (e) allowable noise limits; and (f) a requirement for engineer certification; and (g) a requirement to notify the electrical power provider if interconnected to the electrical grid; and (h) a requirement that no interference with neighboring TV, radio, or cell phone reception; and (i) a requirement for the removal of inoperable wind turbines. 7. In Section 9.3.1. add fees for SMALL WIND TURBINE TOWER and BIG WIND TURBINE TOWER; and 8. In Section 9.3.3. add application fees for BIG WIND TURBINE TOWER Special Use Permit.

Mr. Hall stated that the Supplemental Memorandum dated January 26, 2010, included an attachment which discussed revised draft proposed new Subsection 7.7. He said that at the last meeting the Board increased the height of clearance to ground from 15 feet to 20 feet and increased the number of small turbine towers allowed on a property to four, provided that no more than 100kW total nameplate capacity. He said that this is greater than the number that was included in the legal advertisement but it is his view that this is a relatively modest change and does not require re-advertisement. He said that Page B-2 of Attachment B. Case 634-AT-08 Part B Revised Draft Ordinance of the Supplemental Memorandum dated January 26, 2010, indicates an error. He said that when he was constructing the attachment he accidentally cut-off the text after Item 5. and continued the discussion regarding what are BIG WIND TURBINE TOWER requirements on Page B-8. He said that Mr. Knight distributed a new, corrected copy of Attachment B. for the Board’s review.

Mr. Hall stated that the distributed Supplemental Memorandum dated February 1, 2010, includes an updated Finding of Fact and two tables. He said that the table titled, Comparison of Small Wind Requirements in Other Illinois County Zoning Ordinances and Largest Local Municipalities, compares the current draft with all of its recent changes to the American Wind Energy Association Model Ordinance and the six other Illinois counties which have been reviewed earlier and to the new small wind ordinance adopted by the City of Champaign. He said that the shading indicates where other jurisdictions are less restrictive than the draft

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1 that the Board is considering and the club symbol indicates where the County will be more restrictive than
2 anyone else. He said that staff discussed the City of Champaign ordinance with the Board at the last hearing
3 and he would like to point out a few of their requirements to the Board. He said that in regards to height the
4 City of Champaign claims that someone could go up to 175 feet if they were more than 1,000 feet from a
5 residential district and then they have a shadow flicker limit which is applied if the tower is greater than 150
6 feet. He said that he believes that this is the same thing as having a 150 feet height requirement but the City
7 of Champaign will allow a 175 feet tower if it is more than 1,000 feet from a residential district but a
8 shadow flicker study is required. He said that there are a few other Illinois counties which do go up to 150
9 feet and some have no height limit at all. He said that the Board has spent a lot of time on the height limit
10 and he believes that it makes a lot of sense and it is fairly consistent with the City of Champaign. He said
11 that regarding rotor diameter Champaign County is the only county other than Macon which has limits on
12 rotor diameter. He said that Macon County does not allow anything larger than 30 feet, which he believes is
13 a problem, but on the other hand they allow 30 feet everywhere. He said that the Board spent a lot time of
14 this issue also and it is the most restrictive. He said that the City of Champaign apparently is prepared to
15 allow a 50 foot rotor anywhere provided that it has 20 feet clearance to the ground and as a resident of the
16 City of Champaign he personally is not happy about that but this is what they adopted. He said that the City
17 of Champaign actually allows up to 100 feet if it is more than 1,000 feet from a residential district. He said
18 that the City of Champaign is less restrictive than the County but the Board spent a lot of time considering
19 where larger rotors would be allowed and to a reasonable standard there could be some questions raised
20 about the City of Champaign standards but he does not see that as an issue for this Board tonight.

21
22 Mr. Hall stated that regarding the limit of the number of small turbines per lot many counties do not have a
23 limit and some have indicated a limit of one. He said the in the City of Champaign if someone has ten acres
24 or greater there is no limit on the number of small wind turbines. He said that at the last meeting the Board
25 placed a limit of four small wind turbines on a lot that are three acres or larger with a total limit of 100kW.
26 He said that the City of Champaign adopted the Illinois Pollution Control Board Standards therefore they
27 will stop someone shut off their turbine if it exceeds those standards but no documentation is required during
28 the permitting process. He said that he is uncomfortable with the City of Champaign's approach but is very
29 comfortable with what the Board has adopted on a draft basis in that they will follow the Illinois Pollution
30 Control Board regulations as well as it can with the guidelines that have been provided. He said that no one
31 really knows how the ICPB standards are applied but the Board is requiring documentation regarding noise
32 at the time of permitting. He said that once someone has submitted the noise documentation they meet the
33 Ordinance requirements therefore if someone complains about the noise staff is not going to be out there
34 investigating it because staff has the documentation. He said that this requirement makes staff's job a lot
35 easier, which is appreciated, but it does give people a clear indication as to what they have to do to comply.
36 He said that there is a difference between the County's draft and what the City of Champaign has already
37 adopted but those differences can be explained. He said that if the Board is still comfortable with the draft
38 then he believes that it is a good ordinance.

39
40 Mr. Hall stated that attached to the Supplemental Memorandum dated February 1, 2010, is a table titled,
41 Table Comparing Types of Wind Turbine Towers and the Requirements for Each. He said that the table is
42 an update which compares the Small Wind Turbine Tower, Big Wind Turbine Tower and Wind Farm and
43 Wind Farm Tower. He said that the table has been revised to indicate the new height limit, rotor diameter
44 limits and fees. He said that the reason for the update was so that the County Board could see an updated

1 version and understand the range of wind turbines that the ordinance will allow. He said that Champaign
2 County may never see a Big Wind Turbine but at least everyone will know what the requirements are to
3 date.

4
5 Mr. Hall stated that new evidence has been added to the Finding of Fact regarding the City of Champaign
6 ordinance because it is reasonable that County Board members should be aware of that information when it
7 is before them. He said that staff is recommending that Part B. ACHIEVES or CONFORMS to all of the
8 Land Use Goals and Policies therefore it is ready for final action. He said that this is not going to the
9 Committee of the Whole in February but will be before them in March.

10
11 Mr. Bluhm asked the Board if there were any questions for Mr. Hall.

12
13 Mr. Thorsland stated that he does not have any questions but would like to state that the Board and staff
14 have worked on this case for a long time and he believes that it is a good product. He said that Mr. Schildt
15 was a good critic and he appreciates his input. He thanked everyone for their efforts.

16
17 Mr. Hall agreed with Mr. Thorsland and stated that a lot of help was received from the public regarding this
18 case. He said that the Regional Planning Commission Technical Committee meeting is tomorrow and the
19 County, the City of Champaign and the City of Urbana will be sharing all their small wind ordinances. He
20 said that if he thought that there would be any changes from that meeting he would suggest that the Board
21 not move forward to final action tonight but he believes that the draft before the Board tonight is a good
22 ordinance and is ready for action.

23
24 Mr. Bluhm stated that it is a little disturbing to see that the application date for the text amendment was
25 dated September 11, 2008, because it indicates how much time has been spent in working through this case.

26
27 Mr. Hall stated that with the wind farm amendment there was a good model ordinance which didn't take a
28 lot of adjustment and with the small wind, in retrospect, there was a poor model ordinance that got us off on
29 the wrong foot but adjustments were made and here we are today.

30
31 Mr. Bluhm asked the Board if there were any other questions or comments for Mr. Hall and there were none.

32
33 **Mr. Thorsland moved, seconded by Ms. Capel to accept staff's recommendations of ACHIEVES and**
34 **CONFORMS. The motion carried by voice vote.**

35
36 Mr. Bluhm asked the audience if anyone desired to sign the witness register to present testimony regarding
37 Case 634-AT-08, Part B. and there was no one.

38
39 Mr. Bluhm closed the witness register.

40
41 **Mr. Thorsland moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents of**
42 **Record and Finding of Fact as amended. The motion carried by voice vote.**

43
44 **Ms. Capel moved, seconded by Mr. Palmgren to close the public hearing for Case 634-AT-08, Part B.**

1 the motion carried by voice vote.

2
3 Mr. Bluhm informed Mr. Hall that one Board member is absent from tonight’s meeting therefore it is at his
4 discretion to either continue Case 634-AT-08, Part B. until a full Board is present or request that the present
5 Board move forward to the Final Determination. He informed Mr. Hall that four affirmative votes are
6 required for approval.

7
8 Mr. Hall requested that the present Board proceed to the final determination.

9
10 **Final Determination for Case 634-AT-08, Part B:**

11
12 **Mr. Thorsland moved, seconded by Mr. Schroeder that pursuant to the authority granted by Section**
13 **9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
14 **finds that the Zoning Ordinance Amendment requested in Case 634-AT-08, Part B should BE**
15 **ENACTED by the County Board in the form attached hereto.**

16
17 The roll was called:

18			
19	Courson-yes	Miller-absent	Palmgren-yes
20	Schroeder-yes	Capel-yes	Thorsland-yes
21	Bluhm-yes		

22
23 Mr. Hall thanked the Board and informed them that this case will be before ELUC at the Committee of the
24 Whole meeting in March.

25
26 Mr. Bluhm encouraged the Board to maintain their paperwork until the case is adopted by the County Board.

27
28 **Case 658-AT-09 Petitioner: Zoning Administrator Request: Part A: 1. Amend paragraph 6.1.1.C.5**
29 **to reference the requirements of Paragraph 6.1.4.P.5.; and 2. Amend paragraph 6.1.4.C.11 to: (a)**
30 **require the wind farm separation from restricted landing areas or residential airports only for**
31 **restricted landing areas and residential airports that existed on the effective date of County Board**
32 **adoption of Case 658-AT-09; and (b) reduce the distance of the wind farm separation from restricted**
33 **landing areas or residential airports so that it is based on the height of the wind farm tower. Part B:**
34 **1. Amend paragraph 9.1.11.d.1 to include a reference to subsection 6.1 instead of section 6.1.3.**

35
36 Mr. Hall stated that the Supplemental Memorandum dated January 26, 2010, discusses the glitch in the legal
37 advertisement. He said that staff neglected to include the change to the shadow flicker therefore it will be
38 included in a future text amendment to clarify the rules. He said that the memorandum indicates the change
39 that the Board proposed at the last hearing which based the separation on the height of the wind farm towers
40 using the 7:1 ratio. He said that the Board also discussed having the separation apply to the tip of the blade
41 rather than the above ground base. He said that the Board recognized that there was an issue with the
42 separation at the ends of a runway. He said that if the County has a separation of 3,500 feet and there is a
43 500 foot tower off of the end of the runway it would interfere with the approach to that runway and even
44 more so for a residential airport. He said that staff included a specific separation for the runway approach

1 and the new Supplemental Memorandum dated February 1, 2010, which was distributed to the Board for
2 review, includes illustrations of the revised separation. He said that at the previous meeting there were some
3 questions regarding old RLA's and staff discovered that they were recorded properly in the 80's therefore
4 they are all legal. He said that Mr. Knight checked the IDOT website today and IDOT does not have any
5 RLA's indicated that staff are not aware of therefore all of the existing RLA's are nonconforming of record
6 and would receive the benefit of the separation that is adopted but none of the RLA's that staff is aware of
7 are located in an area of any proposed wind farms.

8
9 Mr. Hall stated that the illustrations attached to the Supplemental Memorandum dated February 1, 2010,
10 indicate the existing ordinance RLA minimum wind farm separation and the revised draft RLA minimum
11 wind farm separation. He said that the existing ordinance illustration indicates a blanket 3,500 feet which
12 takes up 1,160 acres, which is different than the information that was in the Supplemental Memorandum
13 dated January 26, 2010. He said that the acreage is big enough that it includes the IDOT Approach Area
14 which is a 15:1 slope for a distance of only 3,000 feet but outside of this perimeter there could be a 500 foot
15 wind tower. He said that the IDOT Approach Area with a 15:1 slope is relative to a 200 foot height and it is
16 not intended to be relative to a 500 foot height therefore there is an obvious problem. He said that the
17 revised draft separation illustration indicates the new language that is included in the February 1, 2010,
18 Supplemental Memorandum. He said that a separation around the sides and the ends based on the 7:1 ratio
19 for a 500 foot wind tower would be 3,500 feet but off the ends of the runway it takes the maximum point of
20 the trapezoidal area, 15:1 slope for 3,000 feet, and carries out to the height of the wind farm tower. He said
21 that for a 500 foot height extension of the runway approach would be 7,500 feet and a 400 foot height
22 extension of the runway approach would be 6,000 feet. He said that this means that 1,160 acres unavailable
23 for wind farm turbines and based on the anticipated height of 400 feet the revised alternative only takes out
24 891 acres. He said that the 7:1 separation is being provided at the sides and ends plus gives protection for
25 the runway approach and is still taking up much less area than the blanket 3,500 feet.

26
27 Mr. Hall read Revised subparagraph 6.1.4C.11 as follows: For any legal restricted landing area that existed
28 on or for which there had been a complete special use permit application received by the date of adoption
29 there shall be a separation from the runway to the nearest tip of a blade to the nearest wind farm tower as
30 follows: (a) the separation from the sides and ends of the runway shall be seven horizontal feet for each one
31 foot of overall wind farm tower height; and (b) an additional separation from the end of the runway shall be
32 15 feet for each one foot of overall wind farm tower height in a trapezoidal shape that is the width of the
33 runway approach zone based on the requirements of 92 Ill. Admin. Code 14.520, except as follows: (1) that
34 part of the separation that is more than 3,000 feet from the end of a runway may be a consistent width based
35 on the widest point of the runway approach zone. Mr. Hall stated that assuming a minimum 1,600 feet long
36 RLA and wind farm towers that are 400 feet tall, the total area of RLA separation will be 891 acres which is
37 only about 77% of the current requirement of 1,160 acres. He said that a greater degree of safety and fewer
38 acres of land taken out with that restriction.

39
40 Mr. Hall stated that for a residential airport the language in subparagraph 6.1.C.12 is the same as the
41 language included in subparagraph 6.1.C.11., although the ratio used is 20 feet for each one foot of overall
42 wind farm tower height. He said that there is only one residential airport in the County and is near the City
43 of Urbana and it is nowhere near any area proposed for a wind farm.

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1 Mr. Hall stated that before the wind farm amendment the County had reclamation agreements as a standard
2 condition that could apply to any special use permit. He said that when the wind farm amendment was
3 added staff added supplementary information in the section regarding wind farms and staff realized that the
4 two could be knitted together by adding some language in paragraph 6.1.1 C.5 to reference the requirements
5 of paragraph 6.1.4 P.5. He said that the standard language discusses an irrevocable letter of credit of 150%
6 of the replacement costs but the County Board changed it to 210%. He said that paragraph 6.1.1 C.5 will
7 read as follows: No Zoning Use Permit for such special use will be issued until the developer provided the
8 County with an irrevocable letter of credit to be drawn upon a federally insured financial institution within
9 200 miles of Urbana or reasonable and anticipated travel costs shall be added to the amount of the letter of
10 credit. The irrevocable letter of credit shall be in the amount of one hundred fifty percent (150%) of an
11 independent engineer's cost estimate to complete the work described in Section 6.1.1C4a, except as a
12 different amount may be required as a standard condition in Paragraph 6.1.4P. This letter of credit or a
13 successor letter of credit pursuant to Section 6.1.1C6 or 6.1.1C12 shall remain in effect and shall be made
14 available to the County for an indefinite term, or for a different term that may be required as a standard
15 condition in Paragraph 6.1.4P. Mr. Hall stated that the County Board decided that for a wind farm the letter
16 of credit paid down in 12 years so that by year 13 there was a cash balance in escrow which was a very safe
17 way to do the Ordinance. He said that three wind farm developers participated in the hearings and not one
18 objected to this requirement. He said that this version of 6.1.1 C.5 is a much better version that won't give
19 anyone a chance to take shots at a wind farm developer and makes it very clear that the reclamation
20 agreement is discussed in two areas of the Ordinance. He said that it has been made very clear that
21 everything in Section 6.1 is a standard condition that could be waived therefore it is very clear that all of the
22 wind farm requirements are nothing more than standard conditions.

23
24 Mr. Hall indicated that there was no new Finding of Fact for tonight's meeting therefore the Finding of Fact
25 that was included as an attachment to the Supplemental Memorandum dated January 26, 2010, will be
26 reviewed by the Board tonight. He said that there are a few corrections that need to be made to Page 6
27 during the Board's review of the Finding of Fact.

28
29 Mr. Bluhm asked the Board if there were any questions for Mr. Hall and there were none.

30
31 Mr. Bluhm asked the audience if anyone desired to present testimony regarding Case 658-AT-09, and if so
32 he requested that they sign the witness register at this time.

33
34 Mr. Hall stated that the Finding of Fact that was included as an attachment to the Supplemental
35 Memorandum dated January 26, 2010, did have alot of new information but one item that was added was
36 that once this becomes effective, in the context of any wind farm special use permit, the County Board can
37 still add a separation for any new RLA that has been developed and effected by the wind farm. He said that
38 rather than having it as an automatic separation it will be one that the County Board has control over.

39
40 Mr. Bluhm called Mr. Herb Schildt to testify.

41
42 Mr. Herb Schildt, who resides at 298 CR 2500N, Mahomet stated that he is concerned with Part B. He said
43 that when he initially reviewed the information he believed that there was a simple clerical oversight. He
44 said that he is concerned that there may be unintended side effects from the change in Part B therefore he

1 requested that it be deferred until the future shadow flicker amendment is completed.

2
3 Mr. Bluhm asked the Board if there were any questions for Mr. Schildt and there were none.

4
5 Mr. Bluhm asked if staff had any questions for Mr. Schildt.

6
7 Mr. Hall asked Mr. Schildt if he was not persuaded by the attachment that was included with Supplemental
8 Memorandum dated January 25, 2010.

9
10 Mr. Schildt stated that he does not believe that the provisions in the wind farm ordinance are subject to the
11 waivers.

12
13 Mr. Hall stated that the provisions are always referred to as standard conditions.

14
15 Mr. Schildt stated that the way the ordinance was written the provisions were left out of the reference. He
16 said that what is being proposed is not a change to the wind farm ordinance section it actually affects the
17 entire ordinance because it refers all waivers back to 6.1 rather than just 6.1.3. He said that perhaps he is
18 overly concerned but he writes computer programming books therefore he constantly deals with a high level
19 of detail and he becomes really nervous when he makes any revisions to a book because there could be
20 upstream and downstream consequences of that change. He said that personally he is not convinced that he
21 fully understands the effects of the change and if it is not that big of deal to fix the shadow flicker issue then
22 why not bring Part B back at that time. He said that he has grown uncomfortable about what this actually
23 means and is concerned about the ramifications to the entire ordinance and not just the wind farm portion.

24
25 Mr. Bluhm asked the audience if anyone desired to sign the witness register to present testimony regarding
26 Case 658-AT-09 and there was no one.

27
28 Mr. Bluhm closed the witness register.

29
30 Mr. Hall stated that Page 3 of the Summary of Evidence includes a Summary of the Proposed Amendment.
31 He said that 5.A. discusses the revision to Paragraph 6.1.1 C.5 regarding the reclamation agreement and 5.B.
32 summarizes the RLA wind farm separation. He said that subparagraph 5.B(2) should be revised as follows:
33 The proposed amendment first revised the separation so that it only applies to RLA's and Residential
34 Airports that were existing or for which a complete application had been received by the date of adoption of
35 this text amendment. He said that 5.C. summarizes the change in Subparagraph 9.1.11 D.1. referring back to
36 Section 6.1. of standard conditions. He said that a sentence has been added to 8.B(5) on Page 5 of the
37 Summary of Evidence as follows: The Board could require a separation as a standard condition of a wind
38 farm special use permit approval. He said that a new subparagraph 8.B(7) has been added as follows:
39 Airports have an FAA protected separation that amounts to nearly four miles. He said that a new
40 subparagraph 8.B(8) Regarding safety concerns at RLA's and Restricted Airports has been added indicating
41 the following: (a) IDOT only requires a height restriction to the side of an RLA for a distance of 135 feet
42 from the runway centerline; and (b) In addition to eliminating the wind farm separation for any new RLA or
43 Residential Airport, the amendment readvertised on January 17, 2010, also reduces the basic separation from
44 a standard 3,500 feet for each wind farm to a formula based separation based on the actual height of the

1 wind farm tower and also expands the approach zone separation based on the height of the wind farm
 2 towers; (c) The revised approach zone separation is also related to whether the approach zone is for an RLA
 3 or a residential airport. The Illinois Department of Transportation has adopted a 15 to 1 approach slope for
 4 Residential Landing Areas (RLA's) and a 20 to 1 slope that applies to airports and presumably to residential
 5 airports; and (d) The existing original version of the RLA wind farm separation is based on the "side
 6 transition surface" for airports that is a slope of seven horizontal feet for each vertical foot and that extends
 7 to a height of 150 feet above the ground. Se 92 Ill. Admin.Code 14 APPENDIX A. Airport Standards.; and
 8 (e) The existing originally adopted RLA wind farm separation was simply based on the minimum allowable
 9 wind farm tower height of 500 feet times the seven horizontal feet for a total separation of 3,500 feet. For a
 10 minimum 1,600 feet long RLA the existing simple RLA wind farm separation requires approximately 1,160
 11 acres per RLA; and (f) There will probably be waivers requested for most wind farms because wind farm
 12 towers are generally less than 500 feet tall. Waivers for wind farms will probably be controversial and it
 13 would be best to improve the Ordinance to reduce any unnecessary waivers; and (g) For wind farm towers
 14 that are 400 feet tall this revised RLA separation at the sides of both an RLA and a residential airport will be
 15 2,800 feet. The separation at the end of an RLA with 400 feet tall wind farm towers will increase to 6,000
 16 feet. Assuming a minimum 1,600 feet long RLA and wind farm towers that are 400feet tall, the total area of
 17 RLA separation will be 891 acres which is only about 77% of the current requirement of 1,160 acres; and
 18 (h) If wind farm turbines are installed at a density of about 70 acres per wind turbine, the change could result
 19 in nearly four additional wind turbines per RLA even though the degree of safety is arguably increased due
 20 to the longer separation at the ends of the runways; and (i) The Board could require a separation for any new
 21 RLA or Residential Airport as a standard condition of a wind farm special use permit approval. He said that
 22 8.C(b) should read as follows: The proposed change to subparagraph 6.1.1 C.5 will make it clear which
 23 reclamation agreement requirement applies in the case of a wind farm special use permit. He said that the
 24 text regarding shadow flicker has been stricken.

25
 26 Mr. Hall stated that a new Item #6 should be added to the Documents of Record indicating the following:
 27 Supplemental Memorandum for Case 658-AT-09, dated February 1, 2010, with attachments: A. Revised
 28 Draft Proposed Change to Subparagraph 6.1.4 C. 11; and B. Illustration of existing RLA wind farm
 29 separation; and C. Illustration of revised Draft RLA wind farm separation.

30
 31 Mr. Bluhm asked the Board if there were any questions or comments for Mr. Hall regarding Part B.

32
 33 Mr. Thorsland stated that Mr. Hall did an excellent job with Part B and he is comfortable with this version
 34 of the amendment.

35
 36 Mr. Hall stated that this case is on the February 4, 2010, agenda for the Committee of the Whole Meeting
 37 but the County Board cannot take action on Part A. this month because such action would not have allowed
 38 30 days for township protests. He said that he would hope that action could be taken on Part A and Part B at
 39 tonight's meeting but there cannot be final action on either part until March. He said that he appreciates Mr.
 40 Schildt's concerns in regard that we are not making anything a standard condition that isn't already a
 41 standard condition. Mr. Hall stated that his position is that these are all standard conditions already and Part
 42 B is where there might be arguments when there is a wind farm application submitted. He said that there is
 43 no doubt that the reference in Section 9 was not changed and someone could argue that those are not
 44 standard conditions because they are not referenced in Section 9 and there is no doubt that every wind farm

1 requirement is stated as a standard condition. He said that the only thing that is in question is the
2 referencing. He said that staff received new information as to when a wind farm application may be
3 submitted and that new information indicated that it will not be in March and it may be some time after that
4 before staff receives one. He noted that if the Board is not comfortable with Part B. then they should not
5 take action on Part B. and if the Board is not comfortable with Part A. then they should not take action on
6 Part A but if the Board is comfortable with either or both he would like to see action taken tonight.

7
8 Mr. Bluhm requested the Board’s consensus regarding action of Part A. and Part B.

9
10 Mr. Palmgren stated that he feels good about Part A.

11
12 Mr. Bluhm stated that in regard to Part B. he believes that if there is a question it will be because there is no
13 reference therefore it needs to be finalized earlier enough that no one will have the opportunity to question
14 it. He said that he has faith in the staff in that they are comfortable with the wording and how Part B. will
15 apply.

16
17 Ms. Capel stated that 8.B(5) indicates that the Board could require a separation as a standard condition of a
18 wind farm special use permit approval. She asked if the Board would require a standard condition at the
19 time or will it be something that the Board would impose for each separate wind farm.

20
21 Mr. Hall stated that he is trying to make it clear that the Board always has that option. He said that in his
22 view it does not need to be written in and the Board should be able to rely on staff to point such information.

23
24 Mr. Knight stated that anything that is not written in to the ordinance should be referred to as a special
25 condition and not a standard condition therefore 8.B(5) and 8.B.(8)(i) should indicate “special” condition
26 rather than a “standard” condition.

27
28 Mr. Hall clarified that anything that is in the Ordinance that is known of ahead of time is a standard
29 condition and anything that is decided during the context of an individual case is a special condition.

30
31 Ms. Capel stated that she is comfortable in moving forward with both Part A. and Part B.

32
33 Mr. Hall stated that in staff’s review of the relevant Goals and Policies few were found for such a simple
34 text amendment but all of the ones that were found have been recommended as either CONFORMS or
35 ACHIEVES. He said that the final call is up to the Board but staff is recommending that this is consistent
36 with all of the Goals and Policies and the Board needs to indicate that it accepts the recommendations
37 indicated in subparagraph 8.B.; and 8.C.

38
39 **Mr. Thorsland moved, seconded by Ms. Capel to accept staff’s recommendation for subparagraphs**
40 **8.B. and 8.C. as ACHIEVES. The motion carried by voice vote.**

41
42 **Mr. Palmgren moved, seconded Mr. Schroeder to adopt the Summary of Evidence, Documents of**
43 **Record and Finding of Fact as amended. The motion carried by voice vote.**
44

2/1/2010

AS APPROVED FEBRUARY 25, 2010

ZBA

1 Mr. Thorsland moved, seconded by Ms. Capel to close the public hearing for Case 658-AT-09. The
2 motion carried by voice vote.

3
4 Mr. Bluhm informed Mr. Hall that one Board member is absent from tonight's meeting therefore it is at his
5 discretion to either continue Case 658-AT-09 until a full Board is present or request that the present Board
6 move forward to the Final Determination. He informed Mr. Hall that four affirmative votes are required for
7 approval.

8
9 Mr. Hall requested that the present Board proceed to the final determination.

10
11 **Final Determination for Case 658-AT-09:**

12
13 Mr. Schroeder moved, seconded by Mr. Palmgren that pursuant to the authority granted by Section
14 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County
15 determines that the Zoning Ordinance Amendment requested in Case 658-AT-09 should BE
16 ENACTED by the County Board in the form attached hereto.

17
18 The roll was called:

20	Capel-yes	Courson-yes	Miller-absent
21	Palmgren-yes	Schroeder-yes	Thorsland-yes
22	Bluhm-yes		

23
24 Mr. Hall stated that this case is on the Committee of the Whole agenda for Thursday, February 4, 2010, and
25 once a recommendation is made staff will contact townships and municipalities as to which version was
26 selected.

27
28 Mr. Schildt asked Mr. Hall if the thirty day review period begins today.

29
30 Mr. Hall stated yes.

31
32 **6. New Public Hearings**

33
34 None

35
36 **7. Staff Report**

37
38 None

39
40 **8. Other Business**

41
42 Ms. Capel indicated that she will not be attending the February 25, 2010, meeting.

43
44 Mr. Kurtz thanked the Board and staff for their efforts in developing this important ordinance.

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

None

10. Adjournment

The meeting adjourned at 7:37 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

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ZBA //

DRAFT SUBJECT TO APPROVAL DRAFT

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