



**Champaign County Board
Environment and Land Use Committee (ELUC)
County of Champaign, Urbana, Illinois**

MINUTES – Approved as Distributed August 4, 2022

DATE: Thursday, June 9, 2022
TIME: 6:30 p.m.
PLACE: Shields-Carter Meeting Room
Brookens Administrative Center
1776 E Washington, Urbana, IL 61802

Committee Members

| Present | Absent |
|-------------------------|---------------|
| Aaron Esry (Vice-Chair) | |
| Stephanie Fortado | |
| Mary King | |
| Kyle Patterson | |
| Jacob Paul | |
| Chris Stohr | |
| Eric Thorsland (Chair) | |

County Staff: John Hall (Zoning Administrator), Susan Monte (Planner), and Mary Ward (Recording Secretary)

Others Present: Stan Harper, County Board Member

MINUTES

I. Call to Order

Committee Chair Thorsland called the meeting to order at 6:32 p.m.

II. Roll Call

A verbal roll call was taken, and a quorum was declared present.

III. Approval of Agenda/Addendum

MOTION by Ms. King to approve the agenda and addendums, seconded by Mr. Esry. Upon voice vote, the **MOTION CARRIED** unanimously to approve the agenda.

IV. Approval of Minutes

A. May 5, 2022

MOTION by Mr. Esry to approve the minutes of the May 5, 2022, regular meeting, seconded by Mr. Paul. Upon voice vote, the **MOTION CARRIED** unanimously.

V. Public Participation

Stephen Smith, Broadlands - spoke on the Wind Farm ordinance. Setbacks should be 3250 feet from the property line and not the foundation of the residence. He also said wind towers should be less than 500 feet tall and that the noise ordinance should also be from the property line.

Randy Wells, Broadlands - spoke on the Wind Farm ordinance. He is one-half mile north of the Champaign – Douglas County line and the Harvest Ridge Wind Farm. They can hear the wind turbine that is close to their house. He feels that the ordinance needs to be updated and we should learn what we can from surrounding counties and use that knowledge to do what is best for the people of Champaign County. Feels that the county should conduct additional research and testing before we update the ordinance.

Jeff Suits, Penfield – lives in the current wind farm in Champaign County and there is one on their farm. He suggested a moratorium to re-write the ordinance. He also suggested that enforcement of the rules needs to be looked at. They have had trouble getting payment for any kind of damage. Feels like there needs to be enforcement of rules and a way to verify the wattage of the tower. Has had trouble with GPS not working in spots. He is also against raising the height of the towers. He also said they got a letter stating there would be bird study this spring; since the study has started, the turbine has not turned.

Roger Henning, Jr., Philo – has been attending ZBA meetings and feels what they have set forth is pretty fair. He wishes the setback would have been more. He feels the setbacks needs to be the property line and not the residence.

Justin Leerkamp, Sidney – has attended ZBA meetings and is pleased with the process. He supports their rulings and recommendations. No one came to the ZBA meetings in support of a height increase. Everyone that spoke seemed concerned about this. There are height and sound concerns. Has some concerns and is surprised that a moratorium and joint meeting are on tonight's agenda. He supports what ZBA has done and that they listened to their concerns.

Don Carter, Philo – spoke in favor of the ZBA findings. Urged committee to please read all the material in the packet. They have no ability to affect what is coming in from the outside and are relying on ZBA and ELUC to be the advocates for the people. Urges the committee to do what is reasonable and right. He urged the committee to go with the ZBA recommendations.

Josh Hartke, Champaign – provided a table of tax revenues from McLean County from their wind farms going back to 2008. They've had wind turbines turning for 14 years. It's brought in money to the county, townships, schools, etc. and no one is fleeing McLean County. The proposed Ordinance, in effect, bans wind farms in Champaign County. Some people want them and make a lot of money off them.

Adam Watson, Philo – spoke on the Wind Farm Zoning Ordinance. The only thing that's shown about positive interactions with Wind Farms is money. Money is not the only thing we value. No one came to the ZBA meetings in favor of changing the current tower height from 500 feet to unlimited.

Ted Hartke, Sidney – Zoning is not about money, it's about protecting neighbors, property values, living in peace and quiet. A previous commenter, who works for Apex, said the half-mile setbacks are not workable. In Vermilion County all the Apex turbines have Good Neighbor waiver agreements for all homes within a half-mile of a wind turbine. Three neighbors who refused to sign the agreement eventually sold their homes to Apex. They essentially gave themselves a half-mile setback. Feels that's very telling that they don't want to have push back on their projects. He is in favor of 3,250-foot setbacks. As to the benefits to school districts,

Unity school district is in very good shape. The school and facilities are outstanding. We do not need to cause problems for rural residents.

Dirk Rice, Philo – Feels that there is a misconception that they're against alternative energy. They are not against it. What they are against is indiscriminate development of these projects. They are for reasonable setbacks. We've heard about the wonderful things it would do for the county and schools but have heard nothing about what it would do for the people who live there and have to deal with it. The company in operating in their area has not contacted the farmers but have worked hard to find absentee landowners. They are trying to avoid working with those that live in the area.

VI. Communications

There were no communications for the committee.

VII. New Business: Items to Receive and Place on File by ELUC to Allow a 60-Day Review Period

A. Proposed Champaign County Solid Waste Management Plan 2022 Update

Ms. Monte presented the final draft of the Solid Waste Management Plan 2022 Update. It was received and placed on file. The plan is required to be updated every five years and provide that plan to the Illinois EPA. A summary was prepared and distributed along with a summary of the Resident Survey and Implementation Recommendations. If you have review comments, please submit them by June 24. The plan includes a summary of solid waste management planning for the county since 1976. The estimated recycling rate is 37% of the residential waste stream. Material being diverted from landfills is the goal.

The resident survey was successful; received more than 100 responses. The top three concerns of respondents are improvements to recycling collection or access to public recycling drop offs, electronics waste collection continue and see household hazardous waste collection. Ms. Monte then reviewed the ten recommendations for the Executive Summary.

Mr. Thorsland thanked Ms. Monte for all of her work on the plan.

B. Zoning Case 037-AT-22. Amend the Champaign County Zoning ordinance as follows:

1. Add new paragraph 6.1.4 A3. Regarding Right to Farm Resolution 3425.
2. Amend Sections 6.1.4 C and D regarding WIND FARM TOWER height.
3. Revise paragraph 6.1.4 D.7. to add Aircraft Detection Lighting systems (ADLS).
4. Add new Section 6.1.4 R to require conformance to the State of Illinois Agricultural Impact Mitigation Agreement.
5. Revise Section 9 regarding WIND FARM fees.

This is part of the 60-day review period.

County Board member Stan Harper stated that he had attended some of the ZBA meetings. He wanted to commend the Zoning Board for all their work. It's been stated here that what the people want is for us to follow the ZBA recommendations as to height and setbacks. When the first wind farm went in, Champaign County probably had the most stringent wind farm ordinance in the state at that time. We were led to believe that no one would come back into Champaign County for a Wind Farm. If unlimited height is what we want, then let's put them on the Quad, Hessel Park, Meadowbrook Park, etc. Why are

we going after prime farm ground? He received a lot of calls, emails, and texts and not one was in favor of wind farms. The ZBA forwarded their recommendations, and they should be accepted.

Mr. Thorsland reviewed the suggested updates and why they were sent to ZBA at this time.

MOTION to place ZBA recommendations on Zoning Case 037-AT-22 on a 60-Day review made by Ms. Fortado and seconded by Ms. King. Upon voice vote, the **MOTION CARRIED** unanimously.

VIII. New Business: Items to be Approved by ELUC

- A. Authorization for a Public Hearing on Proposed Zoning Ordinance Omnibus Text Amendment to Update Material Management/Waste-Related Uses

MOTION to authorize a Public Hearing on the Proposed Zoning Ordinance Omnibus Text Amendment to Update Material Management/Waste-Related Uses made by Mr. Esry and seconded by Mr. Stohr.

Ms. Monte discussed some tweaks that had been made since the last meeting and before it goes before a public hearing at ZBA. Food Scrap Composting Facility not allowed not as a Pollution Control facility was too difficult to make happen, so it has been removed from the type of use the Zoning Ordinance could handle. If we have Food Composting Facility it would have to move forward as a Pollution Control Facility and not via the Zoning Ordinance. A couple of minor changes include not to allow recycling centers or recycling centers with outdoor storage in the B-3 Highway district.

There were no questions for Ms. Monte. Upon voice vote, the **MOTION CARRIED** unanimously.

- B. Proposed Joint Meeting of ELUC and Zoning Board of Appeals to be held on June 30, 2022, to Consider Amending Zoning Ordinance Section 6.1.5 C.1. and C.2. (Minimum Wind Farm Separations to Dwellings) and Section 6.1.4 I. (Allowable Noise Level for Wind Farm)

MOTION for a Proposed Joint Meeting of ELUC and the Zoning Board of Appeals to be held on June 30, 2022 by Ms. King and seconded by Mr. Paul.

Mr. Hall stated the State's Attorney is ok with a joint meeting and they have provided some simple guidelines to follow. Mr. Hall feels that the ZBA has given a clear signal that they do not have confidence in our zoning ordinance for wind farm requirements. Would like to get ELUC and ZBA together to discuss the recommendations they made and ELUC can hear their thinking on that.

Ms. Fortado asked to clarify that the ZBA's job is to enforce the zoning that we currently have on the books, which is correct. If we change this, do they have the right to vote no, even if something is currently in the ordinance? Mr. Hall's opinion was that the ZBA was to enforce the county rules as adopted and if they had a problem with them to make that clear to the board, as they are doing in this case. Ultimately, he felt that was a legal question. Ms. Fortado is in favor of a joint meeting.

Mr. Esry said that ZBA has indicated they might not enforce the current rules, but we don't know that for sure. He also touched on the moratorium and has mixed feelings on that. If under the current ordinance the ZBA denies approval, it still goes to ELUC and County Board that can overrule ZBA. The County Board has turned down solar farms in the past that ZBA had approved. He also had process questions about how the joint meeting would work. The meeting would be started by both chairs. ZBA would waive their by-laws and then be run by ELUC. He also asked how February was decided upon for the moratorium. Mr. Hall said after listening to testimony at four meetings, they discussed for 30 minutes and then decided.

Mr. Paul asked if able to have common ground on height and work something out would ZBA be able to make a formal recommendation to their plan and change it so it matched. There was more discussion on process. Mr. Hall clarified what was proposed, height was not discussed. What is proposed is a joint meeting to discuss minimum separation and two noise limits, one for regular and one for infrasound.

Mr. Thorsland asked how is this different than remanding it to ZBA, except that we are together in the room and decide to remand it together. Mr. Hall said that's the only difference, except you're sitting down together with ZBA and discussing their views and why they recommended what they did. Also, this is not a remand, this is taking on new issues; separation and noise, that were not part of the original hearing.

Ms. King asked who suggested the moratorium? The moratorium was recommended by several who spoke at the public hearing. Mr. Hall was the one who recommended the moratorium. Mr. Thorsland said he was the one who asked that it be on the agenda tonight to be discussed.

Ms. Fortado wanted to clarify this. We proposed changing the Wind Ordinance, we brought it to the ZBA, they don't like some of the proposed changes and they also said they don't believe in the thing that's been in existence for ten years. Now we need to have a joint meeting to figure this out. Mr. Hall that he encouraged the ZBA to share their with the County Board. The outcome of the hearing was not a surprise to staff.

Mr. Esry stated that Philo did file a protest, so the proposed changes will need a super-majority at the full County Board.

Mr. Hall said when the ZBA made their decision by height, they want to review it on a case-by-case basis.

Upon voice vote, the **MOTION PASSED** unanimously to hold a joint meeting.

- C. Authorization for a Public Hearing on a Proposed Zoning Ordinance Text Amendment for a Moratorium on New Wind Farm Approvals until February 1, 2023.

MOTION by Mr. Paul and second by Mr. Stohr to authorize a public hearing on a proposed Zoning Ordinance Text Amendment for a Moratorium on new Wind Farm approvals.

Mr. Stohr felt this was a difficult position for Planning and Zoning and the County. Mr. Stohr asked if the moratorium could be rescinded if we come to an agreement with ZBA. Mr. Hall stated that rescinded would require another text amendment. Ms. Fortado added that she didn't want us to be in a bad position but felt that the job of the ZBA is to implement zoning that is on the books.

Mr. Paul asked about a timeline for a moratorium to happen. The earliest this could happen is July 14 at ZBA. It could be fairly quick and be back at ELUC in August. Would support a moratorium. Mr. Hall said it is possible to get sued over a moratorium.

Mr. Stohr asked how long does ZBA have to consider an application for a Wind Farm and can they prolong the consideration? He said that there is the perception that we have new knowledge to be considered. That's a reason to reconsider some of these things. Mr. Hall said the ZBA can always ask for more information to help make their decision. Developers, like wind farms, usually have a lot of their answers upfront. The ZBA can work until they have all their issues resolved.

Mr. Esry said he would not want the County to be sued. He will probably vote for the moratorium. It could be an interesting ride.

Mr. Thorsland said he asked for this to be on the agenda. We just voted to have a joint meeting to mediate over these two items we disagree over. To vote on a moratorium means we have no faith in having that meeting. Wind developers could act in one of two ways; they could apply now under the current ordinance, or they could wait until the dust settles on the joint meeting and see how that plays out. He will not support a moratorium. Mr. Thorsland said he is also concerned about the State taking away the County's right to zone concerning Wind Farms. Twice, so far, in Springfield there have been bills introduced for the State to override the counties concerning Wind Farms. He doesn't want to see all our hard work overridden by the State. The decision process should stay with the County. He does not support the moratorium and hopes it doesn't pass.

A roll call vote was taken, and the **MOTION FAILED** by a vote of two Yes and five No.

- D. Recreation and Entertainment License: Fisher Community Fair, 226 E. Sangamon Avenue, Fisher for July 12 – July 16, 2022

MOTION by Mr. Patterson and seconded by Mr. Paul to approve the Recreation and Entertainment License for the Fisher Community Fair. Upon voice vote, the **MOTION PASSED** unanimously.

Other Business

- A. Monthly Reports
i. February 2022

The February 2022 report was received and placed on file. Mr. Hall said there were 149 zoning compliance certificated approved in February.

IX. Chair's Report

There was no chair's report.

X. Designation of Items to be Placed on the Consent Agenda

There were no items to be placed on the Consent Agenda.

XI. Adjournment

MOTION by Mr. Stohr and seconded by Ms. King to adjourn the meeting. Upon voice vote, the **MOTION PASSED** unanimously.

Mr. Thorsland adjourned the meeting at 8:25 p.m.

Please note the minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.