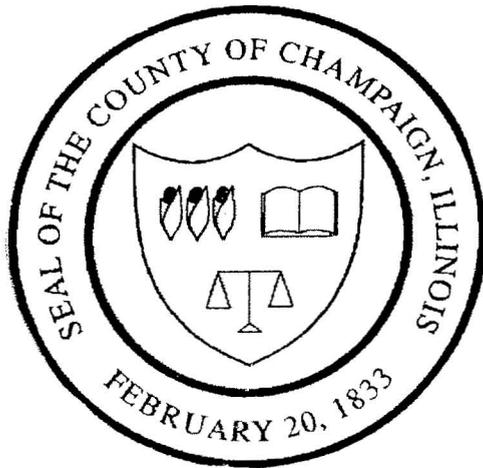


*Environment  
& Land Use Committee  
Agenda*

*April 13, 2009*



*7:00 p.m.*

*Lyle Shields Meeting Room  
(Meeting Room 1)  
Brookens Administrative Center  
1776 East Washington, Urbana, Il 61802  
(217) 384-3708*

# AGENDA

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## ***Champaign County Environment & Land Use Committee***

**Date:** *April 13, 2009*  
**Time:** *7:00 p.m.*  
**Place:** *Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E. Washington St.  
Urbana, Illinois*  
**Phone:** *(217) 384-3708*

### ***Members:***

*Carol Ammons, Jan Anderson, Chris Doenitz  
Brad Jones, Alan Kurtz (VC), Ralph Langenheim,  
Steve Moser, Jon Schroeder, Barbara Wysocki (C)*

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## AGENDA

*Old Business shown in Italics*

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1. Call to Order
2. Approval of Agenda
3. Approval of Minutes  
Open Session: February 09, 2009, March 19, 2009 1 thru 22  
Closed Session: October 14, 2008
4. Correspondence  
A. Ameren Illinois Utilities: Champaign Manufactured Gas Plant 23 thru 28  
Environmental Project Open House  
B. Public Notice of Hazardous Waste Permitting 29 thru 30  
C. RPC: Legislation Affecting Enterprise Zones and TIF Districts – 31 thru 32  
SB0043/HB0063  
D. Champaign County Computer & Electronics Recycling Event 33 thru 34
5. Chair's Report
6. Public Participation
7. Updates:  
A. *Champaign County Land Resource Management Plan*  
B. *Champaign County Hazard Mitigation Plan*  
C. *House Bill 0466 (regarding Chatham decision)*
8. Case 634-AT-08 Petitioner: Zoning Administrator 35 thru 96  
Request: Amend the Champaign County Zoning Ordinance as follows:  
A. Authorize the County Board to approve Special Use Permits (SUP) and to change the requirements for development of wind turbine developments (wind farms) to a County Board Special Use Permit (CBSUP) and a rezoning to the new Wind Farm Overlay Zoning District (WFO).

**CHAMPAIGN COUNTY**  
**ENVIRONMENT AND LAND USE COMMITTEE AGENDA**  
April 13, 2009  
PAGE 2

- 9. Monthly Reports (October thru December, 2008; and January, February, March, 2009) *(to be distributed at meeting)***
- 10. Other Business**
- 11. Determination of Items to be placed on the County Board Consent Agenda**
- 12. Adjournment**

**MINUTES OF REGULAR MEETING**

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**Champaign County Environment & Land Use Committee**  
**Champaign County Brookens Administrative Center**  
**Urbana, IL 61802**

**DATE:** February 09, 2009  
**TIME:** 7:00 p.m.  
**PLACE:** Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802

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**MEMBERS PRESENT:** Carol Ammons, Jan Anderson, Chris Doenitz, Brad Jones, Ralph Langenheim, Alan Kurtz (VP), Jon Schroeder, Barbara Wysocki (C)

**OTHER COUNTY BOARD MEMBERS**

**PRESENT:** Pius Weibel (County Board Chair)

**MEMBERS ABSENT:** Steve Moser

**STAFF PRESENT:** John Hall, Leroy Holliday, J.R. Knight, Nicole George (Regional Planning Commission), Susan Monte (Regional Planning Commission)

**OTHERS PRESENT:** Tom Barns, Hal Barnhart, Michael Teague, Kevin Parrett, Michael McCulley, Dean Rose

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**1. Call to Order, Roll Call**

The meeting was called to order at 7:00 P.M. The roll was called and a quorum declared present.

**2. Approval of Agenda**

**Mr. Kurtz moved, seconded by Mr. Jones to approve the agenda as submitted. The motion carried by voice vote.**

**3. Approval of Minutes (January 12, 2009)**

**Mr. Langenheim moved, seconded by Ms. Ammons to approve the January 12, 2009, minutes as submitted. The motion carried by voice vote.**

**4. Correspondence**

None

**DRAFT**

5. Chair’s Report

Ms. Wysocki stated that she had no Chair Report to present to the Committee therefore this would be a good opportunity for those Committee members who attended the tour of the Twin Grove Wind Farm in McLean County to provide comments.

Mr. Kurtz stated that on Thursday, February 5, 2009, he attended a seminar at the University of Illinois. He said that a gentleman, who owns 260 acres in McLean County spoke at the seminar and indicated that he has four wind turbines on his property. He said that he gave the attendees a great overview from almost the inception of the wind turbine controversy from 2001 and it took almost five years for a turbine to be placed on his property. He said that the gentleman gave a great explanation of how a wind turbine is placed on a property from its perception to its completion. He said that Horizon Wind Energy was the developer of the four wind turbines and it appears that they were extremely cooperative with all of the entities involved right from the governments to the landowners. He said that the attendees asked many questions regarding noise, maintenance, acres taken out of production, reclamation, job creation and inspections and the landowner was very cooperative in answering these questions. Mr. Kurtz stated that the landowner is receiving \$5000 per wind turbine.

Mr. Kurtz stated that on Saturday, February 6, 2009, he attended the Champaign County Farm Bureau’s tour of a wind farm and had the opportunity to stand under one of the awesome structures. He said that there is a positive aspect as to what these wind farms can bring to the area and the prospect of energy independence is very important. He said that many of the attendee’s concerns related to noise and how the wind turbines affected the property. The landowner informed the attendees that he owned 120 acres and he was able to place three wind turbines on his property at a rate of \$5000 each per year for a thirty year lease. The landowner stated that the one-and-one half acre that was used to place three turbines, including the access roads, and that one-and-one half acre could never be farmed at a profit of \$15,000 per year. Mr. Kurtz stated that the landowner did discuss the flicker shadow and the noise generated by the wind turbines and he felt that there was no need for concern because the noise generated, in time, disappears into a white noise. Mr. Kurtz stated that many years ago he lived in an apartment which was located in the glide path of the J.F.K. Airport and every 30 seconds a jet plane would fly over his apartment to land. He said that when he first moved in to the apartment he and his wife were very concerned about the level of noise for their children but just within a few weeks they didn’t even notice the planes. He said that overall he would say that there have been a very positive couple of days in learning more about wind turbines and the positive effect that they could have on this community.

Ms. Anderson stated that she attended the wind farm tour that was hosted by the Champaign County Farm Bureau and she appreciated the time spent to inform the attendees about the wind farms.

Mr. Langenheim stated that he attended the Policy Committee meeting held on Thursday, February 5, 2009, and some of the township supervisors had a plan to setup a cooperative wind farm and sell the power generated to the utility companies. He said that the proceeds from this sale would go towards the township’s government.

1  
2 Ms. Anderson stated that the Hensley Township Supervisor attended the Policy Committee meeting on  
3 Thursday night and placed his thoughts on the floor.  
4  
5 Ms. Ammons stated that she was not able to attend the Champaign County Farm Bureau tour although she  
6 would like to review any information that was received or notes taken individually regarding the benefits of  
7 a wind farm to Champaign County.  
8  
9 Ms. Wysocki stated that there were individuals who were taking notes during the tour. She said that she can  
10 investigate to see if any of the attendees took comprehensive notes that they would be willing to share. She  
11 said that she attended the East Central Illinois Economic Development District meeting which was about  
12 economic development as it is affected by wind farms. She said that the numbers seem to vary as to how  
13 many jobs will actually be created although when the equipment is brought to the site for construction of the  
14 wind farms there will be 200+ construction workers who will be spending money in the community by virtue  
15 of lodging, dining, entertainment, etc. She said that it is evident that construction work does come to an end  
16 at some point and then the revenue generated by those construction workers will subside. She said that it is  
17 her understanding that there will be a group of technicians that will be responsible for the daily care and  
18 maintenance of the wind farm therefore they will remain within the community. She said that there are a  
19 number of programs being developed at several community colleges and the University of Illinois to provide  
20 the training and necessary skills for this group of people to do the necessary inspections and maintenance.  
21 She said that each turbine receives inspections three times per year.  
22  
23 Mr. Kurtz stated that it was stated at the meeting that there is one maintenance technician for every ten or  
24 fifteen wind turbines therefore if there were 250 turbines total it would be easy to figure how many  
25 permanent technician positions would be required.  
26  
27 Ms. Anderson stated that training is available locally so that people with the proper skills can become one of  
28 the technicians for inspections and maintenance of the wind farm.  
29  
30 Mr. Weibel stated that it is his understanding that approximately 50 jobs would be created with the wind  
31 farm and the wind farm company will try to hire locally.  
32  
33 Mr. Doenitz stated that there is an assessed valuation attached to each tower for taxes therefore creating  
34 revenue for the rural communities.  
35  
36 Ms. Wysocki stated that any revenue generated for the school districts in those rural communities is certainly  
37 an incentive.  
38  
39 Mr. Kurtz stated that an additional incentive is the financial gain for the farmer, many of whom are sitting  
40 right on the edge of either bankruptcy or not making a profit. He said that these landowners should have a  
41 great input into deciding whether they want the wind turbines on their own land.  
42

1 Ms. Wysocki stated that on February 4, 2009, she and Mr. Hall attended the Illinois Wind Working Group's  
 2 presentation titled, *Sitting, Zoning & Taxing Wind Farms in Illinois* in Peoria. She said that there were about  
 3 300 people from all across the State at that meeting and many of those people were landowners, county  
 4 officials, and people involved in the industry as well. She said that basically the day was divided into three  
 5 panels with each panel having four people and they basically focused on a particular subject. She said that  
 6 this conference seemed to be more like Wind Farms 101 because they covered a spectrum of issues from  
 7 four different perspectives. She said that one of the things that she heard at this conference that she had not  
 8 heard from any of the other meetings that she has attended is that many communities are creating enterprise  
 9 zones on which these wind farms are erected. She said that by creating enterprise zone status their taxes are  
 10 deferred for either a five or ten year period depending on how the legislation is written. She said that such a  
 11 creation would require a lot of thought as whether the County would want to go to that extent and she has yet  
 12 to hear a developer indicate that they are desperately in need of enterprise zone status. She said that certainly  
 13 she did not get the sense that Horizon Wind Energy was in that spot. She said that they see the future in  
 14 electrical power coming from wind farm development and they are very excited and anxious about  
 15 technological changes in the next 15 or 20 years which will enable them to be in the forefront of all of this.

16  
 17 Ms. Wysocki stated that Mr. Hall distributed his comments regarding the Tour of Twin Grove wind farm and  
 18 any specific questions regarding his comments should be directed to him.

19  
 20 Mr. Doenitz stated that it is important to note that Dwight Farber is a Representative of Horizon and the  
 21 other three actually made Horizon look very good because they indicated that Horizon bent over backwards  
 22 to do what was right. He said that the landowner and the McLean County Zoning Administrator all indicated  
 23 that basically they did not have any issues with Horizon at all but that is not the case that the Zoning  
 24 Administrator presented about Invenergy. He said that the landowner is the only person who seemed to have  
 25 a few issues and that is because he didn't think about them at the time.

26  
 27 Ms. Wysocki asked Mr. Doenitz if since he was the only road commissioner in attendance did anything from  
 28 his counter-parts raise his eyebrows.

29  
 30 Mr. Doenitz stated yes, and that was that 34 of the 52 miles of two township roads were reconstructed.

31  
 32 Ms. Anderson stated that it was also stated that what roads were originally gravel were reconstructed with oil  
 33 and chip.

34  
 35 Mr. Kurtz stated that he reviewed Mr. Hall's comments and it appears that he seems to have more of a  
 36 disagreement than what he saw during the wind tour. He said that he has to give some weight to landowners  
 37 who have had a wind turbine on their land for three or four years and give a lot of weight to the positive  
 38 reception that he received to examine their wind turbines. He said that Mr. Hall appears to have more  
 39 concerns about a wind farm than McLean County did. He said that he personally believes that wind farms  
 40 are the future and we should work through our local ordinances to not make it easy and make sure that they  
 41 follow the chapter and verse that is deemed important but he does not want to put them at a disadvantage to  
 42 where they move to a different county. He said that Horizon appears to be very cooperative in wanting to do

1 whatever is necessary so that they could help Champaign County generate electricity.

2  
3 Mr. Doenitz stated that it was very critical that during the tour it was mentioned that one landowner chose  
4 not to be involved because it was a trust farm that had been in their family for many years therefore 320  
5 acres was completely skipped over. He said that it should be noted that the developer cannot make the  
6 landowner do something that he does not want therefore it has to be by negotiation.

7  
8 Mr. Hall stated that the minute Jeff Blue, Champaign County Engineer, heard about the wind farms he  
9 contacted McLean County to obtain copies of the road agreements with McLean County and each of the  
10 involved townships. He said that he used these road agreements for the proposed Ordinance and Mr. Blue  
11 has provided comments.

12  
13 Mr. Langenheim noted that the portion of the moraine that goes from Leroy to Bloomington is a superior  
14 wind resource.

15  
16 Mr. Weibel stated that Mr. Blue has indicated that he plans to visit several of the wind farms in LaSalle  
17 County just to inspect the roads and talk to the township road commissioners and the LaSalle County  
18 Engineer.

19  
20 Mr. Doenitz stated that Wednesday, February 11, 2009, Mr. Blue and five township road commissioners  
21 from Champaign County will be meeting with Bureau County.

22  
23 **6. Public Participation**

24  
25 None

26  
27 **7. Updates:**

28 ***A. Champaign County Land Resource Management Plan***

29  
30 Ms. Monte stated that the next Land Resource Management Plan meeting will be held on Thursday, February  
31 19, 2009. She said that there has not been a new LRMP meeting since the January ELUC meeting therefore  
32 there is no new news to report regarding the Steering Committee’s activity. She said that ELUC members  
33 should have received a new packet containing a revised set of Goals, Objectives and Policies and if anyone  
34 has any questions regarding the packet please feel free to contact the project staff. She said that the Rural  
35 Land Use Policy has been completed with only very minor tweaks and review is about to begin with the  
36 Urban Land Use Policies. She said that the Steering Committee will be meeting at a rate of twice per month  
37 to stay on schedule, or regain loss time.

38  
39 Mr. Schroeder stated that there were four or five new pages of Goals and Policies that appeared and they are  
40 very extensive. He asked Ms. Monte where all of this new information came from.

41  
42 Ms. Monte stated that as the Committee may recall the previous draft of Goal 8, Natural Resources, did not

1 address an array of concerns that are included in the revised version. She said that this version is  
2 comprehensive in its scope as far as addressing ground water, which was not addressed in the last draft, a  
3 provision for climate change, noise ordinances, light ordinances, all aspects of the environment that could  
4 improve the quality of life for Champaign County residents are included. She said that this is an expanded  
5 set and a lot of ways were found to improve upon the last set of Natural Resource Goals and Policies because  
6 the hierarchy of every level of the environment had not been previously considered therefore that analysis  
7 was completed which created this expanded set.

8  
9 Mr. Schroeder asked Ms. Monte if the new packet was staff generated.

10  
11 Ms. Monte stated that the information was not copied off of any existing document and was generated  
12 through collaboration with Regional Planning Commission staff and through consultation with other persons  
13 who have commented upon it. She said that it is not just picked up off an existing document and is a  
14 collaborative effort based on specific conditions in Champaign County.

15  
16 Mr. Schroeder stated that there is a lot of new policy which includes changes within the objectives.

17  
18 Mr. Doenitz stated that it was his belief that it was the Committee’s responsibility to generate revisions not  
19 staff.

20  
21 Ms. Monte stated that the Steering Committee will have their review of this set and they will comment as to  
22 whether accept, change or add to the set of policies. She asked Mr. Doenitz why it would be a problem to  
23 have a comprehensive set of land use policies.

24  
25 Mr. Doenitz stated that he does not have a problem with a comprehensive set of land use policies but he does  
26 have a problem with staff giving the Committee this type of information without the Committee coming up  
27 with it on their own.

28  
29 Ms. Monte stated that staff provides information to assist the Committee as they do their job. She said that  
30 her role as a planner is to provide information for consideration by the Committee.

31  
32 Mr. Doenitz stated that the information should just be general information not spelled out with the commas  
33 and the periods. He said that the practice that staff is performing is not the intent that he recalls when the  
34 Committee was formed.

35  
36 Ms. Monte stated that she is simply providing information to the Committee and she has no authority beyond  
37 what she understands is her job function. She said that the Committee is free to accept or reject any of the  
38 information that they are given.

39  
40 Ms. Wysocki stated that the Committee of 18 people works better when they have something from staff to  
41 respond to rather than as a group trying to create goals, policies and objectives from a blank canvas. She  
42 said that in the early stages of this project Committee members were invited to submit goals and objectives

1 that had to do with land resource management planning on any topic. She said that some of the submitted  
2 goals and objectives were put into categories and alot of those had to do with natural resources, farm land  
3 preservation, and urban growth and development. She said that the submitted goals and objectives from the  
4 Committee served as a basis for whittling it down, placing it in some type of order and moving it forward as  
5 policies, goals and objectives.  
6

7 Mr. Doenitz stated that he does not disagree with Ms. Wysocki but one of the objectives was to get away  
8 from needing a Philadelphia lawyer to decipher it and it appears that this is the direction that we are still  
9 headed.  
10

11 Ms. Wysocki asked Mr. Doenitz if we will or will not need a Philadelphia lawyer to decipher it.  
12

13 Mr. Doenitz stated that we will. He said that the average lay person is not going to understand the new  
14 packet and it isn't even close to being completed.  
15

16 Ms. Wysocki stated that a lot of what the Committee is paying attention to is the ability of the Planning and  
17 Zoning office to work with this document when it is complete. She said that Mr. Hall's input has been  
18 especially valuable in the wordsmithing of this project. She said that Mr. Hall has been very good about  
19 looking at this from the enforcement and day-to-day uses side and the Committee appears to be very  
20 appreciative of his input. She said that this is one of the standards that the Committee is using is that the  
21 staff that has to work with this document is comfortable using it.  
22

23 Mr. Doenitz stated that he does not have a problem with Mr. Hall's input but what he does have a problem  
24 with is that staff is taking the Committee by the nose and leading them to the water. He said that there may  
25 be three or four on the Committee who do not do that but frankly he believes that this is what is going on  
26 with the rest of them.  
27

28 Mr. Hall stated that he will agree that there are some surprising things in the current version of Goals,  
29 Objectives and Policies. He said that in his view the things that are surprising do not commit the County to  
30 doing anything other than going on record of having concerns about sustainability, renewable energy  
31 sources, etc. He said that he believes that a plan for the County of Champaign in 2009 should mention  
32 things like this and if it doesn't then we could be criticized for it. He said that if the Steering Committee  
33 strikes those items then they are stricken but he firmly believes that staff if not doing its job if it does not  
34 offer those as suggestions. He said that at this point these items are merely suggestions and if they are not  
35 included the Committee can be criticized for overlooking topics that are relevant and in the news and  
36 Champaign County is suppose to be aware of topics like that. He said that in regard to the numbers of things  
37 that are included in the Goals and Policies are things that Mr. Doenitz, as a County Board member, already  
38 knows about. He said that the County Board is aware that there are parts of the County where groundwater  
39 availability is an issue and the *Zoning Ordinance* already recognizes that fact although the current Land Use  
40 Goals and Policies do not. He said that staff's job is to explain these things to the Steering Committee and if  
41 they think that staff has gone overboard then their job is to say that they do not believe that these things are  
42 necessary for Champaign County. He said that this is the only way that we can achieve a good plan and he is

1 sorry that we did not start off with that understanding but again nothing is trying to be pushed down the  
2 Steering Committee's throat.

3  
4 Mr. Doenitz stated that when he reads the minutes the one thing that jumps out to him the most is that most  
5 of the time there are six people on the Committee that carry the conversation all the time.

6  
7 Ms. Wysocki stated that this is not to say that the others are not engaged by listening to both sides of the  
8 arguments. She said that there are individuals who, by nature, are more articulate and vocal than others but  
9 she does not witness anyone's attention wandering and they know when they have heard enough and they  
10 will call the question.

11  
12 Mr. Langenheim stated that in his experience on a large committee there are always a few people who are  
13 active and forward enough that they will carry the conversation and this is the nature of a committee.

14  
15 Ms. Anderson stated that she has attended some of the meetings and it appears that the Steering Committee  
16 members, who are normally quiet, will speak up when something appears to grab them.

17  
18 Mr. Kurtz stated that he has also attended some of the Steering Committee meetings and he has found that  
19 the Committee is very serious and focused in getting out a good product. He said that there is no loss of  
20 focus and each member appears to be very concerned although there are a few members who are more verbal  
21 than others but that is normal in any large group.

22  
23 Ms. Monte stated that it would be a good idea to have a more consumable version of this document in the  
24 form of an executive summary where the words are easier to pick up and understand. She said that this is a  
25 goal that staff can strive to as this process continues.

### 26 27 **B. Champaign County Hazard Mitigation Plan**

28  
29 Ms. Monte stated that staff is in the process of preparing mitigation actions that have been indentified by  
30 each jurisdiction and the Planning Team met to attempt to prioritize mitigation actions that have been  
31 identified. She said that this is a process that will continue for the next two weeks therefore meeting with the  
32 seven jurisdictions on the Planning Team which include the University of Illinois, Parkland, Champaign-  
33 Urbana, St. Joseph, Mahomet and Savoy, in developing those same sets of information for all the remaining  
34 jurisdictions that are not represented on the planning team.

### 35 36 **C. House Bill 2518 (regarding Chatham decision)**

37  
38 Mr. Hall stated that the bill that was introduced by Representative Jakobsson is HB466 and was assigned to  
39 the Cities and Villages Committee which gave him a bad feeling when heard it. He said that he sent an e-  
40 mail to Trisha Crowley, City of Champaign Attorney, and she responded by stating that the bill did make it  
41 out of the Rules Committee and she was not concerned about it being assigned to the working committee.  
42 He said that the good news is that the bill did get out of the Rules Committee and Ms. Crowley assured him

1 that she would keep the County up-to-date so that when it does go to the committee and it is proper to give  
2 testimony we can make sure that someone is there to represent the County's point of view.

3  
4 Mr. Doenitz asked Mr. Hall who the good news is for because he is not convinced that it is good for  
5 Champaign County.

6  
7 **D. Zoning Ordinance Amendment for wind farms**

8  
9 Mr. Hall stated that all of the ELUC members should have received a copy of the memorandum that went to  
10 the ZBA regarding the text amendment for the wind farms. He said that this is the preliminary hearing  
11 therefore not all of the portions were drafted prior to the mailing. He said that staff hopes to have all of  
12 those portions ready for the meeting on Thursday night. He said that the three wind farm developers have all  
13 received packets and they are studiously preparing comments and the process will be on its way Thursday  
14 evening.

15  
16 Mr. Jones stated that setbacks have been discussed before between the wind turbine and a non-participating  
17 landowner and between the landowners home. He asked Mr. Hall that since Horizon has indicated that the  
18 wind turbines in Champaign County will be taller and larger than the ones in McLean County is the proposed  
19 setback sufficient. He said that shadow flicker was discussed at the wind tour therefore he would like to  
20 make sure that the participating and non-participating landowners are protected from the wind turbines  
21 affects.

22  
23 Mr. Hall stated that the draft amendment includes a specific requirement for an analysis of shadow flicker  
24 which is very complicated. He said that regarding separations, frankly Saturday was the first time that he  
25 had heard anyone or a developer voice support for a 1,500 foot separation. He said that he is sure that the  
26 other two developers will not voice any support for a 1,500 foot separation requirement. He said that this  
27 will all be discussed at the public hearing and the ZBA will make a recommendation. He said that we have  
28 tried to cut the shadow flicker as much as possible and any separation has to meet the noise requirement. He  
29 said that the separation could be based on the height of the wind turbine but in his view the separation is  
30 primarily a noise consideration because when these things are built in Champaign County they are going to  
31 be visible for miles.

32  
33 Mr. Langenheim asked Mr. Hall if there is any provision for inspections of the turbines.

34  
35 Mr. Hall stated that annual inspections are part of the standard process therefore that is a requirement.

36  
37 Mr. Langenheim asked Mr. Hall who does the inspection.

38  
39 Mr. Hall stated that the company does the inspection and their report will be distributed to the Committee for  
40 review.

41  
42 Mr. Langenheim stated that perhaps an independent inspector should complete the inspection rather than the

1 company.

2  
3 Mr. Weibel stated the wind turbine company wants the turbines to work properly because if they do not they  
4 are not generating any revenue.

5  
6 Ms. Ammons asked if there is a state agency that would have regulatory control of the wind farms because  
7 this is clearly a move towards energy independence for the future. She said that about 15 years ago the  
8 Citizen’s Utility Board was established which would watchdog the corporate companies to prevent rate  
9 gouging and until this Board was created there was no regulation over these utilities.

10  
11 Mr. Weibel stated that he will do some inquiring regarding state legislation to see what is on the books right  
12 now.

13  
14 **8. Update on Transportation Coordination Process to provide countywide public transportation**

15  
16 Ms. Nicole George, Transportation Planner for the Regional Planning Commission, stated that in October,  
17 2007 ELUC reviewed the Interagency Coordinating Committee on Transportation (ICCT) primer process  
18 because the Illinois Department of Transportation (IDOT) had allocated funding for all of the counties in  
19 Illinois under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users  
20 (SAFETEA-LU) to provide rural public transportation. She said that Champaign County, over a three year  
21 period, was awarded almost \$450 thousand dollars but to obtain this money the county has to go through the  
22 process which is five phases. She said that currently the Champaign County Transit Partnership Group  
23 (CCTPG) is in Phase 2 which is the data collection phase where community surveys, agency surveys and an  
24 inventory of resources is being completed. She said that assistance is needed from everyone that they can get  
25 in obtaining 1,500 surveys from people in the rural area, outside of Champaign-Urbana and Savoy, and  
26 currently they only have 428. She said that some of the surveys are available in Spanish and also on-line.  
27 She said that they have received surveys directly from the client, county employees, other agency employees,  
28 etc. She said that they are trying to gather any ideas on getting more surveys in for the community process so  
29 that they can move forward on establishing and organizing the types of services needed in Champaign  
30 County.

31  
32 Ms. Ammons asked Ms. George if there is a timeframe that has to be completed before the grant money can  
33 be received.

34  
35 Ms. George stated that the initial letter that went to the County Board Chair indicated that the project needed  
36 to be initiated and service started by summer 2010, however since this is a requirement that IDOT has given  
37 to every county going through this process the ICCT clearinghouse has 23 counties across the state going  
38 through this. She said that we want to get this going as soon as possible for Champaign County because  
39 there are already surrounding counties who are providing service to the residents of this area.

40  
41 Mr. Jones asked Ms. George if she believes that the C-U MTD will provide this service.  
42

1 Ms. George stated that during Phase 3 we are trying to gather the inventory of all of the providers of service  
2 C-UMTD, any human service agency, nursing homes or anyone that has a vehicle that provides any type of  
3 service. She said that during this phase the services will be brought together and then broken out into three  
4 groups, 1. Legislative Outreach Group; 2. Public Education Group; and 3. Contract Development Group.  
5 She said that she is the ICCT Coordinator covering 18 counties and typically the members of the Contract  
6 Group are anyone that provides a service. She said that they will take all of the survey information and  
7 determine what type of service is needed and those agencies that are already providing some type of service  
8 will indicate what they can give. She said that it won't necessarily be the C-U MTD but could be another  
9 provider from another county which could serve this need.

10  
11 Ms. Wysocki asked Ms. George to indicate what she needs from ELUC.

12  
13 Ms. George stated that she needs any suggestions that ELUC may have to reach people. She said that she  
14 will be sending out the announcement for the next meeting which will be held February 20, 2009, at 9:00  
15 a.m. at the Illinois Terminal. She said that ELUC's participation is needed in filling out the surveys  
16 themselves or encouraging and assisting others in filling out the surveys.

17  
18 Ms. Anderson stated that she lives in Champaign therefore does Ms. George only want people who live in  
19 the rural areas.

20  
21 Ms. George stated that they have gotten a lot of support from people in Champaign and Urbana but they  
22 really need the support from people who this project will be serving. She said that any ideas that anyone has  
23 to bring in rural participation would be appreciated.

24  
25 Ms. Anderson asked Ms. George if she has contacted any of the churches in the rural communities to see if  
26 they would speak to their members about this service.

27  
28 Ms. George stated that they have tried to contact churches and food pantries and the only church that they  
29 had success with was the Stone Creek Church in Urbana. She said that they distributed some surveys at the  
30 Village of Homer Festival and they did receive some back. She said that they have sent out surveys to the  
31 local libraries throughout the rural areas and the response was poor although they did receive a few from St.  
32 Joseph, Mahomet and Rantoul.

33  
34 Mr. Doenitz asked Ms. George who funds the service when the initial three years is over.

35  
36 Ms. George stated that the transportation bill is up in 2009 and it will probably be awhile before the next one  
37 takes effect. She said that they are thinking that with the new administration they will continue the  
38 coordination of transportation services within their agenda for transportation therefore it is hoped that the  
39 funding will also continue. She said that the funding has been available for 30 years to all rural counties in  
40 Illinois and no one has taken advantage of it and with the gathering of participants from a variety of agencies  
41 there are actually 62 federal funding streams that provide money for transportation in one way or another that  
42 are not associated with the USDOT. She said that by bringing all of those agencies to the table and getting

1 the federal funding should be the way that Champaign County will get the money to provide the service.

2  
3 Mr. Doenitz asked Ms. George where IDOT's funding stream is coming from.

4  
5 Ms. George stated that the funding stream for this service is from a grant called Section 5311 which is for  
6 rural public transportation and it is coming from the Federal Trade Administration (FTA).

7  
8 **9. Subdivision Case 194-08: McCulley Subdivision: Area General Plan and Final Plat approval**  
9 **for a one-lot minor subdivision of a 3.80 acre residential lot out of an existing 36 acre parcel**  
10 **located in the AG-1 Agriculture Zoning District in Fractional Section 1 of Hensley Township**  
11 **on the east side of CR 1100E approximately 1100 feet south of the intersection of CR 1100E**  
12 **and CR 2400N.**

13  
14 **Mr. Jones moved, seconded by Mr. Schroeder to recommend approval of Subdivision Case 194-08:**  
15 **McCulley Subdivision, with one waiver.**

16  
17 Mr. Tom Berns, Engineer for Berns, Clancy and Associates, stated that he is prepared to answer any  
18 questions that the Committee may have regarding this minor subdivision.

19  
20 Mr. Weibel asked Mr. Berns if there is an existing home on the subject property.

21  
22 Mr. Berns stated yes, the home is owned by Riley and Lois McCulley.

23  
24 Mr. Weibel asked Mr. Berns if Mr. and Mrs. McCulley will be residing in the home.

25  
26 Mr. Berns stated no, the McCulley's have plans to live close to Champaign so that they are closer to health  
27 services.

28  
29 Mr. Weibel asked Mr. Berns if there will be new owners of the residence but the McCulleys will still own  
30 the farmland.

31  
32 Mr. Berns stated yes.

33  
34 Ms. Anderson asked Mr. Berns if there will be any new homes on the farmland.

35  
36 Mr. Berns stated no.

37  
38 Mr. Hall stated that the lot is less than five acres in area so it needs to have a plat of subdivision to approve it  
39 and it has already received a variance for maximum lot area from the Zoning Board of Appeals. He said that  
40 this is just an administrative procedure so that they can create a tract that is less than five acres and then sell  
41 it or deal with it as part of the estate of Riley McCulley. He said that the only way that a new house could  
42 result from this is if somehow they could afford to tear down the existing home and build a new one.

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The motion carried by voice vote.

**10. Zoning Case 635-AM-08: Country Arbors Nursery, Inc.; P. Terrence Cultra, President and Shane Cultra, Vice-President. Request: Amend the Zoning Map to change the zoning designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District. Location: An approximately 42 acre tract that is approximately the Southeast Quarter of the southwest Quarter of Section 24 of Urbana Township and commonly known as Country arbors Nursery, 1742 CR 1400N, Urbana.**

**Mr. Schroeder moved, seconded by Mr. Jones to recommend approval of Zoning Case 635-AM-08: Country Arbors Nursery, Inc: P. Terrence Cultra, President and Shane Cultra, Vice-President.**

Mr. Kurtz asked Mr. Hall if the distributed information is indicating any changes.

Mr. Hall stated that a copy of the Subsidiary Drainage Map for the subdivision was distributed for review. He said that it was not available prior to the mailing and it did not change anything.

Mr. Dean Rose, who resides at 1760 CR 1400N, Urbana, stated that he and his wife live next door to Country Arbors Nursery and they were involved with the public hearing before the Zoning Board of Appeals for the requested rezoning and special use permit. He said that at the time of the public hearing he submitted information to the ZBA regarding property descriptions although that information is not included in the report to ELUC. He said that he believes that there is some error in the information that has been forwarded to ELUC.

Mr. Schroeder asked Mr. Hall if the evidence presented to the ZBA was included in the report to ELUC.

Mr. Hall stated that this was discussed at the ZBA and he knows that Mr. Rose believes that staff has ignored his comments although he assured the Committee that staff has not. He said that Mr. Rose simply wants the documents to record that there is an easement over his land that Country Arbors uses and that easement is not part of the rezoning and it does not decrease the amount of land that Mr. Rose owns. He said that it was indicated improperly in the first site plan and since then it has been corrected. He said that it is just a site plan in a special use permit case, it does not change the amount of land that Mr. Rose owns, it doesn't authorize any new use or ownership and staff has tried to make this clear to Mr. Rose but it is apparent that staff has been unsuccessful.

Mr. Jones asked Mr. Rose to explain his objection.

Mr. Rose stated that he feels that the record should be complete and an accurate legal description should be in the report that is presented to ELUC. He said that the map that was submitted conflates the idea of property ownership in the easement and they are different instruments. He said that it is his concern that the map that is being entered into public record gives the impression of ownership where it does not exist. He

1 said that it is his desire that the documents before ELUC be amended to indicate the correct description of  
2 the real estate. He said that the map indicates the property line going over his property and that is inaccurate  
3 and it could cause future problems.  
4

5 Mr. Weibel stated that the map appears to be drawn incorrectly.  
6

7 Mr. Schroeder stated that if the labeled easement is with the property and the landscape property owned that  
8 it wouldn't be labeled as an easement. He said that it represents that the landscape company does not own  
9 that easement because if they did they wouldn't need to have it labeled as an easement.  
10

11 Mr. Weibel stated that he believes that the labeled easement is correct but the lines are incorrect.  
12

13 Mr. Hall stated that the site plan should have a dashed line but even with the dashed line it does not change  
14 the underlying ownership of the real estate. He said that the Documents of Record indicate the easement and  
15 staff has not seen a recorded legal description of the type that Mr. Rose has submitted on his letter of  
16 February 9, 2009. He said that the attached Exhibit A does include a wonderful legal description that Mr.  
17 Rose has added the easement description to and that added text was not part of the recorded legal  
18 description.  
19

20 Mr. Rose stated that he did not add the text regarding the easement and it was included with the packet when  
21 they purchased their home. He said that he did underline the text regarding the easement because he  
22 assumed that staff did not see it when he originally submitted it.  
23

24 Mr. Schroeder stated that he understands why Mr. Rose wants this text to be part of the public record.  
25

26 Mr. Langenheim asked if Mr. Rose's objection will change any of this.  
27

28 Mr. Hall stated that he is not sure what Mr. Rose wants changed.  
29

30 Mr. Rose stated there needs to be a written reference to the easement in the legal description and at the  
31 moment that does not appear on Page 2 of 16 of the Finding of Fact dated January 29, 2009, (Page 31 of the  
32 packet).  
33

34 Mr. Langenheim asked Mr. Rose if his main concern is the indication of the easement on the map and the  
35 lack of mention of the easement in the legal description.  
36

37 Mr. Rose stated that the easement does not appear in the text of the documents before this Committee and  
38 the map is misleading and he fears it could be used against them in the future because it presents misleading  
39 information.  
40

41 Mr. Langenheim asked Mr. Hall if what Mr. Rose is proposing changes the situation on the ground.  
42

1 Mr. Hall stated no.

2  
3 Mr. Langenheim stated that if adding the text does not hurt anything then why don't we just add it.

4  
5 Mr. Hall stated that the Committee has been given an approved Finding of Fact from the Zoning Board of  
6 Appeals and the Committee does not ordinarily change it although it could be sent back to the ZBA for  
7 revision.

8  
9 Mr. Rose stated that the document came to ELUC as a Finding of Fact and he believes that it is not an  
10 accurate document indicating the facts therefore he would like to see a document that is factual.

11  
12 **Ms. Ammons moved, seconded by Mr. Langenheim to remand Case 635-AM-08, back to the ZBA to**  
13 **amend the Finding of Fact.**

14  
15 Mr. Hall noted that remanding Case 635-AM-08, back to the ZBA to amend the Finding of Fact will achieve  
16 Mr. Rose's goal but it will not change any of the facts of the case.

17  
18 Ms. Ammons stated that she understands Mr. Hall's point.

19  
20 Mr. Hall stated that the document that is included in the Finding of Fact is the document that was submitted  
21 by the petitioner.

22  
23 Mr. Doenitz asked Mr. Hall what the issue is with the legal description because if the easement was recorded  
24 with the legal description then it is a matter of record at the Champaign County Recorder's Office and it goes  
25 with the property.

26  
27 Mr. Rose stated that there could be a situation where you have an implied ownership by platting. He said  
28 that now all of sudden there is a new map that is approved by the Board that conceivably a court could use to  
29 show something else. He said that this is an easement that existed yesterday, today and tomorrow and there  
30 should be no confusion about that easement in the record.

31  
32 Mr. Doenitz asked why this situation was not taken care of when it was before the ZBA. He said that he  
33 does not believe that remanding this back to the ZBA is a good idea.

34  
35 Mr. Rose stated that he attended both ZBA hearings and he submitted this information at both hearings.

36  
37 Mr. Doenitz asked Mr. Rose if the ZBA did not feel that his submitted information was relevant.

38  
39 Mr. Rose stated that the ZBA has their opinion of what is relevant and he has his. He said that he still  
40 believes that the Finding of Fact is inaccurate because a legal description has been entered as evidence that  
41 does not include the easement.

1 Mr. Schroeder asked Mr. Rose if he pays taxes on the easement.

2  
3 Mr. Rose stated that he does pays taxes on the property.

4  
5 Mr. Schroeder stated that Mr. Rose has two documentations regarding the easement. He said that Mr. Rose  
6 has two documentations already from within the County that have more legal teeth than anything that comes  
7 out of the ZBA, ELUC or the County Board. He said that he understands Mr. Rose’s concerns and those  
8 concerns have been recorded as testimony. He said that he does not know if there is a time-table for this  
9 project but he would hate to delay the Petitioner’s request.

10  
11 Mr. Hall stated that the Petitioners are not in a particular hurry because their plans changed during the course  
12 of the hearing. He said that the Petitioners are trying to be a good citizen in bringing their long standing non-  
13 conformities into conformance. He clarified that there is no platting going on here staff was given a legal  
14 description from the applicant and apparently Mr. Rose has a different legal description which includes the  
15 easement. He said that he wonders if the two legal descriptions were prepared at different times but in any  
16 event none of Mr. Rose’s property is being rezoned and the ZBA understood the easement and what it was  
17 about.

18  
19 Mr. Weibel agreed with Mr. Schroeder in that the map may not reflect what Mr. Rose desires the Committee  
20 to recognize but the record of the meeting will indicate what Mr. Rose is concerned about it.

21  
22 Ms. Ammons asked if the Petitioners submitted a legal description regarding the property which is not  
23 accurate then why wouldn’t we want to amend the Finding of Fact with an accurate legal description. She  
24 said that personally she had a similar situation regarding a fence and having to remove a tree on her property  
25 cost her alot of money. She said that the situation seemed simple because the tree was on her side but there  
26 was a dispute therefore could some sort of similar disagreement come up with these two properties. She said  
27 that it may be more beneficial to correct the Finding of Fact with an accurate legal description rather than an  
28 inaccurate legal description submitted by the Petitioner. She asked staff if this situation could be corrected.

29  
30 Mr. Hall stated that in the past the State’s Attorney has always advised the Committee that if they want  
31 something in the Finding of Fact changed then they must send it back to the ZBA.

32  
33 Mr. Doenitz asked Mr. Hall if there is anything in the legal description that was provided by Country Arbors  
34 that indicated the easement.

35  
36 Mr. Hall stated that the legal description provided by Country Arbors is identical to the one submitted by Mr.  
37 Rose prior to where Mr. Rose’s says, “Subject to.” He said that for some reason the legal description that  
38 was provided by Country Arbors did not have that phrase however they were very open and clear about the  
39 fact that they had asked for the right to use the easement. He said that the two parties were working off of  
40 two different legal descriptions and it is not known why because they both explained the easement. He said  
41 that the easement could have been drafted a lot better in the plan but there are alot of things that could have  
42 been drafted better in the plan and it is the best that could be submitted in the amount of time that we had.

1  
2 Mr. Doenitz stated that during his tenure he has found that the ZBA has always done a thorough job and  
3 frankly he does not believe that ELUC needs to be micro-managing their judgment. He said that if the ZBA  
4 heard the same concerns that are being presented tonight and they did not deal with it then he would trust  
5 that they believed that the information submitted was accurate and sufficient.

6  
7 Mr. Hall asked Mr. Rose if he submitted the legal description including the easement to the ZBA.

8  
9 Mr. Rose stated yes.

10  
11 **The motion to remand Case 635-AM-08 back to the ZBA failed.**

12  
13 Mr. Weibel asked Mr. Rose if it would make a difference if the map was not part of the document before the  
14 Committee tonight.

15  
16 Mr. Rose stated that the map was submitted in two stages. He said that the initial map did not have the word  
17 easement indicated until he submitted his comments at the first public hearing. He said that the map still  
18 indicates the property line which makes it misleading. He said that there is nothing in the text to reflect the  
19 easement therefore it would be very confusing for anyone looking at the Finding of Fact.

20  
21 Ms. Ammons stated that if the legal description is being pulled from the recorded document then why would  
22 the text regarding the easement be left off.

23  
24 Mr. Hall stated that the submitted legal description from the Petitioner is a different legal description created  
25 at a different time than the legal description submitted by Mr. Rose. He said that both of the legal  
26 descriptions came from the Recorder's Office but the Recorder may have several different legal descriptions  
27 for the property due to the fact of the property changing ownership. He said that staff does not do a search to  
28 assure that the most current legal description is submitted because the only thing that changed was the  
29 addition of the description of the easement which has no effect on the land being rezoned.

30  
31 Mr. Langenheim asked Mr. Rose if the easement provides right of passage or the right to build a road.

32  
33 Mr. Rose stated that the easement is for ingress and egress only. He said that Country Arbors does maintain  
34 the easement by placing gravel upon it which is part of the duty of an easement owner.

35  
36 Mr. Langenheim stated that the land for the easement can only be used for getting in and out of the property.

37  
38 Mr. Rose stated that he cannot prevent them from traveling the easement and they cannot misuse the  
39 easement. He said that the easement is not really considered property but a use.

40  
41 Mr. Schroeder stated that there is no ownership in the easement but Country Arbors is being very  
42 gentlemanly about this because without this legal description the easement is not part of the rezoning and is

1 still AG-1 not AG-2. He said that he believes that Country Arbors was trying to show Mr. Rose respect in  
2 not trying to change the zoning on his property. He said that Mr. Rose has two places that document in the  
3 County’s records where he is the owner and his land is not part of the rezoning therefore Country Arbors did  
4 not include it in their legal description.  
5

6 **The original motion to recommend approval of Case 635-AM-08, Country Arbors Nursery, Inc: P.**  
7 **Terrence Cultra, President and Shane Cultra, Vice-President, carried by voice vote.**  
8

9 Mr. Doenitz stated that this type of discussion should not have occurred at ELUC and should have been  
10 taken care of at the ZBA. He requested that this type of discussion be curtailed in the future.  
11

12 Ms. Wysocki stated that she agreed with Mr. Doenitz.  
13

14 **11. *Remanded Zoning Case 520-AM-05: Petitioner: Gene and Carolyn Bateman Request: Amend***  
15 ***the Zoning Map to allow for the development of 2 single-family lots in the AG-1, Agriculture***  
16 ***Zoning District by adding the Rural Residential Overlay (RRO) Zoning District. Location:***  
17 ***Approximately seven acres of an existing 62.20 acre parcel in the East Half of the Northeast***  
18 ***Quarter of Section 29 of Newcomb Township that is commonly known as the farm field that***  
19 ***borders the south side of CR 2600N and CR 200E.***  
20

21 **Ms. Anderson moved, seconded by Mr. Langenheim to recommend approval for Remanded Zoning**  
22 **Case 520-AM-05, Gene and Carolyn Bateman, for discussion only.**  
23

24 Mr. Hall stated that after the ELUC packet was mailed he received a call from Mr. Tague, Attorney for Mr.  
25 Bateman. Mr. Hall stated that since Mr. Bateman proposed this RRO the *Zoning Ordinance* has been  
26 changed and there are now specific requirements regarding the pipeline impact radius and Mr. Bateman  
27 would like to revise his plan that would conform better to the zoning requirements. Mr. Hall said that the  
28 only way that Mr. Bateman can revise his plan is for ELUC to remand his case back to the ZBA. He noted  
29 that the same thing is true with Case 542-AM-06, Louis and JoAnn Wozniak, although they could not attend  
30 tonight’s meeting.  
31

32 **12. *Case 542-AM-06: Petitioner: Louis and JoAnn Wozniak Request: Amend the Zoning Map to***  
33 ***allow for the development of 8 single family residential lots in the AG-1 Agriculture Zoning***  
34 ***District by adding the Rural Residential Overlay (RRO) Zoning District. Location: A 57.64 acre***  
35 ***tract of land located in the East ½ of the Southwest ¼ of Section 22 of Newcomb Township and***  
36 ***located on the west side of Illinois Route 47 and between CR 2600N and CR 2650N.***  
37

38 **Mr. Schroeder moved, seconded by Mr. Kurtz to remand Case 520-AM-05, Gene and Carolyn**  
39 **Bateman and Case 542-AM-06, Louis and JoAnn Wozniak back to the Zoning Board of Appeals.**  
40

41 Mr. Hall noted that he has not seen the alternative plans for either of the two cases but when the ZBA last  
42 saw these cases there were no requirements for pipeline impact radius so the ZBA was recommending what  
43 made sense. He said that since the adoption of the pipeline impact radius requirements the plan in Case 542-

1 AM-06, is in full conformance.

2  
3 **The motion carried by voice vote.**

4  
5 **13. County Board Chair’s Report**

6  
7 Mr. Weibel stated that on February 5, 2009, Mr. Langenheim attended the Policy Committee meeting  
8 attended by the township supervisors. He said that he did not attend and suggested that Committee members  
9 not attend due to the *Open Meetings Act*. He said that he spoke to Mr. Jim Rusk, Rantoul Township  
10 Supervisor who proposed an idea of creating an authority to develop a wind farm in Champaign County.  
11 The authority would be a County/Township type authority that would sell the generated electricity to the  
12 grid. He said that the County does not have the authority to sell electricity to the grid although the County  
13 can construct wind turbines on its property and can only own the wind turbine. He said that the County and  
14 townships do not have the ability to own the utilities due to home rule authority. He said that Mr. Rusk  
15 indicated that the township would own and sell the electricity back to the grid therefore generating a profit  
16 for the township. Mr. Weibel stated that this would be a creative use of the new Stimulus Package funds to  
17 build the wind farm although he is not sure if the County would be allowed to do such. He said that Mr.  
18 Rusk has spoken with Representative Bill Black about this and Mr. Black has put together legislation to  
19 change the laws to allow the townships and counties to create an authority so that they can own, develop and  
20 operate a wind farm. Mr. Weibel stated that one of the consequences of this bill would be that in order for  
21 Mr. Rusk’s plan to go ahead the County could not create an *Ordinance* to allow a wind farm to come into the  
22 County. Mr. Weibel stated that he believes that the ZBA should continue with the wind farm meetings and  
23 perhaps some legislation would be passed at a later time.

24  
25 Mr. Langenheim stated that this idea was “half-baked.” He said that the people behind this idea are full of  
26 enthusiasm but they do not have any real background or experience and have made no substantial progress  
27 towards realizing this idea. He said that the idea does have some attractive aspects and he would like to see  
28 them have their run at it because if it would fly then it could help solve some of our problems.

29  
30 Ms. Ammons asked Mr. Hall if during his research if he has found any of the wind farms to be publically  
31 owned.

32  
33 Mr. Hall stated that he is not familiar with any arrangement like what has been proposed.

34  
35 Ms. Ammons asked Mr. Hall if he has had any time to research if any public entities own their own towers.

36  
37 Mr. Hall stated that he has not spent any time researching that information.

38  
39 Mr. Langenheim stated that there are two entities, Springfield Power and Light and the coop group that  
40 Rantoul belongs to, and if you compare the rates and service of those entities to the other private entities it  
41 will be found that the rates are comparable and significantly lower.

1 Mr. Doenitz stated that there are several privately owned power companies around.

2  
3 Ms. Ammons stated that the U of I is doing some research as well on wind turbines.

4  
5 Mr. Kurtz stated that due to cost the U of I cancelled their wind farm plans.

6  
7 Mr. Weibel stated that he will keep the Committee updated on this subject.

8  
9 **14. Monthly Reports (October, November, December 2008 and January 2009)**

10  
11 None

12  
13 **15. Determination of Items to be placed on the County Board Consent Agenda**

14  
15 The consensus of the Committee was to place Item #9, Subdivision Case 194-08: McCulley Subdivision on  
16 the County Board Consent Agenda.

17  
18 **16. Adjournment**

19  
20 The meeting adjourned at 8:50 P.M.

21  
22  
23  
24  
Respectfully submitted,

Secretary to the Environment and Land Use Committee

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**MINUTES OF SPECIAL MEETING**

<b>Champaign County Environment &amp; Land Use Committee</b>	<b>DATE:</b>	<b>March 19, 2009</b>
<b>Champaign County Brookens Administrative Center</b>	<b>TIME:</b>	<b>6:30 p.m.</b>
<b>Urbana, IL 61802</b>	<b>PLACE:</b>	<b>Jennifer Putman Meeting Room Brookens Administrative Center 1776 E. Washington Street Urbana, IL 61802</b>

**MEMBERS PRESENT:** Carol Ammons, Jan Anderson, Chris Doenitz, Brad Jones, Ralph Langenheim, Steve Moser, Alan Kurtz (VP), Jon Schroeder, Barbara Wysocki (C)

**OTHER COUNTY BOARD MEMBERS PRESENT:** None

**MEMBERS ABSENT:** None

**STAFF PRESENT:** John Hall

**OTHERS PRESENT:** None

**DRAFT**

**1. Call to Order, Roll Call**

The meeting was called to order at 6:30 p.m. The roll was called and a quorum declared present.

**2. Approval of Agenda**

**Mr. Kurtz moved, seconded by Ms. Ammons to approve the agenda as submitted. The motion carried by voice vote.**

**3. Public Participation**

None

**4. Recreation and Entertainment License: Stage Coach at Gordyville, 2203 CR 3000N, Gifford, IL. March 1, 2009 through December 31, 2009.**

**5. Recreation and Entertainment License: The Stinky Pink Inc. d.b.a. The Pink House, 2698 CR 1600N, Ogden, IL. February 26, 2009 through December 31, 2009.**

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Mr. Kurtz moved, seconded by Brad Jones to approve the Recreation and Entertainment Licenses for the Stage Coach at Gordyville and The Stinky Pink. d.b.a. The Pink House. The motion carried by voice vote.

**6. Other Business**

Mr. Steve Moser distributed copies of an option contract that he received regarding a farm that he manages in Ford County, which is across from the Champaign County Forest Preserve. He said that the reason why he is distributing this contract to the members of ELUC is so that they can review how one of the wind farm developers is pursuing their project.

Ms. Wysocki asked Mr. Moser if this is an individual contract.

Mr. Moser stated yes.

Ms. Wysocki asked Mr. Moser if the contract indicates the term of the option.

Mr. Moser stated that the contract indicates five years.

**7. Adjournment**

The meeting adjourned at 6:35 p.m.

Respectfully submitted,

Secretary to the Environment and Land Use Committee

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# **Champaign Manufactured Gas Plant Environmental Project Open House**

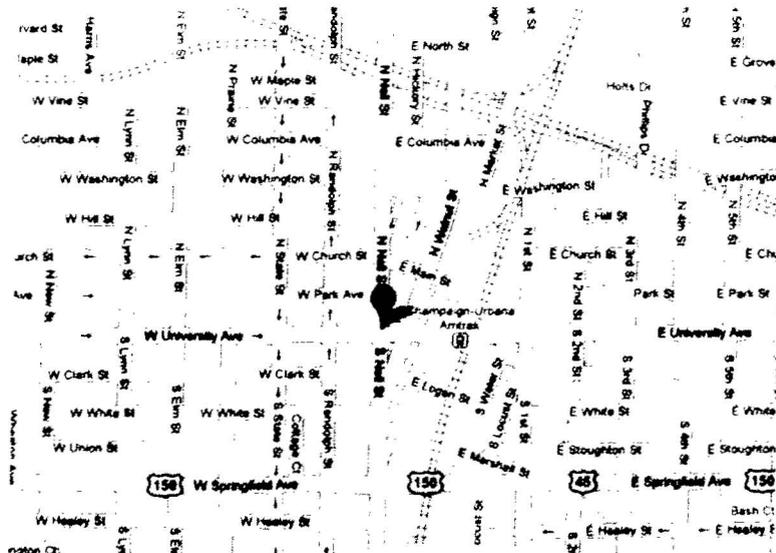
Ameren invites you to visit our Open House  
for the  
Former Manufactured Gas Plant Site  
Environmental Project  
Champaign City Hall  
102 N. Neil Street, Champaign

**Wednesday, March, 11, 2009**

Drop in anytime between  
**4:00 p.m. – 7:00 p.m.**

Representatives from Ameren, the project contractor, the  
Illinois Environmental Protection Agency and the Illinois Department of Public Health  
will be available to answer your questions.

**Displays and refreshments will be provided.**





## **Questions & Answers: Champaign, Illinois, Manufactured Gas Plant Site Project Update Fact Sheet – February 2009**

**What is the current status of the Champaign former manufactured gas plant environmental project?**

Ameren Illinois Utilities submitted to the Illinois EPA the On-Site Remedial Objectives Report (ROR) and Remedial Action Plan (RAP) in December 2008. Ameren Illinois Utilities has received comments from the Illinois EPA on the documents and those comments have been addressed. The Illinois EPA issued its final approval of the ROR and RAP documents in February 2009.

**What are the On-Site Remedial Objectives Report and Remedial Action Plan and how do they apply to the project?**

These two documents are required for sites that are in the Illinois EPA's Site Remediation Program. The on-site Remedial Objectives Report (ROR) evaluates the chemical compounds related to the former gas manufacturing operations that are present in both soil and groundwater on the Ameren Illinois Utilities' property. It describes how people could come in contact with residues and/or impacted dust and water. Possible routes of exposure include skin contact, inhaling or swallowing (ingesting) the substances. The ROR describes how these routes will be addressed. It establishes numerical remediation target levels (Remedial Objectives, or ROs) to meet the state's environmental regulations.

The on-site Remedial Action Plan (RAP) discusses the proposed actions designed to make sure the property is safe to use over the long term. To meet this goal, the following measures will be taken on the Ameren Illinois Utilities property:

- Excavation and disposal of impacted soil exceeding ROs to a depth of 10 feet below the surface;
- Treatment of impacted soil exceeding ROs at depths deeper than 10 feet using in-place chemical oxidation;
- Ameren will rely on the city of Champaign's existing city-wide groundwater ordinance to address the soil-to-groundwater and groundwater ingestion pathways.
- Installation of a clean soil barrier to prevent exposure to any remaining residues that are deeper than 10 feet.

**What is the schedule for remediation?**

Once Illinois EPA has given its approval to the Remedial Action Plan, Ameren Illinois Utilities will announce a date when on-site remedial activities will begin. We anticipate the on-site remedial actions will begin in March 2009 with completion in the fourth quarter 2010.

### **Do I need to be concerned when the work occurs?**

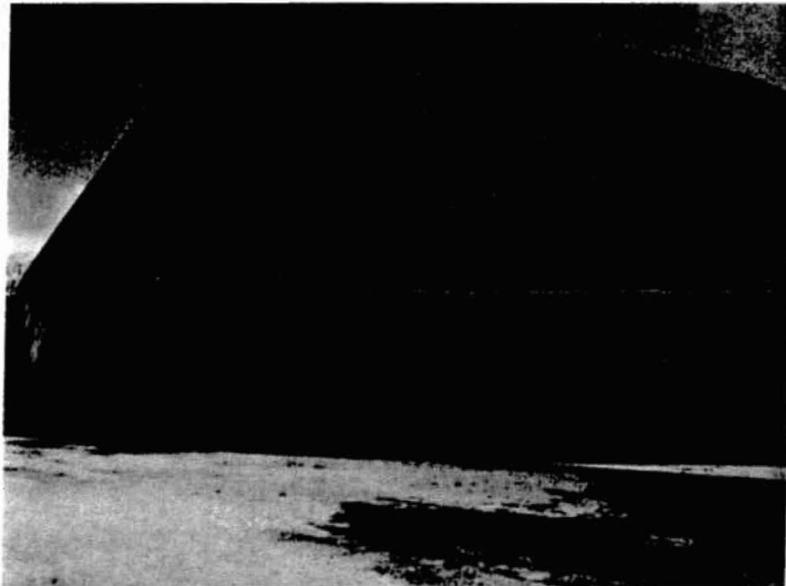
Ameren Illinois Utilities is working with its contractor and the city to make sure the neighborhood is inconvenienced as little as possible. Working hours will be 6:30 a.m. – 5:00 p.m., with active work beginning at 7:00 a.m., on weekdays only. There will be temporary street closures at times throughout the project, with workers controlling traffic at these times.

There will be about four or five truck trips per hour during the week when excavated material is hauled away and backfill is brought to the site. Ameren Illinois Utilities has worked with the city to determine the best route for the trucks. They will enter and exit the neighborhood from Fifth Street.

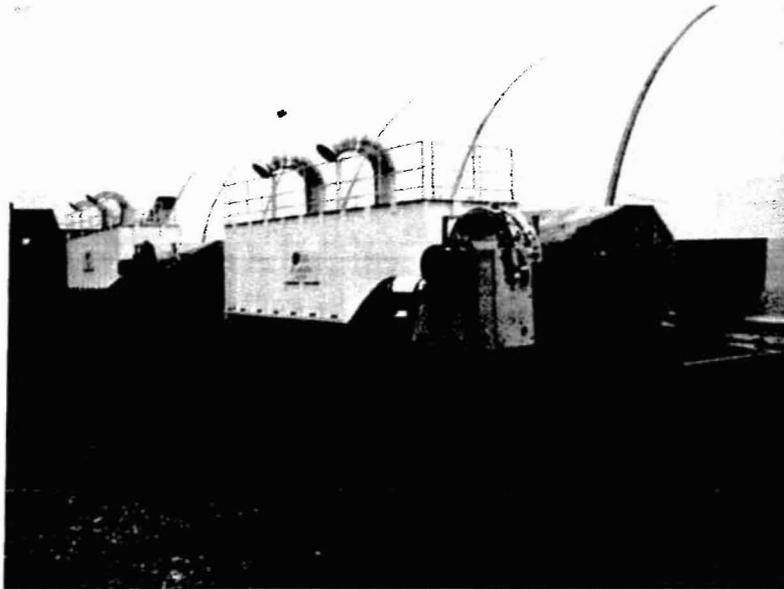
The majority of excavation and loading is planned to be done within a temporary air containment structure, which often is referred to as a "tent." However, excavation of areas of less impacted soil will be necessary outside the "tent". The "tent" has an airtight fabric roof and walls supported by metal framing. Overhead doors serve as entrances. The "tent" is designed to withstand high winds and snowstorms. A ventilating system will maintain the inside air at a lower pressure than the outside air, which serves to minimize uncontrolled releases. Air will be vented to the outside through filters that capture dust and vapors from the tar and the vehicle exhaust. The enclosure and its filtering system will significantly reduce the vapors and possibility of tar-like odors in the area.

Great care is taken to ensure that public health is protected during these projects. The Illinois EPA is reviewing the Remedial Action Plan prepared for the project. The area will be fenced and persons not involved with the project will be kept away from active work areas.

People near the site during the project may smell a tar-like odor at times. The odor may be noticeable when vapors from the excavated material get into the open air, even at levels well below those that would be unsafe. The workers will be able to use odor-suppressing foams and tarps to control these odors during excavation activities outside the "tent". The air monitors installed at the edge of the work area and portable air monitoring equipment will be used to ensure that there is no harmful release of vapors or dust during the soil removal.



Outside view of the "tent" structure. The "tent," which has an impervious skin, is designed to withstand high winds and snowstorms. Photo taken at the Ameren Illinois Utilities MGP remediation in Jacksonville.



The "tent" ventilating system maintains the inside air at a lower pressure than the outside air to minimize uncontrolled releases. Air is vented to the outside through filters (shown here at Ameren's Jacksonville MGP site) that capture dust and vapors from the tar and the vehicle exhaust. The enclosure and its filtering system will significantly reduce the vapors and possibility of tar-like odors in the area. Photo taken at the Ameren Illinois Utilities MGP remediation in Jacksonville.



Inside the tent, specially trained workers remove source material and contaminated soil. The material is hauled away in covered trucks. Clean fill is then placed in the excavated area. Photo taken at the Ameren Illinois Utilities MGP remediation in Jacksonville.

**What is the extent of cleanup for the on-site project?**

A drawing is attached that depicts the extent of impacts from the former MGP site. The site boundaries are shown on the drawing. The on-site work will begin in the first quarter of 2009. We expect to begin to address off-site impacts later this year as we complete our discussions with the owners of the off-site properties.

### **How are impacts to off-site properties being addressed?**

Each affected off-site property is being addressed through individual RAPs that discuss the proposed actions being implemented. The property owner and the Illinois EPA must agree to the RAP before it is carried out. The remedial objectives for each off-site property will also ensure the property will meet the state's strictest environmental standards. The final selection of the remedial alternatives will depend on technical feasibility and the discussions with the property owners.

### **When will the environmental project be completed?**

Soil removal will continue until samples collected from the excavation and sent to a certified laboratory confirm that the project has met environmental objectives established in the Remedial Objectives Report. Ameren expects to submit a report to the Illinois EPA for its review in 2010. Once the agency determines that project objectives were met, it issues "No Further Remediation" letters for the properties to the Ameren Illinois Utilities. The letters are recorded with the Champaign County Recorder of Deeds so that future purchasers of the former plant property will be aware of its history.

### **How may people in the community ask questions and offer opinions about this project?**

Ameren is committed to open communication with those interested in the project. We have placed a collection of documents associated with the project in a Site Information Repository located at the Douglass Branch of the Champaign Public Library at 504 E. Grove Street. The telephone number of the library is 217-403-2090. Library hours are Monday – Thursday 10:00 AM until 8:00 PM, Friday 10:00 AM until 6:00 PM, Saturday 10:00 AM until 4:00 PM.

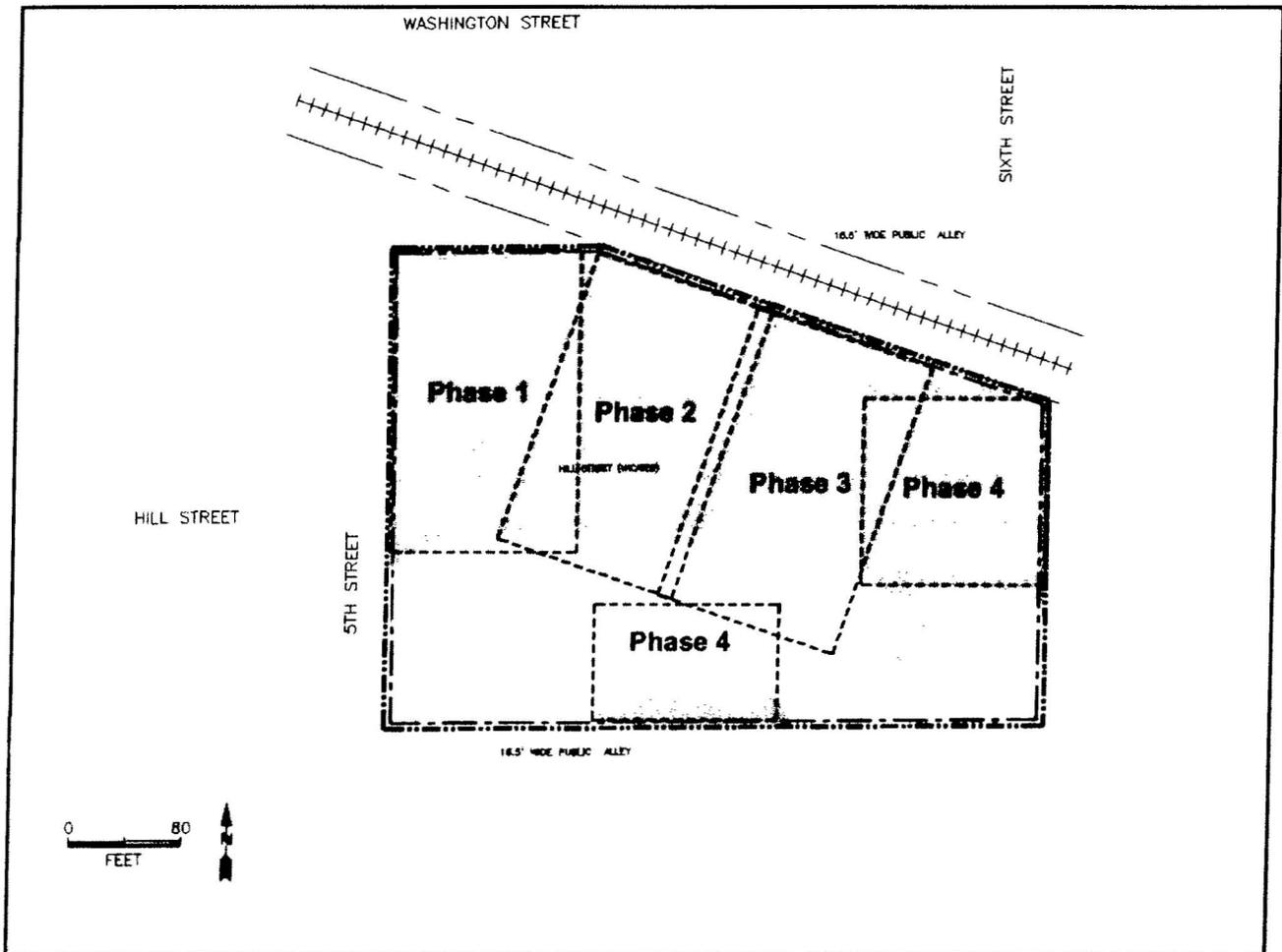
Additional inquiries about the project can be made by calling Mr. Leigh Morris with Ameren at 217-535-5228 or by e-mail at [Lmorris@ameren.com](mailto:Lmorris@ameren.com).

Inquires regarding Illinois EPA's oversight of this project can be made by contacting Stan Black at 217-785-1427 or by e-mail at [stan.black@illinois.gov](mailto:stan.black@illinois.gov) His mailing address is Office of Community Relations, Illinois Environmental Protection Agency, PO Box 19276, Springfield, IL 62794-9276. The city of Champaign has cooperated with the investigation and has provided oversight for the project in addition to the Illinois EPA. Champaign City Council District 1 Representative Gina Jackson has offered to assist neighboring residents who wish to obtain more information about the project. Those who wish to discuss the project with Ms. Jackson may contact her at 217-352-3199.

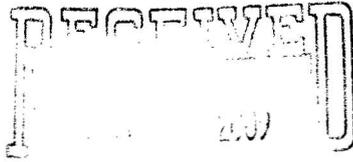


**Champaign, Illinois, Manufactured Gas Plant Site Project Update Fact Sheet – February 2009**

Ameren Illinois Utilities recently mailed to you the fact sheet update and March 11, 2009 Open House announcement for the Remedial Objectives Report and Remedial Action Plan. The drawing below was omitted from the fact sheet we recently mailed. It depicts the extent of the on-site clean-up.



- LEGEND
- HORIZONTAL EXTENT OF ON-SITE REMEDIATION
  - REMEDIATION TENT LOCATIONS



**ADMINISTRATIVE  
SERVICES**

IEPA#: 0198270009  
USEPA #: ILD981088388  
NOTICE #: PB-01-09

DATE: March 10, 2009

**PUBLIC NOTICE OF HAZARDOUS WASTE PERMITTING**

The Illinois Environmental Protection Agency (EPA) and U.S. EPA hereby give notice of intent to renew a Resource Conservation and Recovery Act (RCRA) permit held by Safety-Kleen Systems, Inc. Urbana Service Center. The facility's mailing address is 500 West Anthony Drive, Urbana, Illinois 61801. Safety-Kleen, Urbana accumulates wastes from its clients in the automotive repair, industrial maintenance and dry cleaning industries at the Urbana Service Center until a sufficient volume of waste is accumulated for shipment to a recycling facility. The Urbana Service Center is a permitted hazardous waste storage facility currently operating under its previous RCRA permit.

The Illinois EPA is authorized to administer the RCRA program in Illinois. Amendments to RCRA, among other things, require facilities seeking a permit to perform corrective actions for any past releases of hazardous constituents; Illinois EPA welcomes information from the public that describes any such releases. U.S. EPA retains authority for administering certain portions of the amendments' regulations including those that are newly promulgated.

Interested citizens are invited to review copies of the permit application, draft permit decision and related fact sheet at the following location:

**Urbana Free Library, 210 W. Green Street, Urbana**

Interested citizens may submit written comments on the permit decision documents during the 45-day comment period. Send comments on the Illinois EPA portion of the draft permit to the Public Involvement Coordinator listed at the end of this Notice; send comments on the U.S. EPA portion of the draft permit to the U.S. EPA contact listed at the end of this Notice. **Comments must be postmarked by midnight April 24, 2009.** In response to public requests or at the discretion of the Agencies, a public hearing can be held to clarify one or more issues concerning the draft permit decision. A request for a public hearing must be made in writing, must express opposition to the permit, and must state the nature of the issue(s) to be raised at the hearing. Written requests should be sent to the Illinois EPA Public Involvement Coordinator listed below. Public notice will be issued 45 days before any hearing.

All comments submitted will become part of the Administrative Record and will be evaluated by the Agencies in making the final permit decision. The Agencies will respond to comments on the draft permit decision, and indicate whether additional documents have been included in the Administrative Record.

Anyone who submits written comments will be notified of the final permit decision and the permit decision appeal process.

The permit application, draft permit decision, related information and all data submitted by the applicant, as part of the Administrative Record, are now available for public inspection by appointment only Monday through Friday between 9:00 a.m. and 5:00 p.m. Please telephone Ms. McGinnis for an appointment to view the documents at Illinois EPA's offices in Springfield.

Mara McGinnis, Public Involvement Coordinator (#5)  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9276  
Phone: 217/524-3288

Please contact the permit reviewer below if you wish to inspect the file information at the U.S. EPA's offices in Chicago or to provide comments on the federal portion of the permit.

Jim Blough (DW-8J)  
U.S. EPA - Region V  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
Phone: 312/886-2967

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**PLANNING & COMMUNITY DEVELOPMENT**

1776 East Washington Street  
 Urbana, IL 61802

Phone 217.328.3313  
 Fax 217.328.2426  
 www.ccrpc.org

**TO:** Environment & Land Use Committee  
**FROM:** Frank DiNovo  
**DATE:** February 27, 2009  
**RE:** Legislation Affecting Enterprise Zones and TIF Districts - SB 0043/ HB 0063  
**ACTION REQUESTED:** None  
**RECOMMENDATION:** None

**BACKGROUND**

A pair of companion bills have been introduced in the Illinois General Assembly that would, if enacted, have a significant impact on both enterprise zones and TIF districts. SB 0043 (synopsis attached) and HB 0063 would require that all private construction projects in enterprise zones or TIF districts pay prevailing wages. This would apply whether or not the project was eligible for or actually received any tax abatement or other incentive.

The effect of this legislation would be significantly increase labor costs for many projects. The Table below illustrates, for select occupations, the difference between the Champaign County prevailing wage (base wage), established by Ordinance No. 832, and the U.S. Bureau of Labor Statistics Occupation Employment Survey wage data for the Champaign-Piatt-Ford County metropolitan statistical area for 2007

Occupation	Prevailing Wage	OES Median Wage
Electrician	\$34.21	\$24.09
Carpenter	\$30.74	\$19.57
Laborer	\$23.75	\$18.59
Brickmason	\$27.84	\$23.01
Sheet Metal Worker	\$31.50	\$29.28
Plumber	\$35.96	\$33.27

Labor can account for 20 – 40% of project construction costs. It is likely that for at least some projects the additional construction costs will exceed the total value of any enterprise zone benefits a project would enjoy. Because of the nature of TIF districts it is hard to generalize about the impact but the additional costs would offset to some significant degree the advantages of locating in a TIF district.

The legislation was sponsored in the Senate by Majority Leader James F. Clayborne and in the House by 11<sup>th</sup> Dist. Rep., John Fritch. As of February 27 SB 0043 has attracted four co-sponsors and has been placed on the calendar for second reading. HB0063 has also attracted four co-sponsors and has been assigned to the House Executive Committee.

**RECOMMENDATION**

Staff makes no recommendation in regard to this matter but felt it was important that the Committee be aware of this pending legislation.

## Bill Status of SB0043 96th General Assembly

[Full Text](#) [Votes](#) [View All Actions](#) [Printer-Friendly Version](#)

**Short Description:** PREVAILING WAGE-PROJECTS

### Senate Sponsors

Sen. [James F. Clayborne Jr.](#) - [Iris Y. Martinez](#) - [Martin A. Sandoval](#) - [Jacqueline Y. Collins](#) and [Ira I. Silverstein](#)

### Last Action

Date	Chamber	Action
2/18/2009	Senate	Placed on Calendar Order of 2nd Reading February 19, 2009

### Statutes Amended In Order of Appearance

<a href="#">820 ILCS 130/2</a>	from Ch. 48, par. 39s-2
<a href="#">820 ILCS 130/3</a>	from Ch. 48, par. 39s-3
<a href="#">820 ILCS 130/4</a>	from Ch. 48, par. 39s-4
<a href="#">820 ILCS 130/6</a>	from Ch. 48, par. 39s-6
<a href="#">820 ILCS 130/9</a>	from Ch. 48, par. 39s-9
<a href="#">820 ILCS 130/11</a>	from Ch. 48, par. 39s-11
<a href="#">820 ILCS 130/11b</a>	
<a href="#">820 ILCS 130/11a rep.</a>	

### Synopsis As Introduced

Amends the Prevailing Wage Act. Provides that "public works" includes all projects located in an enterprise zone as defined in the Illinois Enterprise Zone Act or located in an economic development project area as defined in the Economic Development Project Area Tax Increment Allocation Act of 1995, but does not include projects at an owner-occupied single family residence or owner-occupied multi-family residence located in an enterprise zone or economic development project area. Provides that all contractors and subcontractors required to pay the prevailing wage under the Act shall make payment of such wages in legal tender, without any deduction for food, sleeping accommodations, transportation, use of tools, or any other thing of any kind or description. Provides that the Department of Labor shall make revised prevailing wage rates available on its official website and such posting on the website shall be deemed notice to the contractor or subcontractor of the revised rate. Provides that the contractor or subcontractor shall be responsible to pay the revised rate. Provides that in lieu of posting the prevailing wage rates on the project site of the public works, a contractor which has a business location where laborers, workers and mechanics regularly visit may: (1) post in a conspicuous location at that business the current prevailing wage rates for each county in which the contractor is performing work; or (2) provide such laborer, worker or mechanic engaged on the public works project a written notice indicating the prevailing wage rates for the public works project. Makes other changes. Effective immediately.

### Senate Committee Amendment No. 1

Provides that "public works" also includes any project that will derive a financial benefit, in whole or in part, from loans, grants, subsidies, incentives, or other financial benefit made available pursuant to the Illinois Enterprise Zone Act or the Economic Development Project Area Tax Increment Allocation Act of 1995. Restores to the definition of "public works" projects at owner-occupied single family tract housing and projects at an owner-occupied multi-family dwelling with more than 6 units.

# CHAMPAIGN COUNTY Computer & Electronics Recycling Event

Date: **Saturday, May 2nd**      **Rain or Shine!**

Time: **8:00 AM - 4:00 PM**

Location: **Champaign County Fairgrounds  
Parking Lot, North of Carle Hospital**

Items Accepted:

**Computers, Printers, Cables & Peripherals**

**Networking Equipment, Servers, Phones, Cell Phones**

**Home Electronics, Small Appliances, Stereos & A/V Equip.**

**CD's, VHS, DVD, Cassette, DAT, & All Data Tapes**

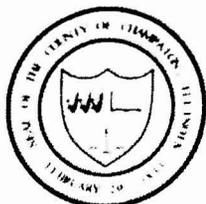
**Computer Monitors (\$5 fee)**

**Televisions: Up to 23" (\$10 fee)**

**24"-40" (\$15 fee)**

**40" and up & Consoles (\$20 fee)**

More Information: Call **(217) 328-3313**



## WITS FREE COMPUTER PROGRAM INFORMATION

One Free Computer will be donated to groups consisting of at least four people who are at least 14 years old and who **volunteer for the full day at the May 2<sup>nd</sup> Champaign Countywide Computer and Electronics Recycling Event**. The donated computer will be a refurbished computer.

The Champaign County event will occur on Saturday, May 2, 2009 from 8 a.m. to 4 p.m. The event location is the Champaign County Fairgrounds in Urbana—at the large parking lot that is situated immediately north of the intersection of Orchard and Fairview (north of Carle Hospital).

Two types of volunteer opportunities at the May 2nd Recycling Event are: helping unload cars, or passing out brochures. These are the main tasks needed for the day. We expect to provide lunch for volunteers at the Saturday May 2nd event. A volunteer group must consist of a minimum of 4 persons who are at least 14 years of age. If the group consists of more than 4 people:

- For every additional 5 people in a group, one computer will be donated. .
- No more than 1 computer will be donated to a 6-member family (over age of 14 and in same household). Although relatives can work for own computer if they live in different household and bring 4 additional people.

Volunteers participating in the Free Computer Program will be required to attend a one-hour Free Computer Program orientation at 7:00 a.m. on the day of the event on Saturday, May 2.

**To sign up a group of four or more volunteers to participate in the Free Computer Program on Saturday, May 2<sup>nd</sup>, please contact Trina Bailey, Operations Manager, WITS Danville, either by phone (217) 442-WITS, or via email: [tbailey@witsinc.org](mailto:tbailey@witsinc.org).**

Two weeks following the May 2<sup>nd</sup> event, one volunteer representing the group will need to pick-up the computer in Danville, IL. That person will need to present photo identification and proof of address (e.g., a drivers License or photo id). The pick-up location of donated computers will be: 1507 N. Bowman Danville, IL.

### INDIVIDUAL VOLUNTEERS ...to help out....

**Individual volunteers are needed to help at the Champaign County Computer & Electronics Recycling Collection event on May 2, 2009...** If you are interested in volunteering to help out on that Saturday, please contact **Trina Bailey, Operations Manager, WITS Danville, by phone (217) 442-WITS, or email: [tbailey@witsinc.org](mailto:tbailey@witsinc.org).**

If you have questions about the Countywide Computer & Electronics Recycling Event, contact Susan Monte, Champaign County Recycling Coordinator, at 217 333-3313, ext 196.

04/03/2009

Champaign  
County  
Department of

**PLANNING &  
ZONING**

Brookens  
Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708  
FAX (217) 328-2426

To: **Environment and Land Use Committee**  
From: **John Hall, Zoning Administrator**  
**JR Knight, Associate Planner**  
Date: **April 7, 2009**  
RE: **Zoning Case 634-AT-08**

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**Zoning Case 634-AT-08 Part A**

Request A) **Authorize the County Board to approve Special Use Permits (SUP) and to change the requirements for the development of wind turbine developments (wind farms) to a County Board Special Use Permit (CBSUP).**

Petitioner **Zoning Administrator**

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**STATUS**

The Zoning Board of Appeals voted to "RECOMMEND ENACTMENT" of this proposed Zoning Ordinance Text Amendment at their March 26, 2009, meeting. The Approved Finding of Fact is attached and the recommended amendment is an attachment to the Finding of Fact.

The Committee provided direction for this text amendment at the November 9, 2008, meeting. Note the recommended amendment is substantially different than the direction provided by the Committee at that meeting. See the discussion below.

Two possible changes to the ZBA recommendation are briefly discussed below.

The Committee must tentatively choose an amendment to forward to the County Board in May but should continue this case to the next meeting to allow municipalities and townships a chance to formally comment on the recommendations of the ZBA and ELUC.

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**BACKGROUND**

Three wind farm developers have contacted county landowners about the possible development of three different wind farms in the County. The current *Zoning Ordinance* would require a wind farm to be in the I-2 Heavy Industry District even though most of the acreage of the wind farm would not be suitable for other buildings or uses. ELUC discussed the current *Ordinance* requirements for wind farms at their August 2008 meeting and determined that the *Zoning Ordinance* should be amended to allow wind farm development in the rural districts subject to a County Board review. Final Committee direction for this text amendment was received at the November 9, 2008, meeting. The ZBA considered this text amendment at their meetings on February 12, February 26, March 12, and March 26, 2009, and have recommended the attached amendment (see Attachment B).

**Previous ELUC Direction Versus ZBA Recommendation Regarding Need For Map Amendment**

At the November 9, 2008, meeting the Committee appeared to favor a combined approach for wind farm zoning approval requiring both a map amendment and a county board special use permit. The legal

advertisement for this case included requirements for both a map amendment and a county board special use permit.

During the public hearing the ZBA reviewed two versions of the amendment including one with the combined approach (a map amendment and a county board special use permit) and one with only the county board special use permit. Public testimony was mixed regarding the map amendment requirement. No other Illinois county requires a map amendment for wind farm development but no other Illinois county zoning ordinance is like our own. The three wind farm developers interested in Champaign County were uniformly opposed to the map amendment requirement.

On a four to two vote with one recusal (one ZBA member owns land in one of the proposed wind farm areas) the ZBA recommended an amendment requiring only a county board special use permit. Item 13 of the Finding of Fact makes it clear that the ZBA believes the proposed conditions will mitigate the impacts of a wind farm on adjacent properties.

There is no way to conclusively determine whether a particular use should be in one zoning district or another. The decision is a legislative decision made by the relevant authority (County Board in this instance) but should be consistent with other relevant land use regulations and all relevant land use goals and policies. The Finding of Fact evaluates the recommended amendment against all relevant land use goals and policies.

### **Recommended Special Use Permit Standards**

At the November 9, 2008, meeting the Committee also reviewed a list of 45 items to be included in the proposed amendment as "standard conditions" for a county board wind farm special use permit. The recommended standard conditions are based largely on the *Model Ordinance Regulating The Siting Of Wind Energy Conversion Systems In Illinois* which is also the basis for wind farm regulations by most other Illinois counties. Note that this *Model Ordinance* has not been promulgated by any state agency and it should not be considered a state model ordinance. Attachment A briefly reviews the source or justification for all proposed standard conditions.

### **ELUC REVIEW AND MUNICIPAL AND TOWNSHIP COMMENT**

ELUC only ever makes a recommendation on a text amendment to the County Board because the County Board is the final authority on all Zoning Ordinance text amendments. A simple majority of elected Board members (14 of 27) is required for approval if there is no municipal or township protest against the text amendment. Municipalities that have adopted their own zoning ordinances and townships with plan commissions have formal protest rights on text amendments and a protest from just one municipality or one township with plan commission will trigger the supermajority requirement (21 of 27 elected Board members) for approval.

This is the first Committee review of the ZBA recommendation. At this time the Committee should make a tentative choice to either accept or modify the ZBA recommendation. Notices and copies of the recommended amendment will then be sent to all affected municipalities and townships. The Committee will receive an update of all correspondence received on this case at the May 11, 2009, meeting and presumably make a recommendation for the County Board to consider on May 21, 2009.

I have received requests from Board members to be prepared to entertain amendments regarding two of the standard conditions recommended by the ZBA.

### **An Alternative Lesser Separation For Non-Participating Dwellings**

Several Board members have expressed a concern that the minimum required 1,500 feet separation to non-participating dwellings (subpar. 6.1.4 C.2. in the proposed amendment) is more restrictive than is necessary to protect adjacent non-participating dwellings. Most of the deliberation by the ZBA was regarding this specific standard condition and it was carefully considered. The 1,500 feet recommendation was originally proposed in a memorandum written by a ZBA member and was based on noise concerns. The evidence in the public hearing indicated that a separation distance of 1,500 feet should probably be adequate to mitigate the noise in a worst case scenario involving four turbines but 1,500 feet is not required to mitigate noise in instances involving one or two turbines.

If the Committee is convinced that this requirement is too severe an alternative has been included as Attachment B. As discussed in Item 8.D. of the Finding of Fact, the Illinois Pollution Control Board regulations assume that the theoretical long term ambient background nighttime noise level for a quiet rural setting is 30 decibels and a 10 decibel increase would be perceived as a doubling of that noise level for existing dwellings. The alternative allows a lesser separation provided that the resulting noise at the property line of a non-participating dwelling is no more than 40 decibels.

Of course, the Committee could also recommend a lesser separation that would allow the resulting noise level at the property line of a non-participating dwelling to be greater than 40 dB. Such an approach would almost certainly result in a greater number of noise complaints.

### **An Alternative Lesser Separation For Pipelines**

Other separations that received a lot of attention from the ZBA were those in regards to pipeline and water or sewer main separations (subpar. 6.1.4 C. 9.(a). and (d)). The safety considerations related to gas or hazardous liquids pipelines may be much different than the safety considerations related to water and sewer mains but these underground utilities were considered in the same subparagraph that requires a 1,200 feet separation from the base of wind farm tower to the nearest pipeline or sewer or water main easement.

Since the public hearing at least one wind farm developer has stated that the 1,200 feet requirement for pipeline separations is severely restrictive and will be very detrimental to wind farm development in the County. That developer recommends a separation similar to that for public streets and third party power lines that is 1.10 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade). See attachment C.

**ATTACHMENTS**

- A Source Or Brief Justification Of All Recommended Standard Conditions
- B Alternative Separation For Non-Participating Dwellings (subpar. 6.1.4C.2)
- C Alternative Separation For Pipelines (subpar. 6.1.4C. 7. & 9.)
- D Summary of Evidence, Finding of Fact, and Final Determination of the Champaign County Zoning Board of Appeals (includes the recommended amendment as an attachment) as approved on March 26, 2009

**Attachment A. Source Or Brief Justification Of All Recommended Standard Conditions**  
**Case 634-AT-08 April 7, 2009**

Standard Condition in 6.1.4	Purpose of Condition	Source or Justification	Notes
A. 1.	Clarify the area of the special use permit	None- good practice	
A.2. (a)	Prohibit wind farms within one-and one- half miles of municipality	Statutes	
A.2(b)	One mile separation from CR District	New York Model Ordinance requires 2,500 feet separation from Important Bird Areas. The CR District is intended to conserve the natural and scenic areas and is the principal rural residential district and it is where the Forest Preserve Districts are located	One mile is arbitrary
B. 1.	Eliminate minimum lot requirements for wind farm	Wind farm is a unique development with unique requirements	
C.1.	1,000 feet separation distance to participating dwelling	Same as <i>Model Ordinance</i>	The <i>Model Ordinance</i> gives no justification for the 1,000 feet
C.2.	1,500 feet separation distance for non-participating dwelling	Non-participating dwellings are not benefiting from the wind farm like participating dwellings and may merit greater separation	1,500 feet is the minimum dimension required to achieve a 40 dBA noise level in a worst case scenario of proximity to four wind turbines
C.3.	Allows waiver of above two conditions	Same as <i>Model Ordinance</i>	
C.4.	Separation distance to adjacent participating property line of 1.1 times the overall wind farm tower height to tip of the highest blade	Same as <i>Model Ordinance</i>	
C.5.	Separation distance to nearest street of 1.5 times the overall wind farm tower height to tip of the highest blade unless property on other side is participating in which case the separation is reduced to 1.1 times	<i>Model Ordinance</i> requires only 1.1 times the overall wind farm tower height (to tip highest blade)	Increasing the separation to 1.5 times overall wind farm tower height minimizes the incompatibility when non-participating property is across the street
C.6.	Separation distance to adjacent non-participating property line of 1,000 feet within ¼ mile of public street and 1.5 times the overall wind farm tower height more than ¼ mile from public street)	<i>Model Ordinance</i> requires only 1.1 times the overall wind farm tower height (to tip highest blade)	Increasing the separation on land within ¼ mile of public street minimizes incompatibilities on land most suitable for rural residential use

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**Attachment A. Source Or Brief Justification Of All Recommended Standard Conditions**  
**Case 634-AT-08 April 7, 2009**

Standard Condition in 6.1.4	Purpose of Condition	Source or Justification	Notes
C.7.	Separation distance of 1.1 times the overall wind farm tower height to third party electrical transmission lines, communication towers, or railroad right of way.	Same as <i>Model Ordinance</i>	
C.8.	Authorizes lesser separations upon submittal of private waiver and requires the private waiver to be recorded as part of the chain of title in the deed	Supplements the <i>Model Ordinance</i>	
C.9.	Separation distance of 1,200 feet from water main or easement for water main or pipeline or above ground fixture of pipeline unless pipeline impact radius is greater	Not included in the <i>Model Ordinance</i> ; based on safety concerns	
C.10	1,600 feet separation distance to any Liquefied Natural Gas Storage; or Liquefied Petroleum Gas Storage; or Gasoline and Volatile Oils Storage exceeding 10,000 gallons capacity in the aggregate.	Not included in the <i>Model Ordinance</i> ; based on safety concerns	
C.11	3,500 feet separation from the exterior above-ground base of a WIND FARM TOWER to any RESTRICTED LANDING AREA or RESIDENTIAL AIRPORT.	Not included in the <i>Model Ordinance</i> ; based on safety concerns	
D.1.	Design Safety Certification	Same as <i>Model Ordinance</i>	State's Attorney must review for compliance with statutes
D.2.	Controls and brakes	Same as <i>Model Ordinance</i>	
D.3.	Electrical components	Same as <i>Model Ordinance</i>	State's Attorney must review for compliance with statutes
D.4.	Monopole construction	Same as <i>Model Ordinance</i>	
D.5.	Maximum height	Same as <i>Model Ordinance</i>	Maximum height allowed by Federal Aviation Administration (FAA)
D.6.	Paint color of tower & turbine	Same as <i>Model Ordinance</i>	
D.7.	Applicable FAA requirements	Supplements the <i>Model Ordinance</i>	American Bird Conservancy's Wind

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**Attachment A. Source Or Brief Justification Of All Recommended Standard Conditions**  
**Case 634-AT-08 April 7, 2009**

Standard Condition in 6.1.4	Purpose of Condition	Source or Justification	Notes
			Energy Policy recommends minimum lighting so as to minimize avian mortality.
D.8.	Tower warnings	Same as <i>Model Ordinance</i>	
D.9.	Prevent unauthorized climbing	Same as <i>Model Ordinance</i>	
E.	Mitigate damage to farmland	Not included in the <i>Model Ordinance</i> ; Based on <i>Stormwater Management Policy</i> and Illinois Department of Agriculture Recommendations	<i>Stormwater Management Policy</i> not sufficient by itself. IDAG Recommendations included with February 12, 2009, Supplemental Memorandum
F.	Use of Public Streets	<i>Model Ordinance</i> modified with: <ul style="list-style-type: none"> <li>▪ McLean County and Bureau County requirements</li> <li>▪ Champaign County Engineer review</li> </ul>	McLean County requirements included with February 12, 2009, Supplemental Memorandum; Bureau County requirements included with March 12, 2009, Supplemental Memorandum
G.	Coordination with fire protection district	Same as <i>Model Ordinance</i>	Some counties have required payments to FPD to offset specific costs
H.	Mitigate electromagnetic interference	Same as <i>Model Ordinance</i>	Could be made more specific to clarify extent of required mitigation
I.	Allowable noise level	Same as <i>Model Ordinance</i>	The Illinois Pollution Control Board requirements were included in the Preliminary Memorandum
J.	Endangered Species Consultation	Statutory requirement	
K.	Historic and Archaeological review	Required by other counties	Not a statutory requirement and may never be required since most of these resources are in the CR District
L.	Wildlife impacts	<i>Model Ordinance</i> modified with: <ul style="list-style-type: none"> <li>▪ Review of other wind farm &amp; wildlife guidelines</li> <li>▪ Review comments by professional biologist involved in wind farm developments</li> </ul>	No IDNR requirements.  Sangamon, Livingston, and Livingston and Macon Counties require post-construction monitoring in their Ordinances and LaSalle has required it as a special condition of approval

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**Attachment A. Source Or Brief Justification Of All Recommended Standard Conditions**  
**Case 634-AT-08 April 7, 2009**

Standard Condition in 6.1.4	Purpose of Condition	Source or Justification	Notes
M.	Shadow flicker	Not included in the <i>Model Ordinance</i> ; <i>Environmental Impacts of Wind-Energy Projects</i> (Committee on Environmental Impacts of Wind Energy, National Research Council)	Sangamon County Ordinance requires shadow flicker study
N.	Visual Impact Assessment	Not included in the <i>Model Ordinance</i> ; <i>Environmental Impacts of Wind-Energy Projects</i> (Committee on Environmental Impacts of Wind Energy, National Research Council)	
O.	Liability insurance	<i>Model Ordinance</i> (modified)	Modification based on a special condition of approval by Livingston County
P.	Operational conditions	Same as <i>Model Ordinance</i>	
Q.	Decommissioning plan	<i>Model Ordinance</i> modified with: ▪ Existing reclamation agreement standards	Existing reclamation agreement standards established in Case 273-AT-00 Part B (included with Preliminary Memorandum)
R.	Complaint hotline	Not included in the <i>Model Ordinance</i> ; Based on a special conditions of approval by LaSalle and Livingston Counties  Also recommended in <i>Environmental Impacts of Wind-Energy Projects</i> (Committee on Environmental Impacts of Wind Energy, National Research Council)	
S.	Expiration of County Board Special Use Permit if no construction within 10 years	Not included in the <i>Model Ordinance</i> ; Ford County has an expiration clause with a 36 month limit that can be extended	Expiration of the special use permit must be coordinated with the road use agreements

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**Attachment B. Alternative Separation For Non-Participating Dwellings (subpar. 6.1.4C.2)**  
**APRIL 7, 2009**

**The following is an alternative to subpar. 6.1.4C.2.:**

2. The minimum separation from the exterior above-ground base of a WIND FARM TOWER to the property line for any existing NON-PARTICIPATING DWELLING OR PRINCIPAL BUILDING shall be the greater of the following:
  - (a) ~~At least 1,500~~ 1,200 feet; or
  - (b) a greater separation distance if necessary to ensure that the noise level caused by the WIND FARM at the property line is no greater than 40 decibels as measured according to the applicable Illinois Pollution Control Board regulations; or
  - (c) a greater separation distance if required to meet any separation recommendations of the manufacturer of the wind turbine installed on the WIND FARM TOWER.

Note: New text is indicated with underline (underline) and deleted text is indicated with strike out (~~strike out~~).

**Attachment C. Alternative Separation For Pipelines (subpar. 6.1.4C. 7. & 9.)**  
**APRIL 7, 2009**

**The following is an alternative to subpar. 6.1.4C. 7. & 9.:**

7. A separation distance equal to 1.10 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the exterior above-ground base of a WIND FARM TOWER to the nearest easement for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE, any easement for an underground water main or to the actual water main if there is no easement, third party electrical transmission lines, communication towers, or railroad right of way. This separation may be reduced upon submission of a PRIVATE WAIVER signed by the owner of said electrical transmission line or communication tower or the relevant public street maintenance jurisdiction. The PRIVATE WAIVER must specify the agreed minimum separation.
  
9. At least 1,200 feet separation from the exterior above-ground base of a WIND FARM TOWER to any of the following:
  - (a) ~~any easement for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE;~~  
~~or~~
  
  - (b) any wellhead or other above ground fixture that is accessory to a GAS PIPELINE or to any valve or other above ground fixture for any HAZARDOUS LIQUID PIPELINE;
  
  - (c) provided however that if the relevant PIPELINE IMPACT RADIUS required by paragraph 4.3.4 H. is greater than 1,200 feet then that PIPELINE IMPACT RADIUS shall be the minimum separation of any of the above;~~or~~
  
  - (d) ~~any easement for an underground water main or to the actual water main if there is no easement.~~

Note: New text is indicated with underline (underline) and deleted text is indicated with strike out (~~strike out~~).

AS APPROVED

634-AT-08 Part A

FINDING OF FACT  
AND FINAL DETERMINATION  
of

Champaign County Zoning Board of Appeals

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Final Determination: **RECOMMEND ENACTMENT**

Date: March 26, 2009

Petitioner: Zoning Administrator

Request: Authorize the County Board to approve Special Use Permits (SUP) and to change the requirements for the development of wind turbine developments (wind farms) to a County Board Special Use Permit.

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**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 12, 2009, February 26, 2009, March 12, 2009, and March 26, 2009**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The need for the amendment came about as follows:
  - A. Existing *Ordinance* requirements for wind turbines were developed in Case 236-AT-00. Item 11 from the Finding of Fact for that case stated the following (underlining added for emphasis):

Coal, oil and fired steam turbines being larger plants with greater impacts are restricted to industrial districts. Large scale wind turbine facilities will normally need to be located in rural areas so they are permitted with a special use permit in the B-1 district as well. It is anticipated that developing any of these facilities would require rezoning in addition to the special use permit.
  - B. A table titled "Zoning Related Impacts of Electric Power Plant Types" was included in the Documents of Record for Case 236-AT-00. That table and item 11 make it clear that the original proposal for Case 236-AT-00 did anticipate wind farms in the rural districts by means of rezoning and a special use permit but only in the B-1 Rural Trade Center District and not the AG-1 Agriculture District.

ITEM 2. CONTINUED

- C. However, the original proposal for Case 236-AT-00 was modified by the Environment and Land Use Committee (ELUC) based on municipal comments at their September 13, 2000 meeting. The minutes of that meeting reveal that the municipalities objected to these facilities in the B-1 District and for some reason no other rural district was substituted. At the time the County was more concerned with adding requirements for peaker plants and less concerned with wind farms.
  - D. Nonetheless, the record is clear that in 2000 Champaign County expected that large scale wind turbine facilities would need to be located in rural areas and that approval should be a combined rezoning and a special use permit.
  - E. State law was changed in 2007 and it now requires that in a county zoning jurisdiction a wind farm must be authorized by action of the county board but it allows that regulations that were in place before remain valid.
  - F. No wind farms have yet been developed in Champaign County but three wind farm developers have contacted landowners about the possible development of three different wind farms in the County.
  - G. As amended by Ordinance No. 617 the current *Zoning Ordinance* would require a wind farm to be in the I-2 Heavy Industry District even though most of the acreage of the wind farm would not be suitable for other buildings or uses.
  - H. The Environment and Land Use Committee (ELUC) of the Champaign County Board discussed the current *Ordinance* requirements for wind farms at their August 2008 meeting and determined that the *Zoning Ordinance* should be amended to allow wind farm development in the rural districts subject to a County Board review.
  - I. At the November 6, 2008, ELUC meeting staff recommended that wind farms be authorized by County Board Special Use Permit. Four of the eight ELUC members present at the November 6 meeting voiced support for an alternative that included a zoning map amendment (overlay rezoning).
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. The following comments have been received to date:
- A. A letter was received from the Compromise Township Board on January 16, 2009, indicating the Board supported researching the feasibility of wind farms in Champaign County.
  - B. At the February 12, 2009, public hearing, Herb Schildt, Chair of the Newcomb Township Plan Commission, submitted a written statement regarding their initial review of the proposed amendment on behalf of the Commission, as follows:
    - (1) They are pleased by the requirement for both a special use permit and map amendment because they could not support an ordinance that did not require a map amendment. They feel that a special use permit alone would be insufficient.

ITEM 3.B. CONTINUED

- (2) They also indicated several concerns, as follows:
  - (a) They believe that a setback larger than 1,200 feet is needed from any storage tank that holds flammable gas, flammable liquid, or other hazardous material. They believe that requiring a larger setback is a reasonable step that will provide an extra margin of safety in their Township. They further believe the setback must be sufficiently large to prevent damage to a tank from debris caused by a catastrophic turbine failure (possibility due to tornado), ice throw, or blade detachment.
  - (b) They have significant safety concerns about locating a wind farm in the Manlove Gas Storage Field in Newcomb Township. Among these concerns are damage to well heads caused by debris from a catastrophic turbine failure, ice throw, or blade detachment, and the potential for increased lightning strikes in the storage field. Until such time that the county can provide information from an accredited, independent authority that certifies to their satisfaction the safety of locating a wind farm in the Manlove Gas Storage field, they believe that Gas Storage Field should be added to the list of areas in which the County does not allow a wind farm to be located. This list is in Section 6.1.4.A.2
  - (c) They believe that a setback larger than 1,200 feet from any non-participating residence is required. They believe that requiring a larger setback is a reasonable step that provides an extra margin of safety in their Township. In addition to mitigating the effects of noise and shadow flicker, we believe the setback must be of sufficient length to prevent damage to a dwelling and to prevent harm to its occupants from debris caused by a catastrophic turbine failure, ice throw, or blade detachment. They believe that a larger setback is required for schools (both public and private), hospitals, churches, places of business, and any other place where people congregate (such as parking lots and cemeteries)
  - (d) They believe that turbine height should not exceed 400 feet.

**GENERALLY REGARDING THE EXISTING ZONING REGULATIONS**

- 4. Existing Zoning regulations regarding the separate parts of the proposed amendment are as follows:
  - A. Requirements for wind turbine facilities were added to the *Zoning Ordinance* by Ordinance No. 617 (Case 236-AT-00) on October 24, 2000. Ordinance No. 617 specifically authorized the following:
    - (1) Development of up to three wind turbines by Special Use Permit (approved by the Zoning Board of Appeals (ZBA)) in the AG-1 Agriculture, AG-2 Agriculture, I-1 Light Industry, and I-2 Heavy Industry Zoning Districts.

ITEM 4.A. CONTINUED

- (2) Development of more than three wind turbines is authorized only in the I-2 Heavy Industry Zoning District and then only with a Special Use Permit (approved by the ZBA). (Note that Ordinance No. 617 did not distinguish between industrial wind turbines and small, private wind turbines, only the number.)
- B. A related Ordinance No. 625 (Case 273-AT-00 Part B) added requirements for reclamation agreements on May 22, 2001. It is anticipated that any wind turbine tower would be considered a “non-adaptable structure” and the ZBA would require a reclamation agreement.
- C. The following definitions from the *Zoning Ordinance* are especially relevant to this amendment (capitalized words are defined in the Ordinance):
  - (1) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT with the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE, either DETACHED from or ATTACHED to the MAIN OR PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE or the main or principal USE.
  - (2) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
  - (3) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
  - (4) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.

ITEM 4.C. CONTINUED

- (5) "NON-ADAPTABLE STRUCTURE" is any STRUCTURE or physical alteration to the land which requires a SPECIAL USE permit, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRIC (by-right or by SPECIAL USE).
- (6) "OVERLAY" is a DISTRICT that modifies or supplements the standards and requirements of an underlying DISTRICT. Those standards and requirements of the underlying DISTRICT that are not specifically modified by the terms of the OVERLAY DISTRICT remain in full force and effect.
- (7) "SPECIAL CONDITION" is a condition for the establishment of the SPECIAL USE.
- (8) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.

**SUMMARY OF THE PROPOSED AMENDMENT**

- 5. The proposed amendment establishes standards for the establishment of a wind farm development and reformats Section 6 of the *Zoning Ordinance*. See the attachment for the proposed amendment.

**GENERALLY REGARDING RELEVANT LAND USE GOALS AND POLICIES**

- 6. The *Land Use Goals and Policies* (LUGP) were adopted on November 29, 1977, and were the only guidance for amendments to the *Champaign County Zoning Ordinance* until the *Land Use Regulatory Policies- Rural Districts* were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR) and subsequently revised on September 22, 2005. The relationship of the Land Use Goals and Policies to the Land Use Regulatory Policies is as follows:
  - A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
  - B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.

**REGARDING SPECIFICALLY RELEVANT LAND USE POLICIES**

- 7. There are policies for a variety of land uses in the Land Use Goals and Policies, but only some are relevant to the proposed amendment. Specifically relevant policies include two agricultural policies, one residential policy, four industrial policies, one transportation policy, and one utility policy, as follows:

ITEM 7. CONTINUED

- A. Policy 1.2 of the Land Use Goals and Policies relates to agricultural land use and states that the Board of Appeals and the County Board will restrict non-agricultural uses to non-agricultural areas or those areas served by adequate utilities, transportation facilities and commercial services or those areas where non-agricultural uses will not be incompatible with existing agricultural uses.

The proposed amendment **GENERALLY CONFORMS** to Policy 1.2 because of the following:

- (1) Wind farms do not require access to most utilities. The only required utility is access to the power grid at a power line with a minimum 138 kilovolt capacity.
  - (2) Wind turbines are generally compatible with agriculture, as follows:
    - (a) Wind turbines are not compatible with any land use that requires a structure to be located within 1.1 times the height of the turbine tower.
    - (b) Parks and agriculture are two uses that do not require structures. However, a public park is also a place where people would normally congregate in large numbers for some period of time that would place them at risk from a falling wind tower. An agricultural field, however, is unlikely to ever have more than one farmer traversing it at one time and the farmer's presence is more transient than people visiting a park.
    - (c) While agriculture appears to be the most appropriate use in the vicinity of a wind turbine tower, the presence of a wind farm appears to create difficulties in aerial spraying and a wind farm is likely to increase the costs of aerial application on adjacent non-participating fields as well as the participating fields. Ground application or aerial application by helicopter may be alternatives.
    - (d) Shadow flicker caused by the turbine rotors on adjacent farmland may be a nuisance but it is not clear how significant it is. Paragraph 6.1.4.M. requires a shadow flicker analysis and limits the amount of flicker.
  - (3) Regarding adequate transportation facilities, a standard condition is proposed in paragraph 6.1.4.F. that will prevent damage to and possibly improve roads used by a wind farm developer.
- B. Policy 1.3 of the Land Use Goals and Policies relates to agricultural land use and states that the Environment and Land Use Committee and the Board of Appeals will work towards applying the concepts of development rights transfer, planned unit development, cluster development and special use permits to insure, when and where necessary, that development of non-agricultural uses is compatible to adjacent agricultural activities.

The proposed amendment **CONFORMS** to Policy 1.3 because a wind farm is a non-agricultural use that is proposed to be a County Board Special Use Permit with standard conditions to ensure that a proposed wind farm will be compatible with adjacent agricultural activities.

ITEM 7. CONTINUED

- C. Policy 4.3 of the Land Use Goals and Policies relates to industrial land use and states that the County Board and the Environment and Land Use Committee will encourage the development of new industrial sites only in those areas having access to sewer, water, gas and electric utilities, adequate fire protection and to paved roads or major arterials, and rail lines, if necessary. Mass transit facilities will also be considered.

The proposed amendment **CONFORMS** to Policy 4.3 because of the following:

- (1) Wind farms do not require access to most utilities. The only utility required is access to the power grid.
- (2) Regarding adequate fire protection, a standard condition is proposed in Paragraph 6.1.4.G. to ensure that the local fire protection district is notified of the proposed site plan for a proposed wind farm and that the district can request help creating an emergency response plan for the wind farm.
- (3) Regarding adequate transportation facilities, a standard condition is proposed in paragraph 6.1.4.F. that will prevent damage to and possibly improve roads used by a wind farm developer.
- (4) A wind farm does not require access to mass transit facilities.

- D. Policy 4.4 of the Land Use Goals and Policies relates to industrial land use and states that the Environment and Land Use Committee will urge the County Board to discourage new industrial development from intruding into productive agricultural areas

The proposed amendment **GENERALLY CONFORMS** to Policy 4.4 because of the following:

- (1) Although wind farms are an industrial use involving thousands of acres of land, the actual amount of land removed from agricultural production is approximately one acre per turbine.
- (2) Land owners receive an annual payment from the wind farm operator far in excess of the value of a crop from one acre of land. This annual payment lasts for the lifetime of the wind farm.
- (3) A wind farm is generally compatible with agriculture. The presence of a wind farm appears to create difficulties in aerial spraying and a wind farm is likely to increase the costs of aerial application on adjacent non-participating fields as well as the participating fields. Ground application or aerial application by helicopter may be alternatives. Shadow flicker caused by the turbine rotors on adjacent farmland may be a nuisance but it is not clear how significant it is. Paragraph 6.1.4.M. requires a shadow flicker analysis and limits the amount of flicker.

ITEM 7.D. CONTINUED

(4) If the wind farm ever ceases to operate, paragraphs 6.1.4.Q. and 6.1.1.A. of the *Zoning Ordinance* require that the wind turbine be removed and the land restored to a state suitable for agricultural production.

- E. Policy 4.5 of the Land Use Goals and Policies relates to industrial land use and states that the County Board will discourage development of new industrial uses where such development will overburden existing sewer or water facilities.

The proposed amendment appears to **CONFORM** to Policy 4.5 because wind farms require neither sewer nor water facilities.

- F. Policy 4.6 of the Land Use Goals and Policies relates to industrial land use and states that the Environment and Land Use Committee will examine the use of zoning techniques such as special use permits and planned industrial development to permit and regulate new development. The Environment and Land Use Committee will examine existing lands zone for industrial uses to determine the desirability of retaining such industrial zoning.

The proposed amendment appears to **CONFORM** to Policy 4.6 because a wind farm is an industrial use that is proposed to be a County Board Special Use Permit with standard conditions to ensure that a proposed wind farm will be compatible with adjacent land uses.

- G. Policy 5.7 of the Land Use Goals and Policies relates to conservation of natural resources, clean air and water, open space, recreation, and historic preservation and states that the County Board and the Environment and Land Use Committee will encourage the preservation of natural areas and will cooperate with the County Forest Preserve District and other interested groups in a preservation and restoration program.

The proposed amendment appears to **CONFORM** to Policy 5.7 because Subparagraph 6.1.4.A.2.(b) of the proposed amendment requires wind farms to be at least one mile from the CR District and the CR District is where natural areas are found.

- H. None of the Residential, Commercial, Transportation, or Utilities Land Use Policies appear to be relevant to the proposed amendment.

**REGARDING SPECIFICALLY RELEVANT LAND USE GOALS**

8. There are goals for a variety of land uses in the Land Use Goals and Policies, but only some are relevant to the proposed amendment. Specifically relevant goals include one agricultural goal, three industrial goals, one goal for conservation of natural resources, one transportation goal, and one utility goal, as follows:

- A. The first agricultural land use goal is the preservation and maintenance of as much agricultural land in food and fiber production as possible, and protection of these lands from encroachment by non-agricultural uses.

## ITEM 8.A. CONTINUED

The proposed amendment **GENERALLY ACHIEVES** the first agricultural land use goal based on the conformance with Policy 4.4 of the Land Use Goals and Policies (see Item 7.D.).

- B. The first industrial land use goal is the location of industrial development in areas served by utilities and transportation facilities as well as close to a local labor market throughout the County.

The proposed amendment appears to **ACHIEVE** the first industrial land use goal based on the conformance with Policy 4.3 of the Land Use Goals and Policies (see Item 7.C.).

- C. The second industrial land use goal is the location and design of industrial development in a manner compatible with nearby non-industrial uses.

The proposed amendment **GENERALLY ACHIEVES** the second industrial land use goal because of the following:

- (1) Compatibility with adjacent agricultural activities based the proposed amendment **GENERALLY CONFORMS** to Policy 1.2 (see Item 7.A.).
- (2) Standard conditions that require a minimum separation from a wind farm tower and nearby dwellings or principal structures are proposed in Subparagraphs 6.1.4.C.1. & 6.1.4.C.2, as follows:
  - (a) The *Model Ordinance Regulating the Siting of Wind Energy Conversion Systems in Illinois* has a requirement that all wind farm towers be set back at least 1000 feet from any principal structure.
  - (b) The proposed amendment requires a 1,000 feet separation from any wind farm tower to an existing, participating dwelling or principal structure, and a 1,500 feet separation from any wind farm tower to an existing, non-participating dwelling or principal structure.
  - (c) Requiring a 1,000 feet separation to existing, participating dwellings and future dwellings will result in a noise level of approximately 39dB to 43dB which could be perceived as somewhat more than doubling of the existing noise level based on the IPCB assumed Long Term Ambient Background Noise level of 30 dB (see Item 8.C.(4) below). It should be noted that a new resident will not experience the increase.
  - (d) Requiring a 1,500 feet separation to existing, non-participating dwellings will result in a noise level of approximately 36dB to 40dB which could be perceived as approximately doubling the existing noise level based on the IPCB assumed Long Term Ambient Background Noise level of 30 dB (see Item 8.C.(4) below).
- (3) A standard condition is proposed in Paragraph 6.1.4.E. to mitigate damage to farmland, as follows:

ITEM 8.C.(3) CONTINUED

- (a) All underground wiring or cabling is required to be placed at least four feet deep or deeper to maintain a one foot buffer between the wiring and agricultural drainage tile. Wind farm developers are required to identify and mark any agricultural drainage tile within the construction area of a wind farm tower.
  - (b) Any agricultural drainage tile that requires repairs or relocating must be repaired or relocated in compliance with the *Champaign County Stormwater Management Policy*.
  - (c) Wind farm developers are also required to repair compaction of soil, rutting, leveling of disturbed land, and disturbed topsoil.
  - (d) The *Model Ordinance* does not include any requirements for mitigation of damage to farmland.
- (4) A standard condition is proposed in Paragraph 6.1.4.H. to mitigate electromagnetic interference by providing local microwave service providers and local emergency providers with a project summary and site plan, and taking reasonable measures to mitigate any demonstrable, anticipated interference. Wind farm operators are also required to respond to complaints received after the wind farm has been constructed. This requirement is the same as the matching section of the *Model Ordinance*.
- (5) A standard condition is proposed in Paragraph 6.1.4.I. that regulates maximum noise impacts, as follows:
- (a) The proposed amendment and the *Model Ordinance* require all wind farm towers and other uses that are part of a wind farm to comply with the applicable Illinois Pollution Control Board (IPCB) noise regulations in 35 *Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910. Wind farm developers are required to submit documentation that they meet these standards.
  - (b) The maximum allowed noise pressure level a dwelling or principal structure may receive from a wind turbine is 48 decibels (dB).
  - (c) In contrast with the level of sound a dwelling may receive from a wind turbine the IPCC noise regulations also indicate that the Long-Term Ambient Background Noise level in most rural areas is 30 dB. Because an increase of 10 dB is perceived as a doubling of sound levels, 48 dB would be a significant increase to existing residents and could apparently quadruple the existing noise levels.
  - (d) The required minimum separations in Subparagraphs 6.1.4.C. 1 & 2 (see Item 8.C.(1) above) should prevent any participating dwelling from experiencing more than approximately 43 dB at the most and any non-participating dwelling from experiencing more than approximately 40 dB at the most.

## ITEM 8.C. CONTINUED

- (6) A standard condition in Paragraph 6.1.4.M. requires wind farm developers to do the following in regards to shadow flicker:
  - (a) Submit a study on potential shadow flicker for both summer and winter and the expected duration of shadow flicker at every affected location particularly location affected for more than one hour per year.
  - (b) Developers must also ensure that no existing dwelling or public road is subjected to shadow flicker.
  - (c) The *Model Ordinance* has no requirements for shadow flicker.
- (7) A standard condition in Paragraph 6.1.4.N. requires wind farm developers to do the following regarding visual impact:
  - (a) Submit simulated photographic images of the visual impact of any wind turbine within one mile of a non-participating dwelling or principal use or any portion of a wind farm visible from and within five miles of any forest preserve district facility. A written report describing the viewpoints of the simulated photographs and their location on the site plan is also required.
  - (b) The *Model Ordinance* has no requirement regarding visual impact.
- D. The third industrial land use goal is industrial development controls that will maintain the existing environmental quality and be sufficiently flexible to encourage types of industrial uses that will meet the needs of the labor market located in Champaign County.

The proposed amendment appears to **ACHIEVE** the third industrial land use goal because of the following:

- (1) A wind farm is an industrial use that is proposed to be a County Board Special Use Permit with standard conditions to ensure that a proposed wind farm will be compatible with adjacent non-industrial uses.
- (2) A standard condition is proposed in Subparagraph 6.1.4.A.2.(b) that prohibits any wind farm located less than one mile from the CR Conservation Recreation Zoning District. The *Model Ordinance* does not include any requirement for separation from natural areas.
- (3) A standard condition is proposed in Paragraph 6.1.4.I. that regulates maximum noise impacts, as follows:
  - (a) The proposed amendment and the *Model Ordinance* require all wind farm towers and other uses that are part of a wind farm to comply with the applicable Illinois Pollution Control Board (IPCB) noise regulations in 35 *Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910. Wind farm developers are required to submit documentation that they meet these standards.

ITEM 8.D.(3) CONTINUED

- (b) The maximum allowed noise pressure level a dwelling or principal structure may receive from a wind turbine is 48 decibels (dB).
  - (c) In contrast with the level of sound a dwelling may receive from a wind turbine the IPCB noise regulations also indicate that the Long-Term Ambient Background Noise level in most rural areas is 30 dB. Because an increase of 10 dB is perceived as a doubling of sound levels, 48 dB would be a significant increase to existing residents and could apparently quadruple the existing noise levels.
  - (d) The required minimum separations in Subparagraphs 6.1.4.C. 1 & 2 (see Item 8.C.(1) above) should prevent any participating dwelling from experiencing more than approximately 43 dB at the most and any non-participating dwelling from experiencing more than approximately 40 dB at the most.
- (4) A standard condition is proposed in Paragraph 6.1.4.J. that requires wind farm developers to apply for Endangered Species Consultation with the Illinois Department of Natural Resources. The *Model Ordinance* does not include any requirements for endangered species protection.
- (5) A standard condition is proposed in Paragraph 6.1.4.L. that requires wind farm developers to reduce impacts on wildlife, as follows:
- (a) Wind farms must be designed to and operated to avoid impacts to wildlife, including placement in bird migration paths and flight paths between bat colonies and feeding areas.
  - (b) A qualified ornithologist or wildlife biologist is required to conduct a pre-construction study of a proposed wind farm project that should include existing information on the area of the wind farm, as well as year long studies of bird and bat migration. Should the pre-construction study indicate an impact on an endangered species further studies will be required to determine what the impact is on any specific species.
  - (c) A post-construction study, also conducted by a qualified professional, on mortality impacts on birds and bats in the area of the wind farm.
  - (d) The County shall also require that any information provided to the U.S. Fish and Wildlife Service and the Illinois Department of Natural Resources be provided to the County.
  - (e) The *Model Ordinance* only requires an avian habitat study as part of the approval process to determine if the wind farm will have a substantial adverse impact on birds. It does not include any requirements for mitigation of identified impacts or any requirements to minimize harm to bats.

ITEM 8. CONTINUED

- E. The first goal for the conservation of natural resources, clean air and water, open space, recreation, and historic preservation is protection and conservation of publicly designated environmental and natural resources and historical sites through open space reservation, conservation, zoning, easement, development rights, tax exemption policy, public acquisition and performance standards for commercial and industrial development.

The proposed amendment appears to **ACHIEVE** the first goal for the conservation of natural resources because of the following:

- (1) A standard condition is proposed in Subparagraph 6.1.4.A.2.(b) that prohibits any wind farm located less than one mile from the CR Conservation Recreation Zoning District.
- (2) A standard condition is proposed in paragraph 6.1.4.J. that requires a wind farm developer to apply for consultation with the Endangered Species Program of the Illinois Department of Natural Resources (IDNR).
- (3) A standard condition is proposed in paragraph 6.1.4.K. that requires a wind farm developer to apply for consultation with the State Historic Preservation Officer of IDNR.
- (4) A standard condition is proposed in paragraph 6.1.4.L. that requires wind farms to avoid and, if necessary, mitigate any impacts to wildlife as much as possible.

- F. The third transportation facilities goal is the provision and maintenance of adequate street and highway facilities to maintain service to existing land uses and desirable future land uses.

The proposed amendment appears to **ACHIEVE** the third transportation facilities goal because a standard condition is proposed in paragraph 6.1.4.F. that will prevent damage to and possibly improve roads used by a wind farm developer.

- G. The third utilities goal is to encourage non-agricultural development only where it will not have an adverse affect on proper drainage patterns of nearby agricultural lands and drainage systems

The proposed amendment appears to **ACHIEVE** the third utilities goal because a standard condition is proposed in paragraph 6.1.4.E. that requires wind farm developers to protect existing agricultural drainage systems.

- H. None of the Residential Land Use Goals or Commercial Land Use Goals appear to be relevant to the proposed amendment.

**REGARDING THE GENERAL LAND USE GOALS AND POLICIES**

9. Regarding the General Land Use Goals and Policies:

- A. The first, third, fourth, and fifth General Land Use Goals appear to be relevant to the proposed amendment, as follows:

ITEM 9.A. CONTINUED

- (1) The first General Land Use Goal is:

Promotion and protection of the health, safety, economy, convenience, appearance, and general welfare of the County by guiding the overall environmental development of the County through the continuous comprehensive planning process

The proposed amendment **GENERALLY ACHIEVES** the first General Land Use Goal because of the following:

- (a) Based on the review of the preceding Goals and Policies relating to specific types of land uses (see Items 7 & 8).
  - (b) Based on evidence there will be significant positive effects on Equalized Assessed Valuation that will benefit local taxing bodies.
  - (c) Based on evidence there is no apparent detrimental effect on property values.
  - (d) A standard condition is proposed in Paragraph 6.1.4.I. that requires conformance with the Illinois Pollution Control Board noise regulations.
  - (e) The minimum required separation of existing non-participating homes required by Paragraph 6.1.4.C.2. should result in no more than a doubling of existing long-term background ambient noise levels for non-participating rural residents.
  - (f) The minimum required separation in Paragraph 6.1.4.C. will guarantee that new homes can be constructed by non-participating land owners with a minimum 1000 feet separation from a wind turbine.
  - (g) The minimum required separations required in Subparagraphs 6.1.4.C.8. and 9. should ensure safety in regards to pipelines and storage of flammable liquids and gases.
- (2) The third General Land Use Goal is:

Land uses appropriately located in terms of utilities, public facilities, site characteristics, and public services

The proposed amendment **GENERALLY ACHIEVES** the third General Land Use Goal based on achievement of the First Agricultural Land Use Goal (see Item 8.A.) and achievement of the Second Industrial Land Use Goal (see Item 8.C.).

- (3) The fourth General Land Use Goal is:

Arrangement of land use patterns designed to promote mutual compatibility

## ITEM 9.A.(3) CONTINUED

The proposed amendment **GENERALLY ACHIEVES** the fourth General Land Use Goal based on achievement of the First Agricultural Land Use Goal (see Item 8.A.) and achievement of the Second Industrial Land Use Goal (see Item 8.C.).

- (4) The fifth General Land Use Goal is:

Establishment of processes of development to encourage the development of the types and uses of land that are in agreement with the Goals and Policies of this Land Use Plan

The proposed amendment appears to **ACHIEVE** the fifth General Land Use Goal because it creates a process of development for wind farm developments, which are in agreement with the Land Use Goals and Policies as reviewed in this finding of fact.

- B. None of the General Land Use Policies appear to be relevant to the proposed amendment.

**GENERALLY REGARDING COMPLIANCE WITH THE LAND USE REGULATORY POLICIES—RURAL DISTRICTS**

10. The LURP's were originally adopted on November 20, 2001 as part of the Rural Districts Phase of the Comprehensive Zoning Review. The LURP's were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP's adopted on November 20, 2001, remain the relevant LURP's for discretionary approvals (such as map amendments) under the current Zoning Ordinance. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.

11. Regarding compliance with relevant Land Use Regulatory Policies (LURP's):

- A. LURP 1.4.1 states that non-agricultural land uses will not be authorized unless they are of a type not negatively affected by agricultural activities or else are located and designed to minimize exposure to any negative effect caused by agricultural activities.

The proposed amendment **ACHIEVES** this policy because wind farms are not negatively affected by agricultural activities.

- B. LURP 1.4.2 states that non-agricultural land uses will not be authorized if they would interfere with farm operations or would damage or negatively affect the operation of agricultural drainage systems, rural roads or other agriculture-related infrastructure.

The proposed amendment **GENERALLY ACHIEVES** this policy because of the following:

- (1) The presence of a wind farm appears to create difficulties in aerial spraying and a wind farm is likely to increase the costs of aerial application on adjacent non-participating fields as well as the participating fields. Ground application or aerial application by helicopter may be alternatives. Shadow flicker caused by the turbine rotors on adjacent farmland may be a nuisance but it is not clear how significant it is. Paragraph 6.1.4.M. requires a shadow flicker analysis and limits the amount of flicker.

ITEM 11.B. CONTINUED

- (2) A standard condition is proposed in Paragraph 6.1.4.E. to prevent damage to agricultural drainage systems, rural roads and other agriculture-related infrastructure.
- (3) The separation distances proposed in Paragraph 6.1.4.C. should mitigate some impacts on aerial spraying on neighboring non-participating farms.
- (4) A standard condition is proposed in paragraph 6.1.4.F. that will prevent damage to and possibly improve roads used by a wind farm developer.

- C. LURP 1.5.2 states that development that requires discretionary review will not be allowed on best prime farmland unless the site is well suited, overall, for the proposed land use.

The proposed amendment **ACHIEVES** this policy because a County Board Special Use Permit will be required, which will allow for site specific review for a proposed wind farm which will ensure that any site approved for a wind farm would be well suited.

- D. LURP 1.5.3 states that development that requires discretionary review will not be allowed if the existing infrastructure, together with the improvements proposed, is inadequate to support the proposed development effectively and safely without undue public expense.

The proposed amendment **ACHIEVES** this policy because standard conditions are proposed that require improvements to existing infrastructure without undue public expense.

- E. LURP 1.5.4 states that development that requires discretionary review will not be allowed if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.

The proposed amendment **ACHIEVES** this policy because a standard condition is proposed in Paragraph 6.1.4.G. to ensure that the local fire protection district is notified of the proposed site plan for a proposed wind farm and that the district can request help creating an emergency response plan for the wind farm.

- F. LURP's 1.6.1 states that in all rural areas, businesses and other non-residential uses will be allowed if they support agriculture or involve a product or service that is provided better in a rural area than in an urban area.

The proposed amendment **ACHIEVES** this policy because of the following:

- (1) Wind turbines are not compatible with any land use that requires a structure to be located within 1.1 times the height of the turbine tower, which makes them incompatible with urban areas.
- (2) Although wind farms do not support surrounding agricultural uses directly land owners receive an annual payment from the wind farm operator far in excess of the value of a crop from one acre of land.

## ITEM 11. CONTINUED

- G. LURP 1.6.2 states that on the best prime farmland, businesses and other non-residential uses will not be authorized if they take any best prime farmland out of production unless they also serve the surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or the uses are otherwise appropriate in a rural area and the site is very well suited to them.

The proposed amendment **ACHIEVES** this policy because of the following:

- (1) A County Board Special Use Permit will be required, which will allow for site specific review for a proposed wind farm.
  - (2) Wind farms serve an important public need for renewable energy.
  - (3) Although wind farms do not serve surrounding agricultural uses directly land owners receive an annual payment from the wind farm operator far in excess of the value of a crop from one acre of land.
  - (4) Wind turbines are not compatible with any land use that requires a structure to be located within 1.1 times the height of the turbine tower, which makes them incompatible with urban areas.
  - (5) Wind farms must be located where there are adequate wind resources and where there can be a proper connection to the electrical distribution grid (generally a 138 kilovolt powerline).
- H. LURP 1.7.2 states that development in rural areas will be permitted only if there has been reasonable effort to determine if especially sensitive and valuable features are present, and all reasonable effort has been made to prevent harm to those features.

The proposed amendment **ACHIEVES** this policy because of the following:

- (1) A standard condition is proposed in Paragraph 6.1.4.J. that requires wind farm developers to apply for Endangered Species Consultation with the Illinois Department of Natural Resources. The *Model Ordinance* does not include any requirements for endangered species protection.
- (2) Subparagraph 6.1.4.A.2.(b) of the proposed amendment requires wind farms to be at least one mile from the CR District and the CR District is where natural areas are found.
- (3) A standard condition is proposed in paragraph 6.1.4.K. that requires a wind farm developer to apply for consultation with the State Historic Preservation Officer of IDNR.
- (4) A standard condition is proposed in paragraph 6.1.4.L. that requires wind farms to avoid and, if necessary, mitigate any impacts to wildlife as much as possible.

ITEM 11. CONTINUED

- I. LURP 1.1 states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. Other land uses can be accommodated in those areas provided that:
- a. the conversion of prime farmland is minimized;
  - b. the disturbance of natural areas is minimized;
  - c. the sites are suitable for the proposed use;
  - d. infrastructure and public services are adequate for the proposed use; and
  - e. the potential for conflicts with agriculture is minimized.

The proposed amendment **ACHIEVES** this policy because of the following:

- (1) The conversion of prime farmland is minimized because of the following:
  - (a) The proposed amendment waives the minimum lot area requirement for wind farm tower lots and other parts of a wind farm to ensure that only a minimum amount of land is converted.
  - (b) The standard condition in Paragraph 6.1.4.E. contains requirements to mitigate damage to farmland, including: topsoil replacement, mitigation of soil compaction and rutting, and land leveling.
- (2) The disturbance of natural areas is minimized by the following:
  - (a) Achievement of the third industrial land use goal and the first conservation goal (see Items 8.D. and 8.E. respectively).
  - (b) Conformance of Policy 5.7 (see Item 7.G.)
- (3) The sites are suitable for the proposed use because a wind farm is a non-agricultural use that is proposed to be a County Board Special Use Permit with standard conditions to ensure that a proposed wind farm will be compatible with adjacent agricultural activities.
- (4) Infrastructure and public services are adequate for the proposed use because of the following:
  - (a) Conformance with Policy 4.5 (see Item 7.E.).
  - (b) Achievement of the first industrial land use goal (see Item 8.B.) and the third transportation facilities goal (see Item 8.F.).
  - (c) General achievement of the third general land use goal (see Item 9.A.(2)).
- (5) The potential for conflicts with agriculture is minimized by the following:
  - (a) General conformance with Policy 1.2 (see Item 7.A.).
  - (b) Conformance with Policy 1.3 (see Item 7.B.).
  - (c) Achievement of the third utilities goal (see Item 8.G.)

ITEM 11.I.(5) CONTINUED

- (d) General achievement of the first agricultural land use goal (see Item 8.A.), second industrial land use goal (see Item 8.C.), and the fourth general land use goal (see Item 9.A.(3)).

12. Regarding fees proposed to be charged for Wind Farm County Board Special Use Permit applications:

A. Regarding comparison of the proposed fees with other jurisdiction's with wind farm requirements:

- (1) Fees from five other Illinois counties were compared. The range in fees varies widely for both the special use permit approval and the zoning permit approval. Total fees per tower ranged from \$2,183 per tower to \$8,500 per tower. Averages were determined for these five counties by using all the counties and by disregarding the maximum and minimum fees. See Attachment A to the Supplemental Memorandum for Case 634-AT-08 dated March 12, 2009, for specific data.
- (2) The proposed fees compare to the averages as follows:
  - (a) The County Board Special Use Permit is 70% of the overall average and 73% of the middle three.
  - (b) The Zoning Use Permit fee is 100% of the overall average and 108% of the middle three.
  - (c) The total per turbine fee is 97% of the overall average and 104% of the middle three.

B. Regarding the County Board Special Use Permit:

- (1) The proposed County Board Special Use Permit fee has to be adequate to cover the costs of the various consultants that will be necessary to adequately review the application submittals, as follows:
  - (a) A legal consultant to prepare the Roadway Upgrade and Maintenance agreement required by paragraph 6.1.4.F.
  - (b) A noise consultant to evaluate noise impacts and submittals required by paragraph 6.1.4.I.
  - (c) An environmental consultant to evaluate the wildlife impacts and submittals required by paragraph 6.1.4.L.
  - (d) A consulting engineer to review the costs of the reclamation agreement (decommissioning plan) required by paragraph 6.1.4.Q.
- (2) The proposed County Board Special Use Permit fee has to be adequate to cover the staff time required to staff the public hearing and review the application as follows:

AS APPROVED

ITEM 12.B.(2) CONTINUED

- (a) Staff from the Planning and Zoning Department. Note that additional staff may be hired to ensure timely processing of the application and preparation of minutes, depending on the work load in the Department.
- (b) County Engineer staff will be required to comment on the required Roadway Upgrade and Maintenance agreements.
- (c) State's Attorney staff will be required to provide legal support for the public hearing.
- (3) The proposed Zoning Use Permit fee has to be adequate to cover the following costs:
  - (a) A consulting engineer to review any relocated drainage district tile required by subparagraph 6.1.4.E.2.(e).
  - (b) Planning and Zoning staff time to review the Zoning Use Permit Application. Note that additional staff may be hired to ensure timely processing of the application, depending on the work load in the Department.
  - (c) County engineer staff time to review compliance with Roadway Upgrade and Maintenance agreements.
  - (d) State's Attorney staff time to provide legal support during the permitting process.
- (4) The County will also incur long term costs in responding to and investigating complaints about the wind farm, as follows:
  - (a) Purchasing a sound analyzer to evaluate any sound related complaints received. Sound analyzers cost approximately \$4000 to \$5000. Note that staff time will also be required to learn to use the sound monitor and to visit the site of any complaint to use the sound monitor.
  - (b) If a valid sound based complaint is received the County may need to hire a noise consultant to fully evaluate the complaint.
  - (c) Staff time to prepare and present all required annual reports to the Environment and Land Use committee of the County Board.
  - (d) Staff time to coordinate the annual renewal of the irrevocable letter of credit required in paragraph 6.1.4.Q.
- 13. The Wind Farm Overlay Zoning District is unnecessary because of the conditions set forth in the Special Use Permit which will adequately alleviate the impact on adjacent land owners, and the Special Use Permit is required to be approved by the County Board.

**DOCUMENTS OF RECORD**

1. Application for Text Amendment from Zoning Administrator, dated September 11, 2008
2. Preliminary Memorandum for Case 634-AT-08, dated February 6, 2009, with attachments:
  - A Ordinance No. 617 (Case 236-AT-00)
  - B Ordinance No. 647 (Case 273-AT-00 Part B)
  - C 55 ILCS 5/5-12020
  - D ELUC Memorandum of September 4, 2008 (without attachments)
  - E ELUC Memorandum of October 14, 2008 (without attachments)
  - F ELUC Memorandum of November 6, 2008 (with Attachment A)
  - G Legal Advertisement for Case 634-AT-08
  - H Draft Proposed Changes to Section 2
  - I Draft Proposed Changes to Section 3
  - J Draft Proposed Changes to Section 5
  - K Draft Proposed New Section 6.1.4
  - L *Model Ordinance Regulating the Siting of Wind Energy Conversion Systems in Illinois*. Chicago Legal Clinic, Inc. (included separately)
  - M *WIND ENERGY Model Ordinance Options*. New York State Energy Research and Development Authority (included separately)
  - N Excerpts from the Danish Wind Industry Association website (www.windpower.org) Guided Tour on Wind Energy (included separately)
  - O Title 35 Illinois Administrative Code Subtitle H: Noise Parts 900, 901, 910 (included separately)
  - P Chapter 21 Wind Generator and Wind Generating Facility Ordinance for Trempealeau County, Wisconsin (includes letter to Mr. David Vind from George Kamperman and Richard James dated October 24, 2007) (included separately)
  - R Excerpts from the Industrial Wind Action Group website (www.windaction.org) including *The "How to" Guide to Siting Wind Turbines To Prevent Health Risks From Sound* by George Kamperman and Richard James, October 28, 2008. (included separately)
3. Supplemental Memorandum for Case 634-AT-08, dated February 12, 2009, with attachments:
  - A Source or Brief Justification of All Proposed Standard Conditions
  - B Chapter One Executive Summary of *The Effect of Wind Development on Local Property Values*. George Sterzinger, Fredric Beck, Damian Lostiuk. Renewable Energy Policy Project. 2003.
  - C *Impact of Wind Farms on Surrounding Property Values* by Peter Poletti. Presentation at the Illinois Windworking Group Conference. February 4, 2009
  - D Section 7 of the Champaign County Stormwater Management Policy
  - E *Sky High Wind Towers may limit aerial applications*. Agrinews. Vol. 31-No. 33. October 24, 2008
  - F *Non-wind turbine landowners should investigate spraying impact*. Agrinews. Vol. 31-No. 33. October 24, 2008.
  - G Washington Department of Fish and Wildlife Wind Project Guidelines
  - H Pipeline Construction Standards and Policies for Agricultural Impact Mitigation Recommended by the Illinois Department of Agriculture (included separately)

DOCUMENTS OF RECORD, CONTINUED

- I Road Upgrade and Maintenance between McClean County and High Trail Wind Farm and Old Trail Wind Farm (included separately)
  - J Road Upgrade and Maintenance between McClean County townships and High Trail Wind Farm and Old Trail Wind Farm (included separately)
  - K *The Possible Effects of Wind Energy on Illinois Birds and Bats*. Report of the Illinois Department of Natural Resources to Governor Rod Blagojevich and the 95<sup>th</sup> Illinois General Assembly. June 2007. (included separately)
4. Supplemental Memorandum #2 for Case 634-AT-08, dated February 12, 2009, with attachments:
    - A Case 236-AT-00 Finding of Fact with attachments
    - B Excerpt of ELUC minutes of 9/13/00
    - C p. 5-12 from the *Zoning Ordinance*
  5. Champaign County, Ohio, Wind Turbine Study Group Report, dated May 2008
  6. Midwest Wind Energy Comments, submitted at February 12, 2009, public hearing
  7. Written comments from Herb Schildt, Chair of Newcomb Township Plan Commission, on behalf of the Commission, submitted at February 12, 2009, public hearing
  8. Written comments from Herb Schildt as private citizen, submitted at February 12, 2009, public hearing
  9. Written comments from Sherry Schildt, submitted at February 12, 2009, public hearing
  10. Handout from Victor White, Superintendent of Prairieview-Ogden School District #197, submitted at February 12, 2009, public hearing
  11. Supplemental Memorandum for Case 634-AT-08, dated February 20, 2009, with attachments:
    - A Title 14 of the Code of Federal Regulations (CFR) Part 77 Objects Affecting Navigable Airspace, Sections 77.1 through 77.39
    - B Chapter 13 from FAA Advisory Circular AC 70/7460-1K Obstruction Marking and Lighting
    - C Section 5.3 of the Zoning Ordinance
    - D Relevant excerpts of Section 6.1.3 of the Zoning Ordinance
    - E Minutes of February 12, 2009, public hearing (included separately)
  12. Wind Turbine – Tax calculation from Andrew Larsen, Superintendent of Heritage School District, submitted February 26, 2009
  13. Written comments from Herb Schildt as private citizen, submitted at February 26, 2009, public hearing
  14. Supplementary Materials from Herb Schildt, submitted at February 26, 2009, public hearing
  15. Supplemental Memorandum for Case 634-AT-08, dated March 6, 2009, with attachments:
    - A Draft Proposed Change To Section 2 dated February 6, 2009

## DOCUMENTS OF RECORD, CONTINUED

- B Revised Proposed Changes To Section 3
  - C Draft Proposed Changes To Section 4
  - D Draft Proposed Change To Section 5.1 dated February 6, 2009
  - E Draft Proposed Changes To Section 5.2
  - F Draft Proposed Changes To Section 5.3
  - G Draft Proposed Changes To Section 5.4
  - H Revised Draft Proposed New Section 5.5
  - I Draft Proposed Change to Subsections 6.1.1, 6.1.2, and 6.1.3
  - J Revised Proposed New Subsection 6.1.4
  - K Draft Proposed Changes To Section 9.1.11
  - L Draft Proposed Changes To Section 9.3.1 and 9.3.3
  - M Illinois Livestock Management Facilities Act (510 ILCS 77/et seq.) General Requirements Related to Size of Facility
  - N Sections 7 and 12 of the Champaign County Stormwater Management Policy
  - O Existing Section 9.3 Fees
  - P ELUC Memorandum of November 10, 2008
  - Q Excerpts from Danish Wind Industry Association website
  - R Legal advertisement for Case 634-AT-08
  - S County Roads Agreement between Bureau County and Walnut Ridge Wind (included separately)
  - T Minutes of February 26, 2009, public hearing (included separately)
16. Supplemental Memorandum for Case 634-AT-08, dated March 12, 2009, with attachments:
- A Comparison Of Wind Farm Fees For Selected Illinois Counties
  - B State Fire Marshal requirements for Storage, Transportation, Sale, and Use of Gasoline and Volatile Oils (Title 41 Ill ADM Code 180)
  - C-E Results of Online Noise Rating Calculator from The Engineering Toolbox ([www.engineeringtoolbox.com/nr-noise-rating-d\\_518.html](http://www.engineeringtoolbox.com/nr-noise-rating-d_518.html)) for various sound pressure levels
  - F Excerpt from Danish Wind Industry Association website
  - G Legal advertisement for Case 634-AT-08
  - H Illustration of Special Use Permit and Map Amendment Areas (included separately)
17. Written comments from Herb Schildt, Chair of the Newcomb Township Plan Commission, submitted at March 12, 2009, public hearing
18. Written comments from Herb Schildt as private citizen, submitted at March 12, 2009, public hearing
19. Supplemental materials submitted by Herb Schildt at March 12, 2009, public hearing
20. Written comments from Sherry Schildt, submitted at March 12, 2009, public hearing
21. Written comments from Steve Burdin, submitted at March 12, 2009, public hearing, with attachments:
- A 1 of 4 "Firemen climb 213-ft tower in rescue" from Storm Lake Pilot Tribune 2009
  - B 2 of 4 "Wind and Fire" from September-October 2004 Renewable Energy World

DOCUMENTS OF RECORD, CONTINUED

- C 3 of 4 Fire Resistant Hydraulic Oil
  - D 4 of 4 Blade Workshop
22. Letter from Kris Parker, submitted at March 12, 2009, public hearing, with attachment:  
A www.windaction.org "Rene Taylor testimony before Union, WI planning commission"
23. Written comments from Jamie Stevens, submitted at March 12, 2009, public hearing
24. Written comments from Kim Schertz, submitted at March 12, 2009, public hearing, with 54 attachments
25. Materials submitted by Judy Campbell at the March 12, 2009, public hearing:  
A Map of Livingston County  
B Letter from Jesper J. Michaelson dated June 6, 2006
26. Supplemental Memorandum for Case 634-AT-08, dated March 19, 2009, with attachments:  
A Attachments, numbered 2-55, to Kim Schertz written comments, submitted on March 12, 2009, (included separately)  
B Attachments to Steve Burdin's written comments, submitted on March 12, 2009, (included separately)  
C Letter from Kris Parker, with attachment, submitted on March 12, 2009, (included separately)
27. Supplemental Memorandum for Case 634-AT-08, dated March 20, 2009, with attachments:  
A Memorandum from ZBA member Paul Palmgren received March 17, 2009  
B Mitigation Of Wind Farm Impacts On Adjacent Non-Participating Agriculture  
C Mitigation Of Wind Farm Impacts On Existing Non-Participating Dwellings  
D Considerations Related To The Need For A Map Amendment  
E Annotated Revised Draft Ordinance  
F Legal advertisement for Case 634-AT-08  
G Minutes of February 26, 2009, public hearing (included separately)  
H Revised Draft Ordinance (included separately)  
I Alternative Draft Ordinance Without Map Amendment (included separately)  
J Draft Finding of Fact (included separately)
28. Supplemental Memorandum for Case 634-AT-08, dated March 26, 2009, with attachments:  
A Revised Draft Proposed Changes To Section 3  
B Revised Draft Proposed Changes To Subparagraph 4.3.1 E  
C Revised Draft Proposed Changes To Subsection 5.5.2  
D Revised Draft Proposed Changes To Subparagraph 6.1.4 A. 1  
E Proposed New Subparagraph 6.1.4 I. 6.  
F Proposed New Finding of Fact Item 12  
G Extech Octave Band Sound Analyzer  
H Revised Draft Of Paragraph 6.1.4 L.
29. Example of Wind Farm Area Plans, dated March 26, 2009

DOCUMENTS OF RECORD, CONTINUED

30. Letter from the Champaign County Farm Bureau, received on March 26, 2009
31. Red Flag Checklist and Gardener Appraisal Group handout submitted by Russ Taylor on March 26, 2009
32. Wind Power Myths & Facts submitted by Roger Miller on March 26, 2009
33. Photographs of Twin Groves Wind Farm submitted by Steve Burdin on March 26, 2009
34. Written statement from Sherry Schildt submitted on March 26, 2009
35. DeKalb County Finding of Fact submitted by Rich Porter on March 26, 2009
36. Noble Environmental information submitted by Rich Porter on March 26, 2009
37. Photograph of damaged wind turbine submitted by Rich Porter on March 26, 2009
38. Packet of information submitted by Kim Schertz on March 26, 2009
39. Packet of information submitted by Rene Taylor on March 26, 2009

**FINAL DETERMINATION**

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in Case 634-AT-08 Part A should **BE ENACTED** by the County Board in the form attached hereto.

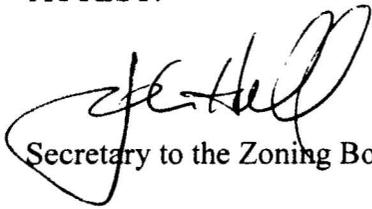
The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:



Eric Thorsland, Acting Chair  
Champaign County Zoning Board of Appeals

ATTEST:



Secretary to the Zoning Board of Appeals

Date  
4/7/09

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**1. Add new purpose 2.(r) as follows:**

- (r) provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

**2. Add the following to Section 3.0 Definitions:**

DWELLING OR PRINCIPAL BUILDING, PARTICIPATING: A DWELLING on land that is leased to a WIND FARM.

DWELLING OR PRINCIPAL BUILDING, NON- PARTICIPATING: A DWELLING on land that is not leased to a WIND FARM.

PRIVATE WAIVER: A written statement asserting that a landowner has agreed to waive a specific WIND FARM standard condition and has knowingly agreed to accept the consequences of the waiver. A PRIVATE WAIVER must be signed by the landowner.

WIND FARM: A unified development of WIND FARM TOWERS and all other necessary components including cabling, transformers, a common switching station, and maintenance and management facilities which are intended to produce electricity by conversion of wind energy and to deliver the electricity to the power grid and having a name plate capacity of more than 10 megawatts (MW). A WIND FARM is under a common ownership and operating control even though the individual WIND FARM TOWERS may be located on land that is leased from many different landowners.

WIND FARM TOWER: A wind turbine nacelle and rotor and the supporting tower structure that are part of a WIND FARM development and intended to produce electricity for the power grid.

WIND TOWER, TEST: A tower that is installed on a temporary basis not to exceed three years and that is intended for the sole purpose of collecting meteorological data regarding the wind.

**2. Add new subparagraph 4.2.1 C.2. as follows:**

- 2. A WIND FARM may be authorized as a County Board SPECIAL USE permit in the AG-1, Agriculture Zoning District as a second PRINCIPAL USE on a LOT with another PRINCIPAL USE. WIND FARM TOWERS may be authorized by County Board SPECIAL USE permit as multiple PRINCIPAL STRUCTURES on a single LOT in the AG-1, Agriculture Zoning District.

**3. Revise subparagraph 4.3.1 E.**

- E. Any tower (including antenna) over 100 feet in HEIGHT shall be subject to the SPECIAL USE requirements in the DISTRICT in which it is located except for the following:
  - (1) any tower that meets the requirements of Section 4.3.1 C.; or
  - (2) any TEST WIND TOWER that does not exceed 200 feet in HEIGHT; or

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- (3) any WIND FARM TOWER except as HEIGHT regulations are required as a standard condition in Section 6.1.4.

**4. Add new subparagraph 4.3.4 H. 4. h. as follows:**

- h. WIND FARMS and WIND FARM TOWERS except as PIPELINE IMPACT RADIUS regulations are required in Subsection 6.1.4.

**5. Amend Section 5.2 as follows:**

Add "WIND FARM" as a COUNTY BOARD Special Use Permit in the AG-1 District by a "B".

**6. Add the following as footnote 14 under the Special Provisions for the AG-1 District in Section 5.3:**

14. LOTS in a WIND FARM County Board SPECIAL USE Permit and intended for WIND FARM TOWERS, substations, and WIND FARM maintenance and management facilities are exempt from the requirements of Section 5.3 except as such regulations are required by Subsection 6.1.4.

**7. Add new paragraph 5.4.3 E. as follows:**

- E. The Rural Residential Overlay Zoning District is prohibited from being established within a WIND FARM County Board SPECIAL USE Permit.

**8. Renumber existing paragraph 6.1.2 to be subsection 6.1 Standards for Special Uses**

**8. Rename existing subsection 6.1.1 to Standard Conditions that May Apply to Specific SPECIAL USES**

**9. Move existing paragraphs 6.1.1 A. and B. to become new subparagraphs 9.1.11 7. and 8.**

**10. Renumber existing paragraph 6.1.1 C. to become new paragraph 6.1.1 A.**

**11. Revise existing subparagraph 6.1.1 C. 5. to read as follows:**

5. No Zoning Use Permit for such SPECIAL USE will be issued until the developer provides the COUNTY with an irrevocable letter of credit to be drawn upon a federally insured financial institution within 200 miles of Urbana or reasonable and anticipated travel costs shall be added to the amount of the letter of credit. The irrevocable letter of credit shall be in the amount of one hundred fifty percent (150%) of an independent engineer's cost estimate to complete the work described in Section 6.1.1C4a. This letter of credit, or a successor letter of credit pursuant to Section 6.1.1C6 or 6.1.1C12 shall remain in effect and shall be made available to the COUNTY for an indefinite term.

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**12. Rename subsection 6.1.2 to be Standard Conditions for All SPECIAL USES**

**13. Renumber existing paragraph 6.1.1 D. to become new paragraph 6.1.2 A.**

**14. Rename subsection 6.1.3 to Schedule of Standard Conditions for Specific Types of Special Uses**

**15. Add new subsection 6.1.4 as follows:**

6.1.4 WIND FARM County Board SPECIAL USE Permit

A WIND FARM County Board SPECIAL USE Permit may only be authorized in the AG-1 Zoning District subject to the following standard conditions.

A. General Standard Conditions

1. The area of the WIND FARM County Board SPECIAL USE Permit must include the following minimum areas:
  - (a) All land that is a distance equal to 1.10 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the base of that WIND FARM TOWER.
  - (b) All land that will be exposed to a noise level greater than that authorized to Class A land under paragraph 6.1.4 I.
  - (c) All land that will be exposed to shadow flicker in excess of that authorized under paragraph 6.1.4M. and for which other mitigation is not proposed.
  - (d) All necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS. For purposes of determining the minimum area of the special use permit, access lanes or driveways shall be provided a minimum 40 feet wide area.
  - (e) All necessary WIND FARM ACCESSORY STRUCTURES including electrical distribution lines, transformers, common switching stations, and substations not under the ownership of a PUBLICLY REGULATED UTILITY. For purposes of determining the minimum area of the special use permit, underground cable installations shall be provided a minimum 40 feet wide area.
  - (f) All land that is within 1.50 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the base of each WIND FARM TOWER except any such land that is more than 1,320 feet from any existing public STREET right of way.
  - (g) All land area within 1,320 feet of a public STREET right of way that is also within 1,000 feet from the base of each WIND FARM TOWER except that in the case of WIND FARM TOWERS in compliance with the minimum STREET separation required by paragraph 6.1.4 C. 5. in which case land on

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the other side of the public STREET right of way does not have to be included in the SPECIAL USE Permit.

2. The WIND FARM County Board SPECIAL USE Permit shall not be located in the following areas:
  - (a) Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance.
  - (b) Less than one mile from the CR Conservation Recreation Zoning District.
  - (c) In any area leased for underground gas storage or under easement for same, unless the lease or easement requires that gas injection wells and other above-ground appurtenances be located in conformance with paragraph 6.1.4 C.8.

**B. Minimum Lot Standard Conditions**

1. There are no minimum LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, or maximum LOT COVERAGE requirements for a WIND FARM or for LOTS for WIND FARM TOWERS, substations, and WIND FARM maintenance and management facilities.

**C. Minimum Standard Conditions for Separations for WIND FARM TOWERS from adjacent USES and STRUCTURES**

The location of each WIND FARM TOWER shall provide the following required separations as measured from the exterior of the above ground portion of the WIND FARM TOWER:

1. At least 1,000 feet separation from the exterior above-ground base of a WIND FARM TOWER to any PARTICIPATING DWELLING OR PRINCIPAL BUILDING provided that the noise level caused by the WIND FARM at the particular building complies with the applicable Illinois Pollution Control Board regulations.
2. At least 1,500 feet separation from the exterior above-ground base of a WIND FARM TOWER to any existing NON-PARTICIPATING DWELLING OR PRINCIPAL BUILDING provided that the noise level caused by the WIND FARM at the particular building complies with the applicable Illinois Pollution Control Board regulations and provided that the separation distance meets or exceeds any separation recommendations of the manufacturer of the wind turbine used on the WIND FARM TOWER.
3. The above separations may be reduced to a distance no less than 1.10 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) upon submission of a PRIVATE WAIVER signed by the owner of said dwelling or

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building or adjacent property. The PRIVATE WAIVER must specify the agreed minimum separation and specifically acknowledge that the grantor accepts the resulting noise level caused by the WIND FARM.

4. A separation distance equal to 1.10 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the exterior above-ground base of a WIND FARM TOWER to the nearest adjacent property line for property that is also part of the WIND FARM County Board SPECIAL USE Permit. This separation may be reduced upon submission of a PRIVATE WAIVER signed by the owner of the adjacent property. The PRIVATE WAIVER must specify the agreed minimum separation.
5. A separation distance equal to 1.50 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the exterior above-ground base of a WIND FARM TOWER to the nearest public STREET RIGHT OF WAY unless the WIND FARM is located on both sides of the STREET in which case the minimum separation distance between a WIND FARM TOWER and the public STREET RIGHT OF WAY is equal to 1.10 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade).
6. A separation distance equal to 1.50 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the exterior above-ground base of a WIND FARM TOWER to the nearest non-participating property. This separation may be reduced upon submission of a PRIVATE WAIVER signed by the owner of said non-participating property. The PRIVATE WAIVER must specify the agreed minimum separation.
7. A separation distance equal to 1.10 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the exterior above-ground base of a WIND FARM TOWER to the nearest third party electrical transmission lines, communication towers, or railroad right of way. This separation may be reduced upon submission of a PRIVATE WAIVER signed by the owner of said electrical transmission line or communication tower or the relevant public street maintenance jurisdiction. The PRIVATE WAIVER must specify the agreed minimum separation.
8. Any PRIVATE WAIVER establishing an agreement for a lesser minimum separation as authorized above shall be submitted prior to the final determination by the BOARD and must be recorded as part of the chain of title in the deed to any relevant tract of land prior to authorization of any relevant ZONING USE PERMIT. No waiver of a standard condition shall be required in the event of a duly agreed and signed PRIVATE WAIVER.
9. At least 1,200 feet separation from the exterior above-ground base of a WIND FARM TOWER to any of the following:

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- (a) any easement for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE;  
or
  - (b) any wellhead or other above ground fixture that is accessory to a GAS PIPELINE or to any valve or other above ground fixture for any HAZARDOUS LIQUID PIPELINE;
  - (c) provided however that if the relevant PIPELINE IMPACT RADIUS required by paragraph 4.3.4 H. is greater than 1,200 feet then that PIPELINE IMPACT RADIUS shall be the minimum separation of any of the above; or
  - (d) any easement for an underground water main or to the actual water main if there is no easement.
10. At least 1,600 feet separation from the exterior above-ground base of a WIND FARM TOWER to any Liquefied Natural Gas Storage; or Liquefied Petroleum Gas Storage; or Gasoline and Volatile Oils Storage exceeding 10,000 gallons capacity in the aggregate.
11. At least 3,500 feet separation from the exterior above-ground base of a WIND FARM TOWER to any RESTRICTED LANDING AREA or RESIDENTIAL AIRPORT.
- D. Standard Conditions for Design and Installation of WIND FARM TOWERS
- 1. Design Safety Certification
    - (a) WIND FARM TOWERS, turbines, and all related construction shall conform to applicable industry standards, including those of the American National Standards Institute (“ANSI”). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (“UL”), Det Norske Veritas (“DNV”), Germanischer Lloyd Wind Energy (“GL”), or equivalent third party.
    - (b) Each Zoning Use Permit Application for a WIND FARM TOWER shall include a certification by an Illinois Professional Engineer or Illinois Licensed Structural Engineer that the foundation and tower design of the WIND FARM TOWER is within accepted professional standards, given local soil and climate conditions.
  - 2. Controls and Brakes
    - (a) All WIND FARM TOWER turbines shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes.

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- (b) Mechanical brakes shall be operated in fail-safe mode.
    - (c) Stall regulation shall not be considered a sufficient braking system for over speed protection.
  - 3. Electrical Components. All electrical components of the WIND FARM shall conform to applicable state and national codes including, and relevant national and international standards (e.g. ANSI and International Electrical Commission).
  - 4. The WIND FARM TOWER must be a monopole construction.
  - 5. The total WIND FARM TOWER height (measured to the tip of the highest rotor blade) must be less than 500 feet.
  - 6. WIND FARM TOWERS, turbine nacelles, and blades shall be painted white or gray or another non-reflective, unobtrusive color as specified in the application and authorized by the BOARD.
  - 7. The WIND FARM shall comply with all applicable Federal Aviation Administration (FAA) requirements which shall be explained in the application. The minimum lighting requirements of the FAA shall not be exceeded except that all WIND FARM TOWERS shall be lighted and unless otherwise required by the FAA only red flashing lights shall be used at night and only the minimum number of such lights with the minimum intensity and the minimum number of flashes per minute (longest duration between flashes) allowed by FAA.
  - 8. Warnings
    - (a) A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
    - (b) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.
  - 9. All WIND FARM TOWERS must be protected from unauthorized climbing by devices such as fences at least six feet high with locking portals or anti-climbing devices 12 feet vertically from the base of the WIND FARM TOWER.
- E. Standard Conditions to Mitigate Damage to Farmland
- 1. All underground wiring or cabling for the WIND FARM shall be at a minimum depth of 4 feet below grade or deeper if required to maintain a minimum one foot of clearance between the wire or cable and any agricultural drainage tile.
  - 2. Protection of agricultural drainage tile

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- (a) The applicant shall endeavor to locate all existing agricultural drainage tile prior to establishing any construction staging areas, construction of any necessary WIND FARM TOWER access lanes or driveways, construction of any WIND FARM TOWERS, any common switching stations, substations, and installation of underground wiring or cabling. The applicant shall contact affected landowners and tenants for their knowledge of tile line locations prior to the proposed construction. Drainage districts shall be notified at least two weeks prior to disruption of tile.
- (b) All identified drainage district tile lines shall be staked or flagged prior to construction to alert construction crews of the possible need for tile line repairs unless this requirement is waived in writing by the drainage district.
- (c) Any agricultural drainage tile located underneath construction staging areas, access lanes, driveways, any common switching stations, and substations shall be replaced as required in paragraph 7.2 of the Champaign County Stormwater Management Policy.
- (d) Any agricultural drainage tile that must be relocated shall be relocated as required in the Champaign County Stormwater Management Policy.
- (e) Conformance of any relocation of drainage district tile with the Stormwater Management Policy shall be certified by an Illinois Professional Engineer. Written approval by the drainage district shall be received prior to any backfilling of the relocated drain tile and a copy of the approval shall be submitted to the Zoning Administrator. As-built drawings shall be provided to both the relevant drainage district and the Zoning Administrator of any relocated drainage district tile.
- (f) All tile lines that are damaged, cut, or removed shall be staked or flagged in such manner that they will remain visible until the permanent repairs are completed.
- (g) All exposed tile lines shall be screened or otherwise protected to prevent the entry into the tile of foreign materials, loose soil, small mammals, etc.
- (h) Permanent repairs shall be made within 14 days of the tile damage provided that weather and soil conditions are suitable or a temporary tile repair shall be made. Immediate temporary repair shall also be required if water is flowing through any damaged tile line. Temporary repairs are not needed if the tile lines are dry and water is not flowing in the tile provided the permanent repairs can be made within 14 days of the damage.
- (i) All damaged tile shall be repaired so as to operate as well after construction as before the construction began.

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- (j) Following completion of the WIND FARM construction the applicant shall be responsible for correcting all tile line repairs that fail, provided that the failed repair was made by the Applicant.
- 3. All soil conservation practices (such as terraces, grassed waterways, etc.) that are damaged by WIND FARM construction shall be restored by the applicant to the pre-WIND FARM construction condition.
- 4. Topsoil replacement

For any open trenching required pursuant to WIND FARM construction, the topsoil shall be stripped and replaced as follows:

- (a) The top 12 inches of topsoil shall first be stripped from the area to be trenched and from an adjacent area to be used for subsoil storage. The topsoil shall be stored in a windrow parallel to the trench in such a manner that it will not become intermixed with subsoil materials.
  - (c) All subsoil material that is removed from the trench shall be placed in the second adjacent stripped windrow parallel to the trench but separate from the topsoil windrow.
  - (d) In backfilling the trench, the stockpiled subsoil material shall be placed back into the trench before replacing the topsoil.
  - (e) The topsoil must be replaced such that after settling occurs, the topsoil's original depth and contour (with an allowance for settling) will be restored.
5. Mitigation of soil compaction and rutting
- (a) The Applicant shall not be responsible for mitigation of soil compaction and rutting if exempted by the WIND FARM lease.
  - (b) Unless specifically provided for otherwise in the WIND FARM lease, the Applicant shall mitigate soil compaction and rutting for all areas of farmland that were traversed with vehicles and construction equipment or where topsoil is replaced in open trenches as follows:
    - (1) After WIND FARM construction is complete the soil shall be ripped at least 18 inches deep (or more shallow if required to miss tile lines) and then disked by the applicant. Three passes shall be made across any agricultural land that is ripped.
    - (2) All ripping and disking shall be done at a time when the soil is dry enough for normal tillage operations to occur on undisturbed farmland adjacent to the areas to be ripped.

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(3) The Applicant shall restore all rutted land to the original condition.

6. Land leveling

- (a) The Applicant shall not be responsible for leveling of disturbed land if exempted by the WIND FARM lease.
- (b) Unless specifically provided for otherwise in the WIND FARM lease, the Applicant shall level all disturbed land as follows:
  - (1) Following the completion of any open trenching, the applicant shall restore all land to its original pre-construction elevation and contour.
  - (2) Should uneven settling occur or surface drainage problems develop as a result of the trenching within the first year after completion, the applicant shall again restore the land to its original pre-construction elevation and contour.

F. Standard Conditions for Use of Public Streets

Any WIND FARM Applicant proposing to use any County Highway or a township or municipal STREET for the purpose of transporting WIND FARM TOWERS or Substation parts and/or equipment for construction, operation, or maintenance of the WIND FARM TOWERS or Substations(s), shall identify all such public STREETS and pay the costs of any necessary permits and the costs to repair any damage to the STREETS caused by the WIND FARM construction, as follows:

- 1. Prior to the close of the public hearing before the BOARD, the Applicant shall enter into a Roadway Upgrade and Maintenance agreement approved by the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, and the signed and executed Roadway Upgrade and Maintenance agreements must provide for the following minimum conditions:
  - a. The applicant shall agree to conduct a pre-WIND FARM construction baseline survey to determine existing STREET conditions for assessing potential future damage including the following:
    - (1) A videotape of the affected length of each subject STREET supplemented by photographs if necessary.
    - (2) Pay for costs of the County to hire a consultant to make a study of any structure on the proposed route that the County Engineer feels may not carry the loads likely during the WIND FARM construction.

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- (3) Pay for any strengthening of STREET structures that may be necessary to accommodate the proposed traffic loads caused by the WIND FARM construction.
- b. The Applicant shall agree to pay for costs of the County Engineer to hire a consultant to make a study of any structure on the proposed route that the County Engineer feels may not carry the loads likely during the WIND FARM construction and pay for any strengthening of structures that may be necessary to accommodate the proposed traffic loads caused by the WIND FARM construction.
- c. The Applicant shall agree upon an estimate of costs for any other necessary roadway improvements prior to construction.
- d. The Applicant shall obtain any necessary approvals for the STREET improvements from the relevant STREET maintenance authority.
- e. The Applicant shall obtain any necessary Access Permits including any required plans.
- f. The Applicant shall erect permanent markers indicating the presence of underground cables.
- g. The Applicant shall install marker tape in any cable trench.
- h. The Applicant shall become a member of the Illinois state wide One-Call Notice System (otherwise known as the Joint Utility Locating Information for Excavators or "JULIE") and provide JULIE with all of the information necessary to update its record with respect to the WIND FARM.
- i. The Applicant shall use directional boring equipment to make all crossings of County Highways for the cable collection system.
- j. The Applicant shall provide plans for the widening of any corner radius that is necessary to facilitate the turning movements of the transport trucks used by the Applicant.
- k. The Applicant shall pay for the necessary temporary STREET improvements for the widened corner radii and pay for the cost to return the widened radii to their original lines and grades when no longer needed for the WIND FARM construction unless the STREET maintenance authority requests that the widened radii remain as improved.
- l. The Applicant shall notify the STREET maintenance authority in advance of all oversize moves and crane crossings.

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- m. The Applicant shall provide the County Engineer with a copy of each overweight and oversize permit issued by the Illinois Department of Transportation for WIND FARM construction.
- n. The Applicant shall transport the WIND FARM TOWER segments and other oversize loads so as to minimize adverse impact on the local traffic including farm traffic.
- o. The Applicant shall schedule WIND FARM construction traffic in a way to minimize adverse impacts on emergency response vehicles, rural mail delivery, school bus traffic, and local agricultural traffic.
- p. The Applicant shall provide as much advance notice as is commercially reasonable to obtain approval of the STREET maintenance authority when it is necessary for a STREET to be closed due to a crane crossing or for any other reason. Notwithstanding the generality of the aforementioned, the Applicant will provide 48 hours notice to the extent reasonably practicable.
- q. The Applicant shall provide signs indicating all highway and STREET closures and work zones in accordance with the Illinois Department of Transportation Manual on Uniform Traffic Control Devices.
- r. The Applicant shall establish a single escrow account and a single Irrevocable Letter of Credit for the cost of all STREET upgrades and repairs pursuant to the WIND FARM construction.
- s. The Applicant shall notify all relevant parties of any temporary STREET closures
- t. The Applicant shall obtain easements and other land rights needed to fulfill the Applicant's obligations under this Agreement.
- u. The Applicant shall agree that the County shall design all STREET upgrades in accordance with the IDOT Bureau of Local Roads and Streets Manual, 2005 edition.
- v. The Applicant shall provide written Notice to Proceed to the relevant STREET maintenance authority by December 31 of each year that identifies the STREETS to be upgraded during the following year.

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- w. The Applicant shall provide dust control and grading work to the reasonable satisfaction of the County Engineer on STREETS that become aggregate surface STREETS.
  - x. The Applicant shall conduct a post-WIND FARM construction baseline survey similar to the pre- WIND FARM construction baseline survey to identify the extent of repairs necessary to return the STREET to the pre- WIND FARM construction condition.
  - y. The Applicant shall pay for the cost of all repairs to all STREETS that are damaged by the Applicant during the construction of the WIND FARM and restore such STREETS to the condition they were in at the time of the pre-WIND FARM construction inventory.
  - z. All WIND FARM construction traffic shall exclusively use routes designated in the approved Transportation Impact Analysis.
  - aa. The Applicant shall provide liability insurance in an acceptable amount to cover the required STREET construction activities.
  - bb. The Applicant shall pay for the present worth costs of life consumed by the construction traffic as determined by the pavement management surveys and reports on the roads which do not show significant enough deterioration to warrant immediate restoration.
  - cc. Provisions for expiration date on the agreement.
  - dd. Other conditions that may be required.
2. A condition of the County Board Special Use Permit approval shall be that the Zoning Administrator shall not authorize a Zoning Use Permit for the WIND FARM until the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, has approved a Transportation Impact Analysis provided by the Applicant and prepared by an independent engineer that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, that includes the following:
- (a) Identify all such public STREETS or portions thereof that are intended to be used by the Applicant during construction of the WIND FARM as well as the number of loads, per axle weight of each load; and type of equipment that will be used to transport each load.

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- (b) A schedule of the across road culverts and bridges affected by the project and the recommendations as to actions, if any, required with respect to such culverts and bridges and estimated of the cost to replace such culverts and bridges;
- (c) A schedule of the anticipated STREET repair costs to be made in advance of the WIND FARM construction and following construction of the WIND FARM.
- (d) The Applicant shall reimburse the County Engineer; or Township Highway Commissioner; or municipality where relevant, for all reasonable engineering fees including the costs of a third party consultant, incurred in connection with the review and approval of the Transportation Impact Analysis.

**G. Standard Conditions for Coordination with Local Fire Protection District**

- 1. The Applicant shall submit to the local fire protection district a copy of the site plan.
- 2. Upon request by the local fire protection district, the Owner or Operator shall cooperate with the local fire protection district to develop the fire protection district's emergency response plan.
- 3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

**H. Standard Conditions to Mitigate Electromagnetic Interference**

- 1. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan.
- 2. To the extent that any relevant microwave transmission provider and local emergency service provider demonstrates a likelihood of interference with its communications resulting from the WIND FARM, the Applicant shall take reasonable measures to mitigate such anticipated interference.
- 3. If, after construction of the WIND FARM, the Owner or Operator receives a written complaint related to the above-mentioned interference, the Owner or Operator shall take reasonable steps to respond to the complaint.
- 4. If, after construction of the WIND FARM, the Owner or Operator receives a written complaint related to interference with local broadcast residential television, the Owner or Operator shall take reasonable steps to respond to the complaint.

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- I. Standard Conditions for Allowable Noise Level
1. Noise levels from each WIND FARM TOWER or WIND FARM shall be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 *Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910).
  2. The Applicant shall submit manufacturer's wind turbine sound power level characteristics and other relevant data regarding wind turbine noise characteristics necessary for a competent noise analysis.
  3. The Applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements.
  4. The Applicant shall submit a map of the relevant noise contours for the proposed WIND FARM and indicate the proposed WIND FARM TOWERS and all existing PRINCIPAL BUILDINGS within at least ~~1,200~~ 1,500 feet of any WIND FARM TOWER or within the coverage of the relevant noise contours.
  5. If a computer model is used to generate the required noise contours the Applicant shall clearly state the assumptions of the model's construction and algorithms so that a competent and objective third party can as simply as possible verify the noise contours and noise data.
  6. After construction of the WIND FARM the Zoning Administrator shall take appropriate enforcement action as necessary to investigate noise complaints in order to determine the validity of the complaints and take any additional enforcement action as proves warranted to stop any violation that is occurring, including but not limited to the following:
    - (a) The Zoning Administrator may seek authorization from the County Board to hire a noise consultant to determine the noise produced by the WIND FARM in a manner consistent with the Illinois Pollution Control Board (I.P.C.B.) regulations (35 *Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910).
    - (b) The Zoning Administrator may require the WIND FARM owner to cooperate fully with the noise consultant in the enforcement action including shutting down all wind turbines to allow documentation of ambient noise levels.
    - (c) In the event that a violation of the I.P.C.B. noise regulations is identified the Zoning Administrator may require the WIND FARM owner to take whatever actions are necessary to stop the violation and comply with the noise regulations. The Zoning Administrator may seek direction from the

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Environment and Land Use Committee regarding the actions necessary to stop the violation.

- (d) Further, in the event that a violation of the I.P.C.B. noise regulations is identified the WIND FARM owner shall reimburse to the County the cost of the noise consultant.
- J. **Standard Conditions for Endangered Species Consultation**  
The Applicant shall apply for consultation with the Endangered Species Program of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report from the Endangered Species Program of the Illinois Department of Natural Resources.
- K. **Standard Conditions for Historic and Archaeological Resources Review**  
The Applicant shall apply for consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report from the State Historic Preservation Officer of the Illinois Department of Natural Resources.
- L. **Standard Conditions for Acceptable Wildlife Impacts**
- 1. The WIND FARM shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality including the following:
    - (a) Avoid locating WIND FARM TOWERS in known bird and bat migration pathways and daily movement flyways and known hibernacula and flight paths between bat colonies and bat feeding areas.
    - (b) Site WIND FARM TOWERS and design mitigation measures in a manner that will achieve a level of mortality to birds and bats that will protect sustainability of populations.
  - 2. A qualified professional, such as an ornithologist or wildlife biologist, shall conduct a pre-construction site risk assessment study to estimate the impacts of the construction and operation of the proposed WIND FARM on birds and bats. The pre-construction site risk assessment shall be submitted with the application and shall include the following minimum information:
    - (a) A literature review of existing information on species and potential habitats and results of agency database queries for records of rare, threatened, and endangered species and important habitats in the vicinity of the proposed WIND FARM area.

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- (b) A mapping of the general vegetation and land cover types, wildlife habitat and quality, and physical characteristics of the proposed WIND FARM area.
  - (c) A field examination that verifies results of the literature review and agency queries and documents general site habitat conditions.
  - (d) A review of existing literature of avian and bat mortality field results within the North America and in similar physiographic settings as the proposed WIND FARM.
  - (e) If the risk assessment indicates risk may be low, no further surveys are required.
  - (f) If the risk assessment indicates risk may be high enough to potentially adversely effect the sustainability of bird or bat populations a full year of site specific, bird and bat use surveys may be required to address those species and conditions representing high risk from the beginning of the spring migration for birds or bats, and extending through the end of the fall migration for birds or bats and include both the spring and fall migration for both birds and bats in the proposed WIND FARM area.
  - (g) The site specific bird and bat use surveys may include survey focused upon state or federal threatened or endangered or sensitive-status species in the proposed WIND FARM area during the appropriate seasons to determine the potential adverse impact.
  - (h) The results of the surveys shall be used to design siting and mitigation measures to lower risk to a sustainable level of mortality.
3. A qualified professional, such as an ornithologist or wildlife biologist, shall also conduct a post-construction mortality monitoring study to quantify the mortality impacts of the WIND FARM on birds and bats. The post-construction mortality monitoring study shall consist of the following information at a minimum:
- (a) At least two full years of site specific mortality monitoring from the beginning of the spring migration for birds or bats, and extend through the end of the fall migration for birds or bats and include both the spring and fall migration for both birds and bats in the immediate vicinity of some or all of the WIND FARM TOWERS.
  - (b) The application shall include a specific proposal for the degree of precision of the mortality monitoring study including how many days the monitoring is done, at how many towers, for how long each day, and at what radius around the tower, and the extent of monitoring outside of the spring and fall migrations.

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- (c) A written report on avian and bat mortality shall be submitted to the Environment and Land Use Committee at the end of first two full years of WIND FARM operation. The mortality rate estimates should reflect consideration of carcass removal by scavengers and predators.
- (d) If the Environment and Land Use Committee determines the mortality level does not threaten the population of protected species, no further post-construction mortality monitoring will be required.
- (e) If the Environment and Land Use Committee determines there are legitimate mortality to bird or bat species indicated by the monitoring the post-construction mortality monitoring study shall continue in full year increments until the monitoring indicates that the mortality concerns are resolved. When mortality concerns cannot be resolved in any other way, the Environment and Land Use Committee may require particular WIND FARM TOWERS to be shut down to lower mortality of birds or bats to an acceptable level.

**M. Standard Conditions for Shadow flicker**

- 1. The Applicant shall submit the results of a study on potential shadow flicker. The shadow flicker study shall identify the locations of both summer and winter shadow flicker that may be caused by the project and the expected durations of the shadow flicker at these locations particularly areas where shadow flicker may interfere more than one hour per year.
- 2. The Applicant shall ensure the following:
  - (a) Existing DWELLINGS shall not be subjected to shadow flicker.
  - (b) No public STREET shall be subjected to shadow flicker.

**N. Standard Conditions for Visual Impact Assessment**

- 1. The Applicant shall submit simulated images of the proposed WIND FARM from the following viewpoints:
  - (a) Any portion of the WIND FARM that will be visible from and within one mile of any non-participating dwelling or other non-participating principal use.
  - (b) Any portion of the WIND FARM that will be visible from and within five miles of any forest preserve district facility.
- 2. The simulated images shall be as follows:
  - (a) Full color photographic printing on paper that is minimum 8 ½ by 11 inches in format.

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- (b) As accurate as practical in matching the scale, perspective, and color of the probable actual visual impact.
    - (c) Computer visualization images may be provided in addition to the full color photographic simulations.
  - 3. The Applicant shall also submit a written report indicating the location of the individual images relative to the proposed site plan and explaining the techniques used to ensure that the images provide maximum practical realism.
- O. Standard Condition for Liability Insurance
- 1. The Owner or Operator of the WIND FARM shall maintain a current general liability policy covering bodily injury and property damage with minimum limits of a least \$5 million per occurrence and \$5 million in the aggregate. The amount of the limit shall be increased annually to account for the effects of inflation.
  - 2. The general liability policy shall identify landowners in the SPECIAL USE permit as additional insured.
- P. Operational Standard Conditions
- 1. Maintenance
    - (a) The Owner or Operator of the WIND FARM must submit, on an annual basis, a summary of the operation and maintenance reports to the Environment and Land Use Committee and any other operation and maintenance reports as the Environment and Land Use Committee reasonably requests.
    - (b) Any physical modification to the WIND FARM that alters the mechanical load, mechanical load path, or major electrical components shall require a new County Board SPECIAL USE Permit. Like-kind replacements shall not require re-certification nor will replacement of transformers, cabling, etc. provided replacement is done in a fashion similar to the original installation. Prior to making any physical modification (other than a like-kind replacement), the owner of operator shall confer with a relevant third-party certifying entity identified in subparagraph 6.1.4 D. 1. (a) to determine whether the physical modification requires re-certification.
  - 2. Materials Handling, Storage and Disposal
    - (a) All solid wastes related to the construction, operation and maintenance of the WIND FARM shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.

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- (b) All hazardous materials related to the construction, operation and maintenance of the WIND FARM shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

**Q. Standard Condition for Decommissioning Plan and Reclamation Agreement**

1. The Applicant shall submit a signed site reclamation agreement conforming to the requirements of paragraph 6.1.1 A.
2. In addition to the purposes listed in subparagraph 6.1.1 A. 4. the reclamation agreement shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the WIND FARM and all costs related to removal of access driveways.
3. In addition to the conditions listed in subparagraph 6.1.1 A. 9. the Zoning Administrator may also draw on the funds for the following reasons:
  - (a) In the event that any wind turbine or component thereof ceases to be functional for more than six consecutive months and the Owner is not diligently repairing such wind turbine or component.
  - (b) In the event that the Owner declares any wind turbine or other component to be functionally obsolete for tax purposes.
4. The Site Reclamation Agreement shall be included as a condition of approval by the BOARD and the signed and executed Site Reclamation Agreement must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.

**R. Complaint Hotline**

1. Prior to the commencement of construction on the WIND FARM and during the entire term of the County Board SPECIAL USE permit and any extension, the Applicant and Owner shall establish a telephone number hotline for the general public to call with any complaints or questions.
2. The telephone number hotline shall be publicized and posted at the operations and maintenance center and the construction marshalling yard.
3. The telephone number hotline shall be manned during usual business hours and shall be an answering recording service during other hours.
4. Each complaint call to the telephone number hotline shall be logged and identify the name and address of the caller and the reason for the call.
5. All calls shall be recorded and the recording shall be saved for transcription for a minimum of two years.

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6. A copy of the telephone number hotline shall be provided to the Zoning Administrator on a monthly basis.
7. The Applicant and Owner shall take necessary actions to resolve all legitimate complaints.

S. Standard Condition for Expiration of WIND FARM County Board SPECIAL USE Permit

A WIND FARM County Board SPECIAL USE Permit designation shall expire pursuant to any time limit included in the Roadway Upgrade and Maintenance agreement required by paragraph 6.1.4 G. or in 10 years if no Zoning Use Permit is granted.

T. Application Requirements

1. In addition to all other information required on the SPECIAL USE Permit application and required by Section 9.1.11 A. 2. the application shall contain or be accompanied by the following information:
  - (a) A WIND FARM Project Summary, including, to the extent available:
    - (1) A general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of wind turbines, number of wind turbines, and name plate generating capacity of each wind turbine; the maximum height of the WIND FARM TOWER(S); and the maximum diameter of the WIND FARM TOWER rotor(s).
    - (2) The specific proposed location of the WIND FARM including all tax parcels on which the WIND FARM will be constructed.
    - (3) The specific proposed location of all tax parcels required to be included in the WIND FARM County Board SPECIAL USE Permit.
    - (4) A description of the Applicant; Owner and Operator, including their respective business structures.
  - (b) The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s) for the WIND FARM County Board SPECIAL USE permit.
  - (c) A site plan for the installation of all WIND FARM TOWERS indicating the following:
    - (1) The approximate planned location of each WIND FARM TOWER, other PRINCIPAL STRUCTURES, property lines (including identification of adjoining properties), required separations, public access roads and turnout locations, substation(s), electrical cabling from the WIND FARM TOWER to the Substations(s), ancillary equipment, third party transmission lines, maintenance and

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management facilities, and layout of all structures within the geographical boundaries of any applicable setback.

- (2) The site plan shall clearly indicate the area of the proposed WIND FARM County Board SPECIAL USE Permit as required by subparagraph 6.1.4 A. 1.
  - (3) The separation of all WIND FARM structures from adjacent NON-PARTICIPATING DWELLINGS OR PRINCIPAL BUILDINGS or uses shall be dimensioned on the approved site plan and that dimension shall establish the effective minimum separation that shall be required for any Zoning Use Permit. Greater separation and somewhat different locations may be provided in the approved site plan for the Zoning Use Permit provided that that the greater separation does not increase the noise impacts that were approved in the WIND FARM County Board SPECIAL USE Permit. WIND FARM structures includes WIND FARM TOWERS, substations, third party transmission lines, maintenance and management facilities, or other significant structures.
- (d) All other required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.
2. The Applicant shall notify the COUNTY of any changes to the information provided above that occurs while the County Board SPECIAL USE permit application is pending.

**19. Revise Subsection 9.1.11 as follows:**

9.1.11 SPECIAL USES

A. Authorized SPECIAL USES

1. The BOARD may grant SPECIAL USE permits only for such SPECIAL USES as are specifically authorized in this ordinance, and are not prohibited by Section 14.2.1.
2. The GOVERNING BODY may grant SPECIAL USE permits only for such County Board SPECIAL USES as are specifically authorized in this ordinance, and are not prohibited by Section 14.2.1.
3. The BOARD or GOVERNING BODY may grant such SPECIAL USE permits only upon written application and after conduct of a public hearing.
  - a. The written application for a SPECIAL USE permit shall include:

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- i. The signature of the petitioner; and
- ii. The signature of the owner or owners of all the land included in the petition, or the legal representative(s) thereof; and, if applicable, a copy of the petitioner's purchase contract.

**B. SPECIAL USE Criteria**

A SPECIAL USE permit shall not be granted by the BOARD or GOVERNING BODY unless the public hearing record and written application demonstrate:

1. that it is necessary for the public convenience at that location;
2. that it is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare;
3. that it conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
4. that granting the SPECIAL USE is in harmony with the general purpose and intent of this ordinance.
5. that, in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
6. approval of a SPECIAL USE permit shall authorize USE, CONSTRUCTION and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioner's agent(s).

**C. Findings**

1. The BOARD or GOVERNING BODY shall make findings that the requirements of Section 9.1.11B have been met by the applicant for a SPECIAL USE.
2. The BOARD or GOVERNING BODY shall further make a finding that the reasons set forth in the application justify with respect to the criteria set forth in Section 9.1.11B the waiver of any standard condition or the imposition of any special condition.
3. The BOARD or GOVERNING BODY may make a finding that a proposed STRUCTURE or physical change to a site, as a part of a SPECIAL USE request, is a NON-ADAPTABLE STRUCTURE. In such a case the requirements of Section 6.1.1A shall be applicable.

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4. Within a reasonable time after the public hearing for any County Board SPECIAL USE Permit, the BOARD shall make a report to the GOVERNING BODY.

D. Conditions

1. Any other provision of this ordinance notwithstanding, the BOARD or GOVERNING BODY, in granting any SPECIAL USE, may waive upon application any standard or requirement for the specific SPECIAL USE enumerated in Section 6.1.3 Schedule of Requirements and Standard Conditions, to the extent that they exceed the minimum standards of the DISTRICT, except for any state or federal regulation incorporated by reference, upon finding that such waiver is in accordance with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or to the public health, safety and welfare.
2. In granting any SPECIAL USE, the BOARD or GOVERNING BODY may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the ordinance. Violation of such SPECIAL CONDITIONS when made a part of the terms under which the SPECIAL USE is granted, shall be deemed a violation of this ordinance and punishable under this ordinance.
3. In granting any SPECIAL USE Permit as authorized in Section 4.2.1F for more than one MAIN or PRINCIPAL STRUCTURE or BUILDING, the BOARD shall state that any future sale of said LOT or tract of land may be subject to the *Illinois Plat Act, (765 ILCS 205/0.01 et seq.)* or the *Champaign County Subdivision Regulations*; or the SUBDIVISION regulations of a municipality that has jurisdiction within one and one-half miles of the corporate limits.
4. RESIDENTIAL PLANNED UNIT DEVELOPMENTS shall, in addition to or in lieu of the above, meet the provisions of Section 6.3.
5. The BOARD or GOVERNING BODY shall require that all applicable provisions of the *Champaign County Stormwater Management Policy* (as amended February 20, 2003) are met before approving any SPECIAL USE.
6. Under no circumstances shall the BOARD or GOVERNING BODY grant a SPECIAL USE to allow a USE not permissible under the terms of this ordinance, in the DISTRICT involved, or any USE expressly or by implication prohibited under the terms of this ordinance in said DISTRICT, nor shall the BOARD or GOVERNING BODY waive compliance with state or federal regulations incorporated into this ordinance.

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**20. Add the following paragraph 9.3.1 H. for Zoning Use Permit fee:**

H. WIND FARM TOWER ..... \$4500

**21. Revise subsection 9.3.3 as follows:**

**9.3.3 Zoning Case Filing Fees**

A. General Provisions

1. No zoning case filing shall be accepted until the filing fee has been paid.
2. No zoning case filing fee shall be waived unless the Zoning Administrator determines that the petition is the only means reasonably available to bring a property into compliance with the provisions of this ordinance and the non-compliance is due solely to staff error.
3. No zoning case filing fee shall be refunded after required legal notice has been made by mail or publication unless the Zoning Administrator determines such filing to have been based solely upon staff error.
4. No amendment to any petition which requires new legal notice shall be considered until an amended petition fee has been received unless the Zoning Administrator determines such amendment to be required due solely to staff error.
5. The fee for SPECIAL USE permits shall be determined based on the larger of the following (except for County Board WIND FARM Special Use Permits):
  - a. the area of farmland taken out of production as a result of the SPECIAL USE; or
  - b. when farmland will not be taken out of production as a result of the SPECIAL USE, the land area taken up by the existing STRUCTURES and all proposed CONSTRUCTION proposed in the SPECIAL USE application.
6. When some combination of VARIANCE, SPECIAL USE and Map Amendment cases is required simultaneously for the same property, the total filing fee shall include the following (except for County Board WIND FARM Special Use Permits):
  - a. The standard fee for the most expensive individual zoning case; and

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- b. one-half of the standard fee for any other required VARIANCE, SPECIAL USE, or Map Amendment provided that
- c. no additional fees shall be included for multiple zoning cases of the same type that can be advertised in the same legal advertisement.

**B. Fees**

**1. VARIANCES.**

- a. ADMINISTRATIVE VARIANCES \$100
- b. Minor or Major VARIANCES \$200

**2 SPECIAL USE permits and Map Amendments (except for County Board WIND FARM Special Use Permit and a map amendment to the WIND FARM Overlay Zoning District)**

- a. Two acres or less and Base Fee for larger areas ..... \$400
- b. More than two acres but no more than 12 acres ..... add \$40 per acre to Base Fee for each acre over two acres
- c. More than 12 acres add \$10 per acre for each acre over 12 acres and add to fees in a. and b. above

3. Appeals and Interpretations .....\$200

4. Change of Nonconforming Use .....\$100

5. Amendment to Petitions (requiring new legal notice) ..... \$100

6. County Board WIND FARM Special Use Permit.....  
\$440 per WIND FARM TURBINE TOWER

