



**CHAMPAIGN COUNTY BOARD
ENVIRONMENT and LAND USE COMMITTEE AGENDA**

County of Champaign, Urbana, Illinois
Thursday, October 6, 2022 - 6:30 p.m.

Shields-Carter Meeting Room
Brookens Administrative Center, 1776 E. Washington St., Urbana

Committee Members:

Eric Thorsland – Chair	Kyle Patterson
Aaron Esry – Vice-Chair	Jacob Paul
Stephanie Fortado	Chris Stohr
Mary King	

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1. Revise Section 6.1.4C.2. to increase the minimum required separation to principal structures.	
2. Revise Section 6.1.4D.5. to increase the maximum allowed height.	
3. Revise Section 6.1.4I. to lower the Allowable Noise Level	
4. Revise Section 9.33B.(6) to add a fee to pay for a post-construction noise study.	
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**Champaign County Board
Environment and Land Use Committee (ELUC)
County of Champaign, Urbana, Illinois**

MINUTES – Subject to Review and Approval

DATE: Thursday, September 8, 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) and Mary Ward (Recording Secretary)

Others Present: None

MINUTES

I. Call to Order

Committee Vice-Chair Esry called the meeting to order at 6:30 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 with a change of order, moving item IX. New Business: Items to be Recommended to the County Board to after item VI. Communications, seconded by Mr. Paul. Upon voice vote, the **MOTION CARRIED** unanimously to approve the agenda as corrected.

IV. Approval of Minutes

A. August 4, 2022 – Regular Meeting

MOTION by Mr. Paul to approve the minutes of the August 4, 2022, regular meeting, seconded by Mr. Patterson. Upon voice vote, the **MOTION CARRIED** unanimously.

34 **V. Public Participation**

35
36 Steve Schmall, resident of Edgewood Subdivision -- Mr. Schmall spoke on behalf of the 150 homeowners in
37 the neighborhood regarding a nuisance property. Mr. Schmall presented photographs to the committee
38 showing weeds around a home. The weeds are 6-feet tall and include bull thistle, which is very invasive. The
39 residents have not done anything with the yard over the last three years. It will have an impact on the re-
40 sale value of homes in the neighborhood.

41
42 Roger Henning, Philo – spoke on the wind ordinance issue. Concerned that there is nothing to protect land if
43 there are no structures on it. All the recommendations are to the primary structure and not the property
44 line. There are no protections for future uses of a property. Other counties have protections for the
45 property.

46
47 Ted Hartke, Sidney – spoke briefly about the article he had emailed regarding wind turbine noise and suicide
48 and stated that it was peer reviewed and will be sending evidence of that. He has also asked for scientific
49 basis for the 2,000-foot setbacks and has not heard anything back. He also feels that setbacks should be to
50 the property lines. He asked to have rules suspended at ZBA so citizens can ask questions directly to the
51 developer.

52
53 Ed Decker, Philo – spoke about this experience on son’s farm in Douglas County. The wind turbines have
54 probably eliminated the possibility of anyone building a home on that property. He has firsthand experience
55 with this, and the setbacks need to be to the property lines.

56
57 **VI. Communications**

58
59 Jacob Paul shared an email the committee had received from Roger Frick regarding wind turbines. He is
60 against wind energy production and listed problems with wind energy.

61
62 **VII. New Business: Items to be Recommended to the County Board**

63
64 A. **Zoning Case 059-AT-22.** A request by Dennis Toeppen to amend the Champaign County Zoning Map
65 to change the zoning district designation from B-3 Highway Business to B-4 General Business for further
66 development of a 5-acre tract of Land in the Northeast Quarter of the Northeast Quarter of Section 24,
67 Township 20 North Range 8 East of the Third Principal Meridian in Hensley Township with an address of
68 73 East Hensley Road, Champaign.

69
70 **MOTION** by Mr. Patterson and seconded by Ms. King to recommend Zoning Case 059-AT-22 to the
71 County Board.

72
73 Mr. Hall stated that this was recommended unanimously by the ZBA. There were no public comments
74 and there was no protest from Hensley Township. In 2006/2007 this property had been proposed for re-
75 zoning and there was a protest from Hensley Township which the County Board did not override. Those
76 issues seem to have been resolved.

77
78 Mr. Stohr asked for an explanation for the difference between B-3 Highway Business and B-4 General
79 Business. Mr. Hall said that the B-3 designation is an outdated zoning district. Many properties zoned B-
80 3 have been rezoned to B-4 General Business. This our most robust business zoning district. Ms. King
81 asked if there was a reason this hadn’t been done previously. Mr. Hall stated we only do these as

82 requested. Mr. Paul asked if Mr. Hall recalled what the specific protest was at the time. There was a
83 concern about heavy truck traffic on Hensley Road and crushing drainage tiles.
84

85 Upon voice vote, the **MOTION PASSED** with a 4 to 1 approval and will move on to the County Board.
86

87 **VIII. New Business: For Information Only**
88

89 A. Online Registration Opens September 12, 2022 for October 15, 2022 Residential Electronics Collection
90

91 This is the first recycling event since Susan Monte retired. There is a coordination meeting in the next couple
92 of days and sign-up begins on Monday, September 12.
93

94 **IX. New Business: Items to Receive and Place on File by ELUC to Allow a 30-Day Review Period**

95 A. Proposed Zoning Ordinance Text Amendment to revise select wind farm ordinance sections as follows:

- 96 1. Revise Section 6.1.4C.2. to increase the minimum required separation
97 to principal structures.
- 98 2. Revise Section 6.1.4D.5. to increase the maximum allowed height.
- 99 3. Revise Section 6.1.4I. to lower the Allowable Noise Level
- 100 4. Revise Section 9.33B.(6) to add a fee to pay for a post-construction noise study.

101 **MOTION** by Mr. Patterson and seconded by Ms. King to receive and place on file the proposed Zoning
102 Ordinance Text Amendment to revise select wind farm ordinance sections.
103
104

105 Mr. Hall spoke about the proposed construction noise study. No other county in Illinois requires it but they
106 found information from the state of Minnesota. That study is included in the agenda. Requirements that
107 were added are like theirs. It also includes the fee to pay for the noise study and to get the fee up front from
108 the wind farm developer. He could find no information on how much that might be, so they made it the same
109 as the application fee. Any difference between the fee and actual cost of the study would need to be
110 paid/refunded as applicable.
111

112 Mr. Stohr asked what the application fee is. Mr. Hall stated it is \$34,000 or \$760 per wind farm tower,
113 whichever is higher. If the fee for the study is higher than what was collected, the wind farm developer would
114 have to pay the difference.
115

116 Discussion was held on what a principal structure is. Mr. Hall said a principal structure in a rural area is usually
117 a dwelling. This could be a gray area. It could be argued that the farm is a business, and the home could be
118 anywhere, and the farm could be run from a livestock building or machine shed. There is no definition as to
119 what a principal structure is. It was asked if it would make more sense to make setbacks to the property line
120 and not to the residence. The committee could change that before it goes for public hearing.
121

122 **MOTION** by Mr. Paul and seconded by Mr. Esry to move setbacks from principal dwelling to property lines.
123 Mr. Stohr has concerns about right to farm and doing what they want on their farm. He would like to look into
124 this more.
125

126 Upon voice vote, the **MOTION FAILS**.
127

128 Mr. Esry stated that Planning and Zoning brought forth what they were directed to. He stated that he doesn't
129 feel the setbacks are enough and that we are doing enough for the landowners and the people who live in the
130 area where wind farms could be developed.

131
132 Upon voice vote, the **MOTION CARRIED** to place on file for a 30-day review period.
133

134 **X. Other Business**

135 A. Semi-Annual Review of CLOSED Session Minutes
136

137 **MOTION** to open the ELUC closed session minutes of December 7, 2017, January 9, 2020, and August 6, 2020
138 and for all other closed session minutes to remain closed was made by Mr. Patterson and seconded by Ms.
139 King.
140

141 Upon voice vote, the **MOTION CARRIED** unanimously.
142

143 B. Monthly Reports

144 1. May 2022
145

146 Mr. Hall stated we know we are having a record number of zoning cases as we have gone through our budget
147 for legal advertisements and will have to come to the County Board with an amendment to increase that
148 budget. It was also another good month for compliance inspections.
149

150 **XI. Chair's Report**
151

152 There was no chair's report.
153

154 **XII. Designation of Items to be Placed on the Consent Agenda**
155

156 There were no items to place on the Consent Agenda.
157

158 **XIII. Adjournment**
159

160 Mr. Esry adjourned the meeting at 7:19 p.m.
161

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

**The next Residential Electronics Collection takes place
on Saturday October 15, 2022**

**Residents must register online in advance.
Register now to attend!**

Visit the registration website: **www.ecycle.simplybook.me**

If you do not have internet access, contact the Champaign County Recycling Coordinator at 217-384-3708



ITEMS ACCEPTED: TVs (**ALL types, sizes, & shapes**), computers, laptops*, tablets, iPads, kindles, monitors (all types), printers, plastic computer/stereo speakers, electronic keyboards, fax machines, VCRs, DVD players/recorders, portable digital music players, video game consoles, electronic mice, scanners, digital converter boxes, cable receivers, satellite receivers, accessory computer/monitor speaker, small scale servers sold at retail, sound bar, ink & toner cartridges, loose wires (e.g., extension cords, surge protectors, cables,), **microwaves**, holiday string lights, all phones & phone accessories, digital cameras/mini cams, digital projectors, telecom equipment, uninterruptible power supplies (e.g., battery backups, chargers), rechargeable batteries, networking equipment (e.g., switches, routers, hubs, modems), external drives, and circuit boards. We will also accept paper shredders (with all paper removed) and subwoofer speakers. (**Small items can be bundled or put into a small box and counted as only 1 item.**)

ITEMS NOT ACCEPTED: Wooden stereo speakers, metal stereo speakers, liquid-containing items, freon-containing items (e.g., AC units, dehumidifiers), white goods (e.g., freezers, refrigerators, dishwashers), small appliances (e.g., blenders, coffee makers, toasters), fans, exercise equipment (treadmills, etc.), lamps, vacuum cleaners, thermostats & thermometers, light bulbs, fluorescent bulbs or tubes, smoke or carbon monoxide detectors, loose alkaline batteries.



Brookens Administrative
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Urbana, Illinois 61802

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www.co.champaign.il.us/zoning

TO: Environment and Land Use Committee

**FROM: John Hall, Zoning Administrator
Susan Burgstrom, Senior Planner**

DATE: September 26, 2022

**RE: Authorization for Public Hearing on Proposed Zoning Ordinance
Text Amendment to revise select wind farm ordinance sections.**

BACKGROUND

At the 9/8/22 meeting the Committee reviewed a proposed Zoning Ordinance text amendment that would do the following:

1. Revise Section 6.1.4C.2. to increase the minimum required separation to a participating principal structure to 1,600 feet and 2,000 feet for a non-participating principal structure.
2. Revise Section 6.1.4D.5. to increase the maximum allowed height to 600 feet.
3. Revise Section 6.1.4I. to do the following:
 - a. Lower the Allowable Noise Level to 45 dB(A).
 - b. Require a wind farm owner to pay for an independent post-construction noise study to demonstrate compliance with the allowable noise level.
4. Revise Section 9.33B.(6) to add a fee to pay for the post-construction noise study. No examples could be found for the amount of this fee.

ANTICIPATED TIMELINE FOR THE AMENDMENT

The timeline is anticipated to be as follows:

- If the Committee authorizes the text amendment at this meeting, a public hearing could open at the first Zoning Board of Appeals meeting in January (perhaps 1/12/23). Based on the previous text amendment Case 037-AT-22, the public hearing will probably not be completed until sometime in May 2023, at which time the ZBA will make a recommendation to ELUC.
- ELUC could review the recommendation as early as the June 2023 meeting, in which case the earliest that the County Board could vote on the amendment would be at their meeting in August 2023.

ATTACHMENTS

- A Proposed Text Amendment

1. Amend Sections 6.1.4C. 1. and 2. as follows:

1. **Minimum separation to a PARTICIPATING DWELLING OR PRINCIPAL BUILDING.**
 - a. For a WIND FARM approved prior to {effective date}, 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 (35 Illinois Administrative Code Subtitle H: Noise Parts 900, 901, 910).
 - b. For a WIND FARM approved after effective date}, at least 1,600 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 allowable noise level.
2. **Minimum separation to a NON-PARTICIPATING DWELLING OR PRINCIPAL BUILDING.**
 - a. For a WIND FARM approved prior to {effective date}, at least 1,200 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.
 - b. For a WIND FARM approved after {effective date}, at least 2,000 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 allowable noise level 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.

2. Amend Section 6.1.4 D.5. as follows:

5. The total WIND FARM TOWER HEIGHT (measured to the tip of the highest rotor blade) must be ~~less than 500~~ no taller than 600 feet and shall

be specified in the application. A total WIND FARM TOWER HEIGHT of 500 feet or greater shall conform to all Federal Aviation Administration (FAA) requirements including an FAA Determination of No Hazard with or without Conditions.

3. Amend Section 6.1.4 I. as follows:

I. Standard Conditions for Allowable Noise Level

1. The allowable noise level ~~noise levels from each~~ for a WIND FARM TOWER or WIND FARM shall be the following:
 - a. For a WIND FARM approved prior to {effective date}, the allowable noise level shall be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (35 Illinois Administrative Code Subtitle H: Noise Parts 900, 901, 910).
 - b. For a WIND FARM approved after effective date}, the allowable noise level shall be no more than 45 dBA. The determination of residential land shall be based on actual land use.
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 ~~1,500~~ 2,000 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. Post-construction verification of WIND FARM operational noise level for a WIND FARM approved after {effective date}.
 - a. Any application for a WIND FARM SPECIAL USE permit shall include a fee for a Post-construction WIND FARM Noise Study. The fee for the Post-construction WIND FARM Noise Study shall

be held by the COUNTY and used to pay for a qualified noise consultant to conduct the Post-construction WIND FARM Noise Study. Any excess fees shall be refunded to the applicant upon the approval of the Noise Study and any additional fees necessary to cover the full cost of the Noise Study will be billed to the WIND FARM owner.

b. Within the first two years of WIND FARM operation, the WIND FARM owner shall allow the COUNTY to conduct a post-construction noise study including noise monitoring, data analysis, preparation of a report intended to verify if the noise generated by the WIND FARM and all WIND FARM TOWERS is in compliance with the Allowable Noise Level and in general compliance with the WIND FARM approval. The COUNTY shall select a qualified noise consultant to conduct the Post-construction WIND FARM Noise Study.

c. The post-construction noise study shall include noise monitoring at a minimum of five different representative locations within the area of the WIND FARM. The locations shall be agreeable to the COUNTY and to the COUNTY's qualified noise consultant and to the WIND FARM owner. If more than five representative locations are needed the WIND FARM shall bear the costs. The representative locations shall include the following:

(1) Two noise monitoring locations shall be in proximity to the worst-case and second worst case noise locations indicated in the WIND FARM application noise study. The actual locations may be on property that is participating in the WIND FARM but shall be as close as possible to non-participating property lines and NON-PARTICIPATING DWELLINGS.

(2) The other noise monitoring locations shall be distributed throughout the WIND FARM area.

(3) Noise monitoring locations shall not be in areas where there are undue obstructions to sound or areas that reflect or absorb sound unduly.

c. Noise monitoring timing and duration.

(1) Noise monitoring shall occur continuously during November for nighttime hours of 10 p.m. to 7 a.m., unless the COUNTY, the COUNTY's qualified noise consultant,

and the WIND FARM owner agree to a different time and duration.

(2) Every effort should be made to conduct noise monitoring during times of maximum WIND FARM energy production.

(3) Sound pressure level, audio recordings, and meteorological data should be collected at each monitoring location.

d. Noise measurement standards.

(1) American National Standards Institute (ANSI) S1.4-1983 (R2006) American National Standard Specifications for Sound Level Meters.

(2) ANSI S1.13-2005 (R2010) American National Standard Measurement of Sound Pressure Level in Air.

(3) ANSI S2.9-Part 3- 2013 American National Standard Quantities and Procedures for Description and Measurement of Environmental Sound- Part 3: Short-Term Measurements with an Observer Present.

(4) ANSI S12.18-1994 (R2009) Outdoor Measurement of Sound Pressure Level.

(5) ANSI S12.9 Part 3 American National Standard Methods to Determine and Measure the Residual Sound in Protected Natural and Quiet Residential Areas.

(6) 35 Ill. Admin. Code 910.105 and 106, where not in conflict with any of the above.

e. Data analysis.

(1) Care must be taken to exclude any ambient noise that may interfere with measurement of noise from the WIND FARM. Examples include noise from agricultural harvesting activities and noise from vehicular and train traffic. Exclusion of such data should be documented in the final report.

(2) Noise measurements should be excluded at wind speeds above 5 meter per second (11 miles per hour). Each monitoring location should have an anemometer.

(3) “Spikes” of sporadic noise, such as a motorized vehicle passing by, or a clap of thunder, or a dog barking may be eliminated from the data as long as an explanation is included in the final report.

(4) Best practices shall be used in the analysis of the noise monitoring data.

f. Data reporting.

(1) The entire post-construction noise study shall be documented in a written final report that shall be approved by the GOVERNING BOARD upon a recommendation from the Champaign County Board’s Environment and Land Use Committee. Approval of the written final report shall not confer approval of any exceedance of the allowable noise level.

(2) The final report shall at a minimum include the following:

(a) Scaled maps of all turbine locations, all monitoring locations, all residences and/or PRINCIPAL STRUCTURES or BUILDINGS within 2,000 feet of any WIND FARM TOWER.

(b) Continuous sound measurements at all wind speeds that occurred during monitoring and charts illustrating the time series measurements.

(c) One-third octave band analysis of data recorded at each monitoring location.

(d) Use monitoring results to assess sound measurements over the range of sound frequencies to estimate the total noise level while the WIND TOWER TURBINES were in operation. Present these results in charts and tables as appropriate.

(e) Compare the monitoring results to the allowable noise level and highlight any exceedances.

(f) Include a written narrative conclusion regarding how well the monitored results compare to the allowable noise level and the predicted sound levels

for the WIND FARM. Explain any unfavorable results or exceedances of the allowable noise level.

g. Amend the Special Use Permit. Any exceedance of the allowable noise level shall require an amendment to the WIND FARM SPECIAL USE permit. The amendment to the WIND FARM SPECIAL USE permit shall include any changes to WIND FARM operation that are necessary to comply with the allowable noise level. An application for any required amendment to the WIND FARM SPECIAL USE permit shall be received (with full application fees) within 180 days of the County Board approval of the post-construction noise study.

67. 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 whether the noise produced by the WIND FARM is 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). compliant with the
 - 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. Allowable Noise regulations Level 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 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. Allowable Noise regulations Level is identified, the WIND FARM owner shall reimburse to the County the cost of the noise consultant.

5. Revise paragraph 9.3.3B.(6) as follows:

- (6) County Board WIND FARM SPECIAL USE Permit
 - (a) County Board WIND FARM SPECIAL USE Permit\$34,000
or \$760 per WIND FARM TURBINE TOWER, whichever is
greater; plus
 - (b) Initial payment for the full cost of a Post-construction WIND
FARM Noise Study (same as the SUP fee).....\$34,000
or \$760 per WIND FARM TURBINE TOWER, whichever is
greater, and plus any additional fees for the amount by which the
costs billed to the COUNTY exceed the initial payment, or a
refund of any unspent fee, due upon approval of the Noise Study.