



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

Approved as Distributed September 8, 2022

DATE: Thursday, August 4, 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), Darlene Kloeppel (County Executive), and Mary Ward (Recording Secretary)

Others Present: None

MINUTES

I. Call to Order

Committee Chair Thorsland called the meeting to order at 6:33 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. June 9, 2022 – Regular Meeting
- B. June 30, 2022 – Study Session

MOTION by Mr. Esry to approve the minutes of the June 9, 2022, regular meeting and the June 30, 2022, Study Session; seconded by Ms. King. Ms. King asked for a correction to the June 30, 2022 Study Session minutes to correct the spelling of public participant Adani Sanchez. Upon voice vote, the **MOTION CARRIED** unanimously, and the minutes were approved as corrected.

V. Public Participation

Scott Wiesbrook – spoke regarding the wind farm ordinance and concerns he has. He feels it's more important to consider the people who cared enough to come to the meetings and speak. Hopes that the committee will respect the voices and wishes of those who will be directly impacted.

Roger Henning, Philo – Appreciates the ZBA and all they have done and listened to over the past few months regarding the wind farm ordinance. If you're green and going to talk the talk, then walk the walk. We need to look at the picture of our community and the surrounding area that will be impacted by this project.

John Althausen – spoke on the wind farm issue. He had handouts from Canada Health (summary of study), and articles from the Toronto Star and from Wind Concerns Ontario. They are not finding health or illness effects. It is primarily annoyance and quality of life issues. Something to read and take into consideration.

Rebecca Kameron, Philo – spoke on the wind farm issue. She has been at several meetings and feels it has become obvious from the comments that board is being dismissive about their concerns about wind turbines near their properties as well as the ZBA recommendations. She rebutted statements from the previous meetings. No one on the committee lives in the area impacted, except Mr. Esry, yet the committee feels that they can tell them what is best for their families. Please reconsider.

Ed Decker, Philo - In favor of 3,250 setbacks to property lines. His son lives near a wind farm in the Newman/Longview area. That was his boots on the ground, firsthand experience. The construction process is way more intrusive than they imagined. Shadow flicker and infrasound are real. He is for green energy but green energy that makes sense.

Dirk Rice, Philo – spoke on the wind farm issue. If people say they are bothered by them, he has no reason to doubt it. He feels like the committee dismissing that and is taking the word of a corporation over the people. When you look at what other counties are doing, the trend is they are increasing setbacks. Shadow flicker is real, and the county has no regulation for that. Also feels like we let ZBA spend months on an issue that wouldn't pass.

Justin Bowers, Hankard Environmental – spoke on wind farm issue, primarily on the noise levels and how they are measured. Wind turbines are a unique noise source in the sense that the noise level the turbine emits is correlated with the background noise. When they did their study there were no exceedances of the IPCB noise limits. The current IPCB limits are octave band limits. He gave a brief explanation of octave band limits. He suggested not entangling noise limits with separation distances.

Stephen R. Smith, Broadlands – spoke on the wind farm issue and rebutted the argument about the amount of money going to school districts. He also spoke on renewable energy and the environment and what makes it green. He asked that the committee uphold the vote of the ZBA.

Kelly Vetter, Broadlands – spoke regarding the wind farm issue and suggested that considering how technology changes often in a few years, it would be reasonable to see this is the wind industry also. There are alternatives on the horizon, one of which is the Power Pod. It is small enough to put on your roof and it doesn't hurt your neighbors or wildlife. They are not likely to hurt your property value but increase it. ZBA voted unanimously to make the well thought out and safe ordinances to protect the rural community it represents.

Berk Gursoy, Brookfield Renewables, California Ridge Wind Farm – Wanted to make clear that they do not have any new developments and there are no plans to expand California Ridge. They are here to be the voice of the industry. He spoke about the approach to correlate noise limits with setbacks. Noise limits and separation distances are two entirely separate issues. It is impossible to come up with a universal setback distance to regulate noise. The two are separate and need to be considered separately.

Kyle Barry, Springfield, Attorney for California Ridge – His focus is on legal issues related to the noise limits. Wants to make sure the committee, board and county have appropriately considered whether the County has adequate staff, infrastructure, and expertise to enforce sound limits. The IPCB has established systems and procedures for evaluating noise complaints. A lot of counties like Bureau, McLean, and Lee all follow the IPCB noise limits. Those IPCB noise limits are working for them. There have been no verified exceedances to the IPCB rule at California Ridge in Champaign County.

Adam Watson, Philo – thought it ironic that California Ridge has no projects in proposal, but they sent two people to this meeting, one of them an attorney.

Don Carter, Philo – wanted to rebut a previous speaker that there is no correlation or relationship between distance and sound. Data was presented to the ZBA that said exactly the opposite. There were very specific notations made as to as the distances increased, that specific complaints were less and less likely as that progressed.

David Bosch, Broadlands – He has windmills three miles from his house. When he looks out his window in the evening all he sees are blinking lights. They're taking away some of the best farm ground in the world to build these towers. The land will never be the same as before they were put in.

Mr. Thorsland read an email from Ted Hartke into the record on the impact of wind turbines on suicide. The full text of the email can be found at http://www.co.champaign.il.us/CountyBoard/meetings_ELUC.php

VI. Communications

There were no communications for the committee.

VII. New Business: Items for Information Only

A. Champaign County Resident Tire Collection August 4 – August 6, 2022

Today was the first day of the Resident Tire Collection. There are two locations for drop off at the C-U Public Health District and the Urbana Township Road District. AmeriCorp workers were to help but were sidelined by Covid. Trevor Partin, Planning and Zoning Intern, did a great job working with this. The trucks are almost full and should be full by the end of the day on Friday.

VIII. New Business: Items to be Approved by ELUC

A. Direction to Staff Regarding a Proposed Zoning Ordinance Text Amendment to Revise Select Wind Farm Requirements as follows:

1. Revise Section 6.1.4C.2. to increase the minimum separation to principal structures.
2. Change (decrease) Section 6.1.4I. Allowable Noise Level.
3. Add a limit for infrasound.
4. Revise Section 6.1.4D.5. to increase the height limit.

Mr. Thorsland began the discussion. When this committee asked the ZBA to hold the public hearings on the wind farm ordinance getting updated, we didn't give them enough direction. The ZBA did what they were supposed to do. They provided us with recommendations based on everything they had heard. We are correcting that and then explained how the process works and laid out a timeline for sending this to the ZBA.

Mr. Hall discussed the chart that was distributed and that they were all approximate numbers. It was the best their office could do. He then went through the data on the chart. Anytime a zoning ordinance limit is set, we are trying to balance protecting the rights of the neighbors vs. honoring the rights of the owners.

Livingston County, where Dr. Schomer made the noise level recommendation of 39 dBA, did not adopt the Schomer recommendation for noise level. They adopted the 3,250 feet separation to a dwelling and kept the IPCB noise limits. Livingston County follows the Pollution Control Board and has a tremendous separation and McLean County also follows the Pollution Control Board and have a slightly larger separation than we do.

Mr. Thorsland agreed with comments made earlier that we don't have the expertise or equipment to measure and monitor sound limits. The reason the IPCB sound limits were used were they have the staff, equipment, expertise, and experience where we do not. The setbacks we currently have are not enough. He suggested that the current 1,000-foot separation should be extended to 1,600 or 1,700 feet to a participating landowner and the non-participating landowners increase that to 2,000 feet from the dwelling.

Mr. Esry was not comfortable with the non-participating landowner setback being 2,000 feet, felt it was not enough. The people that have been showing up and that are going to be directly affected would like the 3,250-foot setback. Some want that to the property line and some to the dwelling. Mr. Esry said he would be comfortable with that setback to the dwelling and felt that would be a compromise. Feels it would make the wind companies work harder to put them in. He brought up solar farms and that he had voted for most of those but that there are distinct differences between solar farms and wind farms and the amount of noise they generate. He would like to see the setback as 3,250 from the dwelling and let the wind farms negotiate.

Mr. Paul felt it was irregular to go against the ZBA. It would be dangerous to set setbacks to a standard distance for noise if we don't set a maximum height for towers. He feels a multiplier based on tower height might be the way to go. He does like the idea of 3,250 for the non-participating landowner. He would like to follow as many of the ZBA recommendations as possible.

Mr. Thorsland felt that we also should suggest a maximum tower height. It would be the standard and then anything proposed higher than that would need a variance. We are still considering having noise levels that are lower than the IPCB. Suggested noise levels would be 46 for day and 43 for night, which are close to the WHO recommendations. Brings in two levels of protection. His suggestion for wind tower height is 600 feet. The new towers are much taller. His proposals again are: 600-foot tower height, 1,600- or 1,700-foot setbacks to a participating landowner, 2,000 feet to a non-participating landowner, for noise 46 dBL-den for day and 43 for night, and to not put a number on infrasound as it is hard to measure.

Mr. Stohr has a proposal about sound. Several people have emailed him about the sound issue. An engineering colleague asked why we had distance setbacks; it could all be a function of the noise measurement. His proposal is for the owners of the wind turbines to conduct extended/continuous testing periods over varying weather conditions to demonstrate that they meet Champaign County specifications. The expense is to be borne by the wind turbine owners. If there are complaints by landowners, they would need to be supported by tests conducted at their expense or by the county. If complaints were found to be true, they would be reimbursed by the wind company.

Ms. Fortado felt there was merit to this. She questioned who would be doing the studies and who would have oversight. Mr. Stohr said he had not gotten that far into this yet. It is something we would need to look into. Mr. Thorsland asked who picks the company to do the study? The County, the company? Mr. Stohr said we would maintain a list of certified companies. Ms. Kloeppel added that the County could do an RFQ to create a list of certified companies.

Ms. Fortado asked for clarification on the set back, would it be 1,600 or 1,700 feet? Mr. Thorsland said it would be 1,700. She voiced her support of wind energy and that it's a viable source of energy and we should be encouraging it in the County. She rebutted some of the comments made earlier in the meeting regarding carbon neutrality of wind vs other forms of energy and the Zou paper on suicide. She also asked if we set noise limits lower than IPCB standards if we would be able to enforce it.

Mr. Hall said the EPA no longer has sound people to send out to enforce it. The proposed 46/43 split is not the IPCB standard, and they would not enforce it. It would be entirely the County. There is a lot to be said for following the IPCB and having a greater separation. If we do the 46/43 noise limits, the only enforcement would be by the County.

Ms. Fortado would prefer to stay with IPCB regulations but given the public comment could live with the 46/43.

Mr. Esry had some questions for Mr. Stohr about his proposal for testing and when and how that would work since modeling is so difficult. Mr. Stohr responded that the performance test would be done post construction. It would be done to see if actual results match the modeling. It would be done over a period of time and would show if it's in compliance or not. There could be various remedies if it is found to be out of compliance. Mr. Paul said that we should add any sort of testing to help protect the homeowners. Mr. Patterson is not opposed to the idea. He asked how much these studies cost? That is something that should be taken into consideration.

Mr. Patterson asked Mr. Hall if we have a non-compliant wind farm, what are our enforcement mechanisms? Mr. Hall said in some instances there's been an agreement to limit the operations of the turbines that were problematic. He was not in favor of applying for a variance. He would rather enforce the standard or resolve the issue. If we find a violation, he will not encourage a variance. Mr. Thorsland agreed that a variance would be a bad way to fix a violation. It would need remediation of some sort.

Mr. Esry asked that this be put in the form of a motion.

Mr. Paul asked if fines would be an option for non-compliance? Fines can only be imposed by a court. We don't have the legal authority to enforce fines.

MOTION by Ms. Fortado to ask the ZBA to look at 1,600-foot setbacks for participating property owners and 2,000-foot setbacks for non-participating property owners, 46 dBA for day and 43 dBA for night noise levels, 600-foot height limit and to look into the possibility of testing as a safe-guard for residents. The motion was seconded by Mr. Patterson.

Upon voice vote, the **MOTION CARRIED**.

IX. New Business: Items to be Recommended to the County Board

A. Proposed Champaign County Solid Waste Management Plan 2022 Update

Mr. Thorsland thanked the now retired Ms. Monte for all the work she did on this.

MOTION by Ms. King and seconded by Mr. Paul to adopt the proposed Champaign County Solid Waste Management Plan 2022 Update.

Upon voice vote, the **MOTION CARRIED** unanimously.

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.

MOTION to approve items 1, 3, 4, and 5 of Zoning Case 037-AT-22 made by Ms. King and seconded by Mr. Patterson.

The **MOTION CARRIED** unanimously.

This will require a super-majority to pass at County Board due to the protest that was filed.

X. Other Business

A. Potential ARPA Funding Allocation for Water Projects for Urban Districts

Dave Clark and Kay Nees with the City of Champaign were present to give an overview of the Garden Hills drainage project. Flooding has been ongoing for years. Floods happen after any rain event. This is a large project that has been divided into multiple phases. Phase II is constructing the detention basis, which is currently under design. This will be constructed in similar fashion to other projects and will include park-like amenities including walking paths, benches, lighting, rock out-cropping's, etc. It will also allow for the reconstruction of Hedge Road and Paula Drive. The Champaign City Council has made this a priority to move forward as soon as possible and have allocated \$5 million of city ARPA funds toward this project.

Mr. Thorsland stated that the potential is there for \$3.5 million. He would like to hear from all the districts to hear what they think. Ms. Fortado added with the rain yesterday, there were pictures on Facebook showing the flooding in the neighborhood. Also, like we did with most of the rural ARPA funding, feels the municipality should be funding a sizeable part of the bill.

Mr. Patterson said discussion had been held in the past about pooling the money to help with this project. He asked when the estimates were from. They are from August 2021.

Jim Randol, Seymour, Chair of the Seymour Water District gave a brief overview of their project. They would like to upgrade/replace the water meters that are 25 years old. They have approximately 156 customers. The old meters are inaccurate. It will take \$50-to \$60,000 to replace all the meters. They are financed with Federal funds and therefore cannot sell the district. They need to maintain it the best they can. If funds are

granted, they would use the money saved to make repairs on a 20-year-old water tank and other ongoing maintenance. Their small water district has the same responsibilities with EPA as IL American Water.

Money will be coming back from the Tolono project due to the sale to IL American Water. Money could be shifted to the Seymour project. If money is shifted to this project, it would also be shifted between board districts. It was decided that the rural caucus would need to discuss this further.

Ms. Kloeppel mentioned that there is another line-item that could be use if necessary. Would have to determine if the money would come out of water budget funding or money could be allocated to that line.

Ms. Kloeppel asked if the committee wanted to have a Study Session, have them come to an ELUC meeting and talk about projects, do we want to invite other board members; how do you want to proceed. Ms. Fortado said she felt there needs to be coordination between this committee and the Finance Committee. She anticipates doing like we did through the last budget by putting money into categories through the budget process and then start the discussion.

B. Monthly Reports

1. March 2022
2. April 2022

Mr. Hall noted that we had two more good months on the Zoning Compliance Inspections. The reports were received and placed on file.

XI. Chair's Report

There was no chair's report.

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

Item 9.A. was placed on the Consent Agenda.

XIII. Adjournment

Mr. Thorsland adjourned the meeting at 9:12 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.