

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **May 14, 2009**
Time: **7:00 p.m.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

**Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 PM.
Use Northeast parking lot via Lierman Ave.,
and enter building through Northeast
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET - ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (March 26, 2009 and April 16, 2009)
5. Continued Public Hearings

Case 611-AM-08 Petitioner: **Casey's Retail Company and Henri Merkelo**

Request: **Amend the Zoning Map to change the zoning district designation from the R-5 Manufactured Home Park Zoning District to the B-4 General Business Zoning District.**

Location: **A 1.04 acre tract in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 10 of Urbana Township and commonly known as the vacant house at 2218 East University Avenue, Urbana.**

6. New Public Hearings
7. Staff Report
8. Other Business
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

*** Administrative Hearing. Cross Examination allowed.**

SUBJECT TO APPROVAL

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: March 26, 2009

PLACE: Lyle Shields Meeting Room

1776 East Washington Street

Urbana, IL 61802

TIME: 7:00 p.m.

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

MEMBERS ABSENT : None

STAFF PRESENT : John Hall, Leroy Holliday, J.R. Knight, Christina Papavasiliou (Assistant State's Attorney), Deb Busey (County Co-Administrator)

OTHERS PRESENT : Vince, Early, John Doster, Kim Schertz, Gerald Henry, Ariel Taylor, Rene' Taylor, Rich Porter, Marvin Johnson, Sherry Schildt, Herb Schildt, Alvina Pflugmacher, M. Pflugmacher, Jerry Watson, Rob Parker, Barbara Gerdes, Hal Barnhart, Steve Burdin, Jeff Suits, Mark Youmans, Travis Youmans, John Lannon, Carl Smith, Jeff Blue, Kyle Krapf, Mike Babb, Ken Dalenberg, Dean Rose, Sam Smucker, Eric McKeever, Jerry Cohen, Bill French, Steve Burdin, Jed Gerdes, Jon Schroeder, Steve Moser, Al Kurtz, Barbara Wysocki, Al Nudo, Chris Doenitz, Sam Smucker

1. Call to Order

The meeting was called to order at 7:01 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

3. Correspondence

None

4. Approval of Minutes (March 12, 2009)

Mr. Courson moved, seconded by Mr. Miller to approve the March 12, 2009, minutes as submitted.

The motion carried by voice vote.

Mr. Bluhm reminded everyone in attendance that private discussion should be kept as quiet as possible during testimony and everyone should show respect to those who are testifying. He noted that anyone in attendance should sign the attendance register and if anyone desires to present testimony they should sign

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1 the witness register.

2
3 **5. Continued Public Hearing**

4
5 **Case 634-AT-08 Petitioner: Zoning Administrator 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); B. Change the requirements for private wind turbines; and C. Add a requirement for a CBSUP for subdivisions in a Rural Residential Overlay.**

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12 Mr. Bluhm announced that he must recuse himself from Case 634-AT-08 because he is a landowner in one of the areas that is in development for a proposed wind farm.

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15 Mr. Hall informed the Board that according to the ZBA By-laws they need to vote and appoint an interim Chair for this public hearing.

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18 **Ms. Capel moved, seconded by Mr. Palmgren to appoint Eric Thorsland as interim Chair for the March 26, 2009, Zoning Board of Appeals meeting. The motion carried by voice vote.**

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21 Mr. Thorsland informed the audience that everyone is welcome to speak although the Board would like to limit redundant testimony.

22
23
24 Mr. Hall distributed a Supplemental Memorandum dated March 26, 2009, to the Board for review. He said that the Draft Amendment has been updated to provide for test wind towers and for county enforcement of noise regulations. He said that the definition, as taken from the state statutes, for test wind towers has been included in Attachment A and an exclusion in the height portion of the Ordinance, subparagraph 4.3.1E., for both the wind farm tower and the test tower has been included in Attachment B, provided they do not exceed 200 feet in height. He said that Attachment C. provides an exemption in the Wind Farm Overlay District for both wind turbine towers and test wind towers. He said that the test wind tower does not need a permit and the wind turbine tower is part of the special use permit.

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33 Mr. Hall stated that the Supplemental Memorandum dated March 20, 2009, changed the setback for wind farm towers from the perimeter of the Wind Farm Overlay District. He said that this change was intended to address Mr. Courson's concerns about having any part of the 1,000 foot separation overlapping a non-participating property. He said that applying the 1,000 foot separation to the zoning district could still overlap a non-participating property because only 50% of the landowners are needed for the zoning district overlay and 100% of the landowners for the special use permit. He said that Attachment D applies the 1,000 foot separation to the area of the special use permit and two new subparagraphs have been added to Subparagraph 6.1.4A.1. which defines the area of the special use permit. He said that new Items 6.1.4A.1(f) and (g) have been copied directly from the map amendment therefore the area of the special use permit would become even more like the area of the map amendment. He said that if the

3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 Board decides to not adopt the 1,000 foot separation then this would also be changed but this is what Mr.
2 Courson recommended at the last meeting.

3
4 Mr. Hall stated that in regards to enforcing the Wind Farm Noise Regulations the version that was
5 included in the March 20, 2009, Supplemental Memorandum did not include the conditions for
6 enforcement therefore Attachment E of the March 26, 2009, Supplemental Memorandum includes the
7 provisions that were discussed at the last hearing in regards to enforcement. He said that the only way
8 that staff can enforce the noise regulations for wind farms is if staff acquires a noise meter so that when a
9 complaint is received staff can go out to obtain preliminary readings. He said that those readings are not
10 going to mean anything because they are taken by non-professionals but at least staff could go out and
11 verify if the complaint is valid. He said that if staff receives valid complaints within the same location
12 that would indicate the need for a noise study that could be taken to ELUC to seek authorization to
13 proceed with a noise study. He said that staff has to have some way to respond to complaints that are
14 received from citizens and a noise meter may cost approximately \$5000. He said that once we get a noise
15 consultant on Board to review the first wind farm we can get a recommendation from the noise consultant
16 to get a reliable piece of equipment, at minimal cost that can be used for that purpose. He said that wind
17 farms will have very large fees, compared to any other use, and he could see a use for about \$5,000 for a
18 noise meter. He noted that there is an attachment to the March 20, 2009, Supplemental Memorandum
19 regarding one type of noise meter which is the Extech Octave Band Sound Analyzer.

20
21 Mr. Hall stated that staff realized that the Finding of Fact had no information regarding fees which would
22 make it difficult to discuss that part of the amendment with the County Board therefore staff has proposed
23 a new Item #12 to the Finding of Fact that reviews the background regarding fees. He said that Item #12
24 summarizes information that has been presented to the Board in previous memos and is included as
25 Attachment F. of the new Supplemental Memorandum.

26
27 Mr. Hall stated that an Attachment H is attached to the new Supplemental Memorandum which includes
28 comments from a professional environmental consultant in wind farm design who reviewed staff's
29 recommended standard conditions for wildlife impacts. He said that the consultant did not add any new
30 requirements to staff's recommendation but he did point out that, in his opinion, it might be possible to
31 simplify the site assessment that happens prior to the County Board approval. Mr. Hall stated that the
32 consultant's recommendation is based on the literature review, field examination and all other existing
33 literature regarding avian and bat mortality field results within North America, it is possible that there
34 could be a determination that no further surveys are required in particular the full year of site specific
35 survey. Mr. Hall stated that he has not received any complaints from the wind farm developers about the
36 proposed conditions regarding acceptable wildlife impacts but not having to do a full year site specific
37 study would make the amendment more efficient, provided everyone agrees. He said that it is at the
38 Board's discretion whether to add Attachment H to Paragraph 6.1.4L. He said that the information in
39 Attachment H. is from a person who does this for a living and contact was made with this person at the
40 Peoria Conference regarding Wind Farms.

41
42 Mr. Hall stated that an additional handout that was provided to the Board illustrates the proposed changes

3/26/09

1 to the perimeter of the wind farm and regarding the area of the special use permit. He said that if the
2 revised area of County Board special use permit is compared with the revised area of the Wind Farm
3 Overlay Zoning it can be seen that the two are becoming more similar and the 1,000 foot setback did
4 result in an increase in land required by the zoning district. He said that it is difficult to illustrate what a
5 wind farm is going to look like but he did go back to the same example that was reviewed at the last
6 hearing and now it includes more area.

7
8 Mr. Hall distributed the Appendix from the Champaign County Zoning Board of Appeals By-Laws for
9 the Board's review. He said that he does not know how difficult it will be for the Board to arrive at a
10 consensus or final determination but when they are finally ready for the final vote there are a few things
11 that staff should point out in the regards to what the By-Laws indicate. He said that the By-Laws provide
12 for a "no recommendation" to the County Board if the Zoning Board cannot come to an agreement. He
13 said that the By-Laws require four votes to make an affirmative recommendation but if that proves too
14 difficult the Board could forward this case to the County Board with a "no recommendation."

15
16 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

17
18 Mr. Thorsland reminded the audience to sign the attendance sheet and if they desire to testify they must
19 sign the witness register.

20
21 Mr. Thorsland requested that County Board members refrain from presenting testimony at tonight's
22 public hearing.

23
24 Mr. Thorsland requested that testimony be limited to zoning issues. He said that if written testimony is
25 available staff would appreciate a copy for accurate transcription of the minutes.

26
27 Mr. Thorsland called Ms. Rene' Taylor to testify.

28
29 Ms. Rene' Taylor, who resides at 29056E 1200N Rd, Ellsworth, IL, stated that she lives with her husband
30 and children on a rural homestead near Ellsworth and their property is located approximately 1,500 to
31 1,800 feet from three turbines. She said that one of the wind farm's two electric sub-stations are located
32 approximately 1,100 feet from the east wall of their home and anyone who toured the Twin Groves
33 Project probably saw their home when they stopped near the electric sub-station. She said that living near
34 the sub-station has changed many things in their lives because they often have to close their windows
35 during nice weather to avoid turbine noise within their home. She said that the closing of windows forces
36 them to use air conditioners when at times they would prefer not to. She said that while they retain the
37 use of their property much of the time they are no longer able to enjoy it and only do what they need to do
38 outside and hurry back inside their house to avoid the constant noise from the turbines and the sub-station
39 and even inside their home they can hear and feel the turbines. She said that during the winter they
40 experience many times when they consider the noise from the wind turbines to be excessive and at one
41 time they borrowed a noise meter to measure the sound level and although this was not a professional
42 instrument and they are not experts at taking readings they were obtaining readings of 85 to 90 decibels at

3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

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1 the wall of their home. She said that they have found that the sound of the turbines is loudest at night
2 between 10 p.m. and 3 a.m. and have experienced many occasions at night when no wind is blowing at
3 the surface and the turbines were operating at full speed. She said that this operation results in
4 tremendous noise because there are no surface winds to mask the turbines noise and when the winds are
5 above 25 mph they no longer hear the “swish” or “thump” of the blades and it sounds more like a train
6 running across the back of their property. She said that the noise issue has been most difficult for their
7 eleven-year old son who has been diagnosed with high functioning autism and is very sensitive to sound
8 and at times he fixates on a sound the rest of the family cannot hear therefore becoming fitful and hard to
9 deal with and being required to be taken out of the area. She said that as parents they do everything
10 humanly possible to ensure the safety of their children and it is heart wrenching to watch him sit on the
11 floor with his hands over his ears screaming to make the noise stop. She said that every member of her
12 family has experienced difficulty sleeping, waking up from turbine noises, daily headaches, irritability,
13 pressure in their ears and severe fatigue. She said that since the wind turbines went on line, two years
14 ago, her youngest daughter tells her that it feels like a hamster running in her chest and what she is
15 experiencing is heart palpitations and her oldest daughter was placed on anti-depressants this past
16 December. She said that she feels that most of the problems that her family is experiencing are due to a
17 lack of sleep from the wind turbine noise.

18
19 Ms. Taylor stated that last May, in the middle of the night, lightning struck and damaged the wind turbine
20 located 1,500 feet from her home and it sounded like a bomb exploding. She said that her children, who
21 range from 21 years old to eleven-years old, came running into her bedroom because they were terrified.
22 She said that her children are now terrified every time there is a thunderstorm because they are afraid that
23 this even will happen again. She that they have had a fairly icy winter this year and they could hear the
24 ice shedding from the turbines and crashing to the ground and she wouldn’t let her children go to the barn
25 to take care of their horses nor would she turn the horses out while she could hear the ice crashing to the
26 ground. She said that they were told that the wind turbines would shut down when icing occurred but she
27 has not seen this happen to date. She thanked the Board for the opportunity to speak.

28
29 Mr. Taylor stated that Champaign County is considering a 1,500 foot setback from neighboring properties
30 for the wind turbines and at the last meeting someone spoke about the crash in Altona, New York of a
31 wind turbine and the debris field was about one-quarter of a mile away. She said that this crash occurred
32 during calm wind conditions and if there had been any wind, with a 1,500 foot setback, there is a
33 possibility that the debris would land on a non-participating landowner’s property. She said that she has
34 been working with a number of people from the state of New York, Clinton County, Wyoming County
35 and Franklin County, New York, and there is a developer in that location that has not paid a number of
36 construction people and other related construction fees. She said that to date these unpaid people have
37 filed over 43 mechanic’s liens against the property owners because the developer did not pay his bills.
38 She submitted copies of two of the mechanic’s liens as Documents of Record.

39
40 Mr. Thorsland asked the Board if there were any questions for Ms. Taylor and there were none.

41
42 Mr. Thorsland asked if staff had any questions fro Ms. Taylor and there were none.

1
2 Mr. Thorsland called Mr. John Doster to testify.
3

4 Mr. John Doster, representative for Invenergy, stated that his company is looking to develop a wind
5 project in Champaign and Vermillion Counties. He said that they are moving forward with this project
6 and have received tremendous support from landowners in those areas and Invenergy continues to sign up
7 a significant number of landowners. He said that the 1,000 foot separation from non-participating
8 landowners in the Wind Farm Overlay would require more land and more acreage to get a project put
9 together. He said that a 1,000 foot setback is a standard setback in Vermillion County. He said that
10 Invenergy feels that 1,200 feet is an acceptable setback but a 1,500 setback becomes more difficult and
11 the higher the number the more it indicates to the developer that your county is not interested in having
12 wind turbines. He said that Invenergy will always abide by the safety setbacks and standards and they do
13 conduct noise studies prior to construction therefore, with respect to the previous speaker, he is not sure if
14 the developer for Twin Groves conducted such a study prior to construction. He said Invenergy conducts
15 the noise studies so that they are assured that they will have no adverse areas that will have significant
16 noise impacts on the neighbors.
17

18 Mr. Doster stated that Invenergy conducts many environmental studies and they have already completed
19 the risk assessment for the proposed area in the County. He said that currently they are conducting a very
20 thorough environmental study and are receiving guidance from IDNR (Illinois Department of Natural
21 Resources) so that they can put together a project that will have very little environmental impact with
22 respect to the sustainability of endangered species, birds, bats, ground squirrels, mussels, snakes, turtles,
23 etc. He said that the safety and environmental impacts on the area are taken very seriously when they
24 complete the identification and layout of a location. He said that they will stay away from a landowner's
25 dwelling although they request that the setbacks not be 1,200 feet because it makes it difficult for a
26 developer to find locations and it sends a signal to the developer that your county is not interested in
27 developing a wind farm and if that is the case then that is your county's decision. He said that as
28 Invenergy is doing their development they move fairly quickly and they would ask that the year long
29 environmental study not be required for the special use permit but perhaps for the building permit. He
30 said that they are starting their studies now to get the spring migration but they anticipate moving dirt by
31 the end of spring of 2010. He said that it takes a full year to acquire those studies and if there are any
32 impacts they will make adjustments at that time. He said that he believes that if the requirement for the
33 year long study was required for the special use permit it would pretty much dictate that no development
34 would take place from Invenergy within Champaign County.
35

36 Mr. Doster stated that Invenergy is interested in developing in Champaign County but the more restrictive
37 your county becomes the more difficult and costly it will be for a developer therefore forcing them to
38 question when identifying a specific location the likelihood of that area being approved versus another
39 area in another county. He said that currently it appears that a wind developer will be forced to overcome
40 some very significant hurdles in order to develop in Champaign County therefore he would like the Board
41 to consider if they want to have wind development in Champaign County or not. He said that Invenergy
42 would like to develop in Champaign County and there are a lot of landowners who would like to see this

3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 development happen therefore he would ask that Champaign County not over-regulate to where it
2 becomes impossible or extremely difficult to obtain a permit. He said that Invenergy does take the safety
3 and the setbacks very seriously because they want to make sure that their projects are not going to be a
4 hazard to any individuals or the environment and desires to be a positive contributor to the community
5 and they feel that they have done this in previous projects.
6

7 Mr. Thorsland asked the Board if there were any questions for Mr. Doster.
8

9 Mr. Schroeder asked Mr. Doster if all of the turbines that Invenergy would construct in an area are the
10 same size and height.
11

12 Mr. Doster stated that typically Invenergy would use the same size turbines but that does not mean that
13 their project would have the same size turbine that another developer's project would have.
14

15 Mr. Schroeder stated that all developers do not use a unified wind turbine.
16

17 Mr. Doster stated no.
18

19 Mr. Courson asked Mr. Doster if there was an increase in noise when the generators start and stop.
20

21 Mr. Doster stated that the only time that any mechanical noise would be generated is when the generator
22 has to mechanically brake itself and stop operation. He said that the generator has sensors installed and
23 when those sensors indicate that something is wrong the generator will mechanically brake and shut itself
24 down and at that time there may be a short period of extended noise.
25

26 Mr. Courson asked Mr. Doster if high winds will also trigger the mechanical braking system to operate.
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28 Mr. Doster stated yes. He said that typically a 55 mph wind will cause the turbine to shut down so that an
29 over spin situation does not occur.
30

31 Mr. Thorsland asked staff if there were any questions for Mr. Doster.
32

33 Mr. Hall asked Mr. Doster if he could give the Board an idea of how many non-participating dwellings
34 would be encountered during a typical wind farm development.
35

36 Mr. Doster stated that it is site specific and it depends on how close the project is from a town or a more
37 developed area. He said that without the numbers in front of him it is hard to make an accurate
38 determination and it would be pure conjecture. He said that he could obtain this information and forward
39 it to staff for review.
40

41 Mr. Hall stated that it is his expectation that Invenergy would not consider a wind farm where there are
42 a lot of homes therefore Mr. Doster's previous comment regarding how a 1,200 or 1,500 foot setback

3/26/09

1 would make it more difficult for a developer to accommodate and would have an impact seems
2 inaccurate. He said that regarding Mr. Doster’s concern regarding the full year study for avian impacts
3 the condition that is included in Paragraph 6.1.4L(2) states the following: If the risk assessment indicates
4 risk may be high enough to potentially adversely effect the sustainability of bird or bat populations a full
5 year of site specific, bird and bat use surveys may be required to address those species and conditions
6 representing high risk from the beginning of the spring migration for birds or bats, and extending through
7 the end of the fall migration for birds or bats and include both the spring and fall migration for both birds
8 and bats in the proposed WIND FARM area. Mr. Hall stated that this year, he assumes, that Invenergy
9 will be able to study the spring and fall migration and that might be good grounds for a waiver to prevent
10 the need for another spring/fall cycle. He said that he cannot see how obtaining such a waiver would be a
11 significant problem being that Invenergy is in an unusual situation because Invenergy would be first in
12 line. He said that he would hate to see the county adopt a lesser standard when they have the option to
13 grant a waiver. He encouraged Mr. Doster to work with the County because these are standard conditions
14 and are subject to the request of a waiver.

15
16 Mr. Doster stated that he understands the opportunity that Invenergy can request a waiver and he is fine
17 with that option because they will have a substantial amount of data that they will be able to present staff
18 when requesting a permit.

19
20 Mr. Thorsland called Ms. Kim Schertz to testify.

21
22 Mr. Thorsland reminded the audience that anyone desiring to testify should refrain from redundant
23 testimony and should keep their testimony to zoning related issues only.

24
25 Ms. Kim Schertz, who resides in Hudson, IL, stated that first of all she wanted to correct a couple of
26 things from the previous hearing but she did misspeak when she said that 4,000 wind turbines were
27 proposed for Livingston County. She said that it is more accurate to state that there are about 2,000 to
28 4,000 megawatts proposed for Livingston County. She said that Jeannie Rapp, ex-president of the Board
29 has indicated that, as of this week, approximately 1,400 actual towers are planned for that county and she
30 believes that some of those turbines are up to 3 megawatts each.

31
32 Ms. Schertz stated that there was an error on the flyer which she previously submitted titled: “Subsidies,
33 Who Gets the Most While Producing the Least?” therefore she resubmitted the flyer with the correct
34 information. She said that when the outputs were figured it was assumed that 240 wind turbines were
35 proposed for Ellsworth but only 120 wind turbines are proposed. She said that the corrected number
36 would be an operating factor of 12.4% for Ellsworth in August of 2008. She said that in the summer
37 months when we need the power the most you can expect these wind turbines to operate at only around
38 10-12% capacity.

39
40 Ms. Schertz stated that Mr. Schildt spoke about two instances of turbines throwing debris up to 1,600 feet
41 and those were turbines that were less than 400 feet tall therefore the setbacks that Champaign County is
42 proposing would not protect your citizens from a 400 foot tall turbine let alone the nearly 500 foot tall

3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 turbines which are being proposed. She said that testimony, such as that presented by Michael Jarboe,
2 which speculates that “they are developing new technology all of the time and wind turbines could be not
3 higher than 100 feet” flies in the face of everything that is put out by wind turbine manufacturers that are
4 stating that new technologies are allowing bigger turbines to be put in less windy places in order to
5 capture the wind at higher heights. She said that she finds Mr. Hall’s statement that all aerial applications
6 done by aircraft could essentially be done by ground sprayer to be absolutely ridiculous and indicative of
7 an extreme lack of understanding of the agricultural nature of this county. She said that if it all could be
8 done by ground sprayers then we would not have had the need for aerial application for the last 40 years.
9 She said that an aircraft can cover about three times more ground in a day than a ground sprayer can and
10 when there is an extreme crop threat such as with Asian Soybean rust, in which there is a very short
11 window of time to treat in conditions which generally involve a wet field, and in those situations an
12 aircraft is the only viable means to treat the field. She said that she has heard so much about the John
13 Deere Hagee ground sprayer and how it can be used with the same efficiency as an aircraft but she has
14 heard from people who use them and they have indicated that a full height corn crop cannot be treated
15 without major damage to the canopy and without massive amounts of pollen buildup on the unit causing
16 it to overheat. She said that she discussed this issue with a member of the Champaign County Board
17 when they both attended a landowner meeting on February 13th and he told her the exact same thing.
18

19 Ms. Schertz stated that no one has discussed the issue of all the specialty seed corn crops grown in this
20 area and the problems that the 500 foot towers will cause to the effective treatment of those crops. She
21 said that her husband is an aerial applicator and does treat the Monsanto fields down here and it usually
22 involves a steady three day rotation of spraying to protect those high value crops. She said that this issue
23 brings her to another point that she can testify to personally. She said that the mere suggestion of these
24 wind turbines coming to Champaign County has already stymied your real estate market whether you
25 realize it or not. She said that their business just purchased a fourth aircraft and they have been looking
26 for land near the Monsanto plant for months to put up a landing strip and hangar but they have ruled out
27 Champaign County until they see what the wind developers will do here. She said that her husband went
28 to Piatt County to search for available land but when she came home from the last public hearing she told
29 him that Piatt County was not an option because wind turbines are proposed for Piatt County also. She
30 said that she knows from a personal standpoint that just the mention of these turbines coming to
31 Champaign County has prevented them from purchasing land here and bringing business into the county.
32 She said that generally when there is one situation such as this there are normally more to follow.
33

34 Ms. Schertz stated that the Board needs to take a hard look at just where the *Model Wind Ordinance* came
35 from and what facts back up the supposed justification for the 1,000 foot setback or 1.1 times the tower
36 height. She said that she enclosed a copy of the *Model Wind Ordinance* so that the Board is aware of
37 where it came from. She asked the Board if they have required any wind developer to submit scientific
38 facts to back up their claims that these are “safe zones” based on research and not just pulling a number
39 out of a hat in order to fit more wind turbines into a smaller area with larger concentrations of people who
40 will be harmed. She said that the first *Model Wind Ordinance* appeared in May 2003 and it was written
41 by the Chicago Legal Clinic and funded by a grant from the Illinois Clean Energy Foundation. She said
42 that it was drafted after consultation with a wide group of stakeholders including wind energy developers,

3/26/09

1 technical consultants, environmental non-profits, government, third party certifying agencies and private
2 environmental attorneys and they all shared office space with the first wind company in Illinois which
3 was Illinois Wind Energy. She said that the Environmental Law Clinic was in the same building as the
4 Chicago Legal Clinic which was in the same building as Illinois Wind Energy which was developing the
5 first utility scale wind farm in Illinois. She said that their goal was a statewide, multi-stakeholder task
6 force to develop uniform local siting standards for utility scale wind farms. She said that the task force
7 developed the uniform local siting standards which were to be distributed to the full range of local
8 officials. She said that the standards which each county is adopting were written by the wind industry, for
9 the wind industry with no scientific studies and no claims to back it up other than “trust us” which is the
10 last thing which she is inclined to do. She said that the Board needs to seriously consider who’s guarding
11 the henhouse and whether or not these suggested setbacks were written to protect your citizens from the
12 hazards of wind turbines or to line the pockets of developers by opening up your county to wind turbines.

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Ms. Schertz stated that the purpose of the special use permit is to protect the health and safety of your citizens not to allow wind developers at all costs, especially when those costs are born by your citizens. She submitted informational handouts as Documents of Record.

Mr. Thorsland asked the Board if there were any questions for Ms. Schertz and there were none.

Mr. Thorsland asked staff if there were any questions for Ms. Schertz.

Mr. Hall asked Ms. Schertz to explain to the Board why the noise readings that were referenced were so different than the measurements that she submitted at the last hearing.

Ms. Schertz stated that she stayed on the main roads at Ellsworth and she was quite a distance from the turbines. She said that she drove towards the turbine on the main gravel road and stuck the noise meter out the window and took a reading. She said that she was not really near the turbine and as she got further away she crossed Route 9 which is probably one-mile away and that is where she got the night-time noise readings of 26 decibels. She said that she does not have specific measurements as to how close she was to the turbines but only wanted to give an overview that at two miles away from the turbines the reading was at 26 decibels and ½ to ¾ miles was up to 50 decibels.

Mr. Hall stated that as he recalled there was only one reading that was above 48.9 decibels and it appeared that it was either in a car going at 65 mph or a car passed her at 65mph.

Ms. Schertz stated that was to demonstrate the difference because she was on Route 9 at an intersection with no noise and when one single car went past her the decibels increased. She noted that these were short readings and normally the readings are at one hour minimum but since she was standing in the middle of the road at night she was taking short readings to get an idea of the background noise.

Mr. Hall stated that his previous statement, that Ms. Schertz referred to in her testimony, that aerial

3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

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1 applications could be essentially be done by ground sprayers was recounting testimony made by a farmer
2 and was not his idea of what was possible.

3
4 Ms. Schertz stated that the statement made by that farmer is very incorrect and very simple. She
5 apologized that she did not understand that Mr. Hall was referencing someone else's testimony.

6
7 Mr. Miller stated that he would like to present a handout for the Board's review titled, "Wind Power
8 Myths vs. Facts." He said that this handout was part of the packet distributed by Invenergy but it appears
9 that it was put together by the American Wind Energy Association.

10
11 Mr. Thorsland called Mr. Rich Porter to testify.

12
13 Mr. Rich Porter who resides at 1400E CR 100N, Paxton stated that he represents a group called Illinois
14 Wind Watch which is a new statewide group to begin assessing the claims of the wind industry. He said
15 that what Champaign County does tonight and in the next few weeks is going to be very important for its
16 citizens because if it is not done right the County will not protect all of the citizens that are paying taxes
17 to the County and are depending on the Board to make the correct decisions. He said that this Board is
18 being asked to quickly make a decision so that these companies can come in and develop. He said that
19 Mr. Doster has stated at least three times that if Champaign County does not do this right then the
20 companies will simply go elsewhere. Mr. Porter stated that he is here to tell the Board that if they do this
21 right they will be able to live with themselves and their constituents.

22
23 Mr. Porter stated that Dekalb County has a wind ordinance that they have already put into place and now
24 the companies are coming to make their presentations for special uses. He said that Florida Power and
25 Light, the largest wind company in the country, has just lost their hearing in Dekalb County because the
26 Hearing Officer ruled against them. He said that Florida Power and Light thought that they could go to
27 Dekalb County and the citizens of that county would just roll over and allow them to develop but they
28 were wrong. He said that the citizens came prepared and they brought a different perspective than what
29 the companies had said. He read one of the Dekalb County's Hearing Officer's comments from the
30 March 21, 2009, Findings of Fact as follows: There is significant disagreement between expert sources
31 relative to the effect of wind farms on property values. Mr. Porter stated that property values are
32 something that this zoning body is here to protect and it is very clear using simple common logic that
33 when you take a certain number of people out of the pool that are prospective buyers you necessarily then
34 decrease the value and property price. He said that when you take away buyers you increase the supply of
35 that property therefore fewer buyers and a bigger supply means lower prices and that is what we are
36 finding from independent people who are not paid for by the wind companies. He said that they are
37 finding this from the independent property assessors and from the citizens that are paying for independent
38 reports which show that numbers have not been necessarily true when it comes to what property values
39 are and in fact they are decreasing. He said that there is a report from the University of Iowa's Legal
40 Department and they were advising lawyers, based on what is happening in Illinois, to be very careful
41 advising their clients, the farmers, about wind turbines coming in and to make sure that the farmer's
42 property values are protected.

1
2 Mr. Porter stated that the Dekalb County Hearing Officer also stated in the March 21, 2009, Findings of
3 Fact that there was a significant disagreement between expert sources as to the impact of wind turbine
4 noise on public health and it is essential that appropriate setbacks and conditions for the placement of
5 wind turbines are identified because financial gain cannot take precedence over public health, safety and
6 welfare of the citizens of Dekalb County. Mr. Porter stated that apparently the Hearing Officer does feel
7 that Florida Power and Light has paid attention to the public's well being even though they followed
8 Dekalb County's minimum zoning ordinance, which is the *Model Ordinance* that the State came up with
9 but that was not good enough for the Hearing Officer because of the testimony that was given at the
10 hearing. He said that this hearing lasted 19 hours it started at 9 a.m. and ended 3:45 a.m. the next day
11 and it is his opinion that this was a complete abrogation of due process to the citizens because many of
12 the citizens were unable to speak because they needed to go home.

13
14 Mr. Porter stated that the Dekalb County Hearing Officer stated that adequate property value guarantees
15 were not put in place in the Florida Power and Light's plan. He said that the Hearing Officer felt strong
16 enough about property values that without protection put into their own zoning for this particular special
17 use he said no. He said that the Hearing Officer indicated that there is no evidence to clearly show how
18 Florida Power and Light would pay property taxes after the current formula for paying taxes expires after
19 2011. Mr. Porter stated that the property taxes that these companies report that they will pay will not be
20 required of them any longer because that law expires and then a new one will have to be made. He said
21 that the real issue is will they be left exempt although there is some talk that these companies are pushing
22 for a national exemption through the federal government and there is also a possibility that the companies
23 will make pilot payments which are in lieu of taxes and if they do the payment will not be as much as
24 what the property taxes would have been. Mr. Porter stated that the Hearing Officer indicated concerns
25 that the proposed project would negatively impact drainage tiles and farmland. Mr. Porter stated that
26 since this is proposed for Grade-A farmland the drainage implications were so much that the Hearing
27 Officer decided that was one of the points he decided would have to mean "no" for Florida Power and
28 Light. Mr. Porter submitted the Dekalb County Findings of Fact dated March 25, 2009, as a Document of
29 Record.

30
31 Mr. Porter stated that farmers and other landowners in New York were not adequately protected by their
32 contracts from the wind companies and as a result mechanic's liens have been filed against landowners.
33 He said that he has been told by people in New York that those liens are expected to increase because not
34 one company but many companies are nearing financial difficulty. He said that the way the laws are
35 written no matter what happens to the wind turbine companies and no matter what the wind contracts
36 indicate when people do not pay the bills for what has happened to the wind turbines the bills attach to
37 the landowner and the same thing would happen if the taxes are not paid or a bankruptcy is filed. He
38 submitted a Malone Telegram dated March 18, 2009, from Darcy Fargo as a Document of Record. He
39 also submitted a photograph, taken on March 26, 2009, of a damaged wind turbine in LaSalle County. He
40 said that the National Weather Service called for a high wind warning, which consists of a 45 to 50 mph
41 wind event, for all areas south of Interstate 80 two days ago. He said that the wind turbine is less than
42 2,000 feet from a neighbor's house and the woman who lives in the house told him that nothing that she

3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 was told, in order for her to sign the neighbor agreement, was true including the noise and safety
2 concerns. Mr. Porter said that from what he understands the proposal for the wind towers in Champaign
3 County will be more than the 1.5 megawatts turbine that is indicated in the photograph and it is evident
4 what happens when a 50 mph wind occurs. He said that the question is what will happen when tornadoes
5 strike and will the turbines become projectiles. He said that a study from Rutger's University is available
6 on the internet which estimates that the setback should be no less than 1,800 feet because the potential for
7 debris throw, because of the increased height of the newer turbines versus the older, existing turbines.

8
9 Mr. Thorsland asked the Board if there were any questions for Mr. Porter and there were none.

10
11 Mr. Thorsland asked staff if there were any questions for Mr. Porter.

12
13 Mr. Hall stated that Dekalb County has not seen fit to add the use WIND FARM to their Zoning
14 Ordinance therefore they have not taken the time to add standards for such use.

15
16 Mr. Porter stated that he is not familiar with Dekalb County's standards but what Florida Power and Light
17 was proposing in their proposal was that they would follow the state model wind ordinance.

18
19 Mr. Hall stated that there is no state model wind ordinance but there is a *Model Ordinance* but it is not
20 promulgated by the state and he is not sure if it is encouraged by any state agency. He said that he has
21 spoken with Dekalb County and they have no standards, for example, they have no indication of what is
22 required in a public road agreement.

23
24 Mr. Porter stated that the Finding of Fact indicates that Florida Power and Light left that out of their
25 agreement which is one of the reasons why the Hearing Officer bounced it out. He said that Florida Power
26 and Light did not even propose to protect the roads.

27
28 Mr. Hall asked Mr. Porter if he has any idea why Dekalb County would let a project like that go into a
29 public hearing without requiring an agreement.

30
31 Mr. Porter asked Mr. Hall if he is speaking about a blanket zoning agreement.

32
33 Mr. Hall stated that he doesn't understand why they would let it move forward if they could not obtain an
34 agreement about their roads. He said that this is not relevant to Champaign County because we have an
35 extensive list of requirements therefore we would not enter into a public hearing if we do not have an
36 agreement on roads.

37
38 Mr. Porter stated that it has been said that Florida Power and Light, being the largest company owning
39 wind turbines in the United States, knows how to do it right. He said that wind turbine companies that
40 supposedly, "know how to do it right," apparently do not know how to go to a Hearing Officer and get
41 this passed and they had alot of problems with that in Dekalb County. He said that he is not familiar as to
42 whether Dekalb County has passed a blanket ordinance but the state does have a model standard.

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Mr. Hall noted that the State of Illinois does not have standards for wind farm development.

Mr. Porter stated that his county, Ford County, indicated that they drafted their own ordinance based on what the state said.

Mr. Hall stated that the model ordinance is not a state ordinance.

Mr. Porter stated that he did not indicate such and it isn't a state law that everyone has to follow but it is a suggested model that counties can base their ordinance upon.

Mr. Hall stated that it is not suggested by the State of Illinois.

Mr. Hall asked Mr. Porter if he could provide any background regarding this anecdotal evidence that is reported in the Iowa State University Center for Agricultural Law and Taxation. He said that it is a footnoted paper yet there are no footnotes regarding the anecdotal data from Illinois.

Mr. Porter stated that what he would suggest, since they are talking to attorneys about this, that staff calls that organization since their attorneys deal with land use. He said that there must be some weight to this study because they are teaching their attorneys that they must be aware of that.

Mr. Hall asked Mr. Porter if he is familiar with the *Champaign County Zoning Ordinance* and the limits on residential development in rural areas. He said that Champaign County does not encourage residential development and requires rezoning, just as is being proposed for the wind farm, because the zoning district is for agriculture. He asked Mr. Porter if he was aware of how Dekalb County approaches their zoning.

Mr. Porter stated that as far as he knows, which is merely a guess on his part, one of the main topics at the hearing had to do with rural versus developed use of the land. He said that what they were looking at specifically with the people who came with complaints were people who were living in existing rural homes therefore he is assuming that this is similar to Champaign County in that there are a certain number of homes that are already there that are old.

Mr. Thorsland asked if there were any further questions for Mr. Porter and there were none.

Mr. Thorsland called Ms. Sherry Schildt to testify.

Ms. Sherry Schildt, who resides at 398 CR 2500N, Mahomet thanked the Board for allowing her to speak again tonight. She said that she has had a chance to read the Revised Draft Ordinance and the Draft Finding of Fact for Part A. of Zoning Case 634-AT-08, and would like to make a few comments and ask a few questions.

3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 Ms. Schildt stated that at this time she will be referring to Attachment E, Page 7, Paragraph C.2. She said
2 that she is glad to see that an expanded setback of 1,500 feet from a non-participating dwelling or
3 principal building has been suggested, however according to her research as well as the information that
4 has been made available to the Board this would still be insufficient to protect against the ill effects of
5 noise and shadow flicker. She said that she must continue to contend that the setback from a non-
6 participating landowner should be measured at his/her property line not from the residence, otherwise the
7 free and clear use of a portion of that non-participating land will be taken away. She said that in regard to
8 Paragraph C.4 she is not sure if she is interpreting it correctly and asked if this separation distance refers,
9 under any circumstance, to a non-participating property and if so, what are the exact conditions.

10
11 Mr. Hall stated that the separation distance indicated in Attachment E, Page 7, Paragraph C.4, does not
12 refer to a non-participating property. He said that it is not intended to and that is what it means when it
13 indicates the separation distance equals 1.1 times the total WIND FARM TOWER height (measured to
14 the tip of the highest rotor blade) from the exterior above-ground base of a WIND FARM TOWER to the
15 nearest adjacent property line for property that is also part of the WIND FARM County Board SPECIAL
16 USE Permit.

17
18 Ms. Schildt stated that this is what she thought but she wanted to make sure. She said that Attachment E,
19 Page 17, Paragraph H.4, indicates that the electromagnetic interference mitigation refers only to "local
20 broadcast residential television. She asked about private AM and FM radio reception, cell phones and
21 GPS systems because she understands that there can be problems with those as well. She said that in
22 general she does not see any provisions for handling violations of the regulations regarding shadow
23 flicker and what recourse and remedies might affected citizens be able to call upon.

24
25 Ms. Schildt stated that she will now address the Draft Finding of Fact beginning with Page 9, Item #8.
26 She said that regarding farmland protection and preservation, which is very important to this county, she
27 would disagree with the contention that wind developments do not violate this land use goal although
28 each turbine may only take about one or one-and-one half acres out of production, the cumulative effect
29 of a wind farm with, say, 100 towers and a substation, which she understands takes about 10 to 15 acres,
30 would be to remove 115 or more acres. She said that if you consider that we are possibly looking at 3
31 developments in this county you could be looking at the loss of approximately 300 acres or more and this
32 would be equivalent to adding about 20 or so typical rural subdivisions to the County. She said that
33 judging from the memoranda that has been distributed so far she assumes that the following statement,
34 included on Page 14, Item 9(c), "Based on evidence there is no apparent detrimental effect on property
35 values" is based mostly on the Renewable Energy Policy Report (REPP). She said that there are critiques
36 of this report that find serious defects with its methodology. She submitted two such critiques as
37 Documents of Record and read from one of them (Hoen's critique). She said that it is also interesting to
38 note that the REPP study was done in 2003 and did not study any developments that came online after
39 2001 therefore even if the methodology were not flawed the results are not applicable to today's reality
40 where turbines are much larger and getting larger all the time. She said that the IEEE reports that in
41 Denmark legislation is going into effect next year "that will require wind-park operators to compensate
42 residents if wind turbines reduce their property values."

1
2 Ms. Schildt stated she does not understand the statement included on Page 15, Item #9.A(1)(f) and
3 requested clarification.
4

5 Mr. Hall stated that Paragraph 6.1.4.C. is the wrong reference because at the time that this item was
6 written the 1,000 foot separation was in the map amendment and not the special use permit. He said that
7 with the new material, if the Board accepts it, that reference would be correct.
8

9 Ms. Schildt stated that, in general, she is concerned about the noise discussion included on Page 11 of the
10 Preliminary Draft Finding of Fact. She said that an article that was published on March 26, 2009,
11 although she could not distribute copies of the article because it has a huge warning about reproducing it,
12 can be found at www.watertowndailytimes.com and it is titled "Engineer talks to Orleans wind panel
13 about noise." She read the article as follows: An acoustic engineer told the Town of Orleans Wind
14 Committee that low frequency noise needs to be measured and controlled as part of any zoning ordinance
15 created. Charles E. Ebbing, retired engineer with Carrier Corp. with nearly 50 years experience,
16 explained the source and stress effects of low-frequency noise to the committee, which met Tuesday
17 night. Low frequency noise ranges from a few thousand hertz down to nearly zero hertz. A house shuts
18 out all high frequency noise and allows in only low frequency. The noise level of low frequency can be
19 greater inside than outside because of the residents inside buildings. Mr. Ebbing observed that very few
20 acoustical engineers have worked on low frequency noise. Besides the decibel level Mr. Ebbing pointed
21 to other types of problems with noise. The meter does not measure what you hear but measures the
22 energy of the sound pressure and does not measure noise but only the loudness and does not measure
23 quality. Mr. Ebbing said that heating and air conditioning systems are often required to be quieter if they
24 have an impulsive tone quality. He said that measurements of both audible or dBA and low frequency or
25 dBC noise should be conducted and those measurements should be compared to each other by subtracting
26 dBA from dBC. He said that if dBC is greater than dBA by more the 25 decibels the noise will have a
27 rumbling quality. In working with air conditioning products Mr. Ebbing has seen the effects of low
28 frequency noise and the rumbling quality increases stress, distraction and in homes sleeplessness occurs.
29 Mr. Ebbing stated that to protect people should include initial measurements, compliance afterwards and
30 regular monitoring as the years pass. He reiterated that ambient background noise in rural areas is as low
31 as 24 decibels at night and according to the wind industry a typical wind farm is about 44 decibels at
32 1,500 feet.
33

34 Ms. Schildt noted that 1,500 feet is the proposed extended setback from non-participating homes and as
35 she has read from the information distributed by Mr. Hall 10 decibels is a doubling of the noise. She said
36 that this would be an increase of 20 decibels which means the noise would be four times louder than what
37 people are used to in a rural setting at night.
38

39 Ms. Schildt continued reading the article. Noise explanations from the wind industry indicate that rural
40 areas are quiet when there is no wind and turbines do not generate power when there is no wind. They
41 are implying that when the wind is blowing and the turbines move they will create noise but there will be
42 other noise to cover it. She said that Mr. Ebbing stated that they are wrong and most of the time there

3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 could be no wind blowing at the ground but have wind higher up so wind turbines can turn when we
2 don't have any other noise on the ground and with the turbines becoming taller and taller this could
3 become more of a problem.
4

5 Ms. Schildt stated that in the draft ordinance there does not appear to be any consideration of dBC noise
6 nor does there seem to be any provisions for affected property owners if noise levels should be found to
7 be above the required levels nor according to previous statements made at this hearing are there any
8 enforcement mechanisms by the County or by the State. She said that the discussions that she has heard
9 here seem to indicate that this is an area that is not well understood by the County and her concern is that
10 if there should be a problem after the turbines are up and running what is going to be done. She said that
11 given that the turbines will be over 400 feet tall sitting on a foundation of tons of concrete and steel rebar
12 it is not likely that they will be moved in order to mitigate the problem. She said that given the million or
13 so dollar cost for each turbine it is also unlikely that the developer will just turn it off therefore she would
14 suggest that either the County take some time to study the issue so they can get the setbacks right or that
15 they increase the setbacks to such an extent that the likelihood of a problem will be negligible. Ms.
16 Schildt submitted her written statement as a Document of Record.
17

18 Mr. Thorsland asked the Board if there were any questions for Ms. Schildt and there were none.
19

20 Mr. Thorsland asked if staff had any questions for Ms. Schildt.
21

22 Mr. Hall stated that he agrees with her criticism of the report on property values. He asked Ms. Schildt if
23 there was good property value data from the study in Wisconsin.
24

25 Ms. Schildt stated that in the handout, she is submitting as a Document of Record, Wisconsin indicates
26 that it is almost impossible to obtain good data. She said that the actual transactions that take place near
27 wind farms are so few that it is hard to find good property value data.
28

29 Mr. Thorsland asked staff and the Board if there were any further questions for Ms. Schildt and there
30 were none.
31

32 Mr. Thorsland called Mr. Jerry Watson to testify.
33

34 Mr. Jerry Watson, President of the Champaign County Farm Bureau, stated that he appreciates the
35 opportunity to address this critical case before the Board and would like to provide the organization's
36 thoughts on several items that are in the proposed Wind Farm Zoning Ordinance. He said that the
37 Champaign County Farm Bureau Board of Directors supports wind energy and they hope that wind
38 projects are able to develop here in Champaign County. He said that the CCFB believes that these
39 projects can benefit both individual landowners and the County as a whole and they look forward to
40 working together to ensure these projects become reality.
41

42 Mr. Watson stated that with this being said, the Board of Directors also has a few thoughts regarding the

3/26/09

1 proposed ordinance. First, in regards to the ag mitigation proposal, protecting the integrity of farmland
2 and insuring that, upon completion of this project, the land is still in a farmable condition is of the utmost
3 importance to their organization and their membership. He said that projects like this will cause
4 considerable damage to the land that the towers, substations, access roads and underground cable go over
5 and under. However, with proper precautions established by the County and the individual landowners
6 they believe this damage can be mitigated, and the soil returned to the high level of productivity we
7 currently enjoy. He said that the Farm Bureau believes that through the proposed standard conditions to
8 mitigate damage to farmland the proper protection is being recommended and that through this and
9 individual landowner contracts the quality of our soils in this area will be maintained. The Board of
10 Directors would encourage the Board to review the ag mitigation agreement developed by the Illinois
11 Department of Agriculture as another resource for ways to protect farmland. He said that the Directors
12 believe that there are many points within the state's agreement that are worthy of including in this section
13 of the ordinance.
14

15 Mr. Watson stated that in recent months the financial viability of many businesses, including banks across
16 the country, has hit headline news stories on a daily basis. He said that this is one reason why their
17 committee is concerned about the decommissioning and reclamation policy that Champaign County is
18 proposing. He said that it is very difficult to determine what it may cost to decommission a wind farm
19 site in the future however it is crucial that the county have some sort of policy in place protecting both the
20 landowner and the county's interest as a whole. He said that although they did not specifically identify a
21 perfect approach to this potential challenge they do believe that strong decommissioning and reclamation
22 policy that provides sufficient protection for landowners and the county must be in the *Zoning Ordinance*.
23

24 Mr. Watson stated that their committee looked at the proposal for a Wind Farm Overlay Zoning District.
25 He said that this proposal is the first of its kind in the state and does create some additional steps for the
26 developers of these projects. He said that it may also lead to more confusion from the general public in
27 trying to understand what the ordinance requires and what it does not however this portion of the proposal
28 does allow for greater transparency in the process and allows for more input from townships that have
29 plan commissions as well as individual landowners. He said that for these reasons, the Champaign
30 County Farm Bureau is supportive of the proposed Wind Farm Overlay District. Furthermore, the Farm
31 Bureau has taken into consideration the recommendation that additional conditions be added to the
32 proposal explicitly authorizing the County to enforce the Illinois Pollution Control Board's noise
33 regulations. He said that the Farm Bureau believes that this may be costly to the county which is already
34 facing a challenging financial position. He said that additionally the Farm Bureau questions the time that
35 may be needed to follow through on these claims and whether the office has the type of spare time to
36 investigate both legitimate and perhaps false claims of noise violations. He said that regardless if the
37 County hires a professional noise expert, which they will have to do, or if the wind developers pay for this
38 individual there will still be time and effort spent on these claims. He said that the issue of setbacks has
39 been a point interest both from individuals addressing the Board at earlier meetings, as well as within the
40 Farm Bureau. He said that they have examined numerous other county ordinances from throughout the
41 state and are favorable to the proposed 1,000 foot setback with a signed waiver and they also believe that
42 a 1,200 foot setback from any non-participating landowner's dwelling is appropriate and thus supported

3/26/09

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1 by the Farm Bureau. He said that he believes that any further setback from a dwelling or property line
2 would be detrimental to the locating of such projects in the county.

3
4 Mr. Watson stated that the final issue that he would like to address is the proposed standard condition
5 regarding liability insurance. He said that the proposed bodily injury and property damage limits of
6 \$1million per occurrence and \$1 million in aggregate is simply not enough and the Farm Bureau would
7 like to see these limits raised to \$5 million per occurrence and \$5 million in aggregate. He said that they
8 firmly believe these increased limits will offer better protections to all involved in these types of projects.

9 He said that as he concludes his comments this evening he would like to reiterate the Farm Bureau's
10 strong support for wind energy development in Champaign County and they appreciate the opportunity to
11 address this vital issue and hope that the Board takes into consideration their views as it deliberates on
12 this issue. Mr. Watson submitted his written statement as a Document of Record.

13
14 Mr. Thorsland asked the Board if there were any questions for Mr. Watson and there were none.

15
16 Mr. Thorsland asked if staff had any questions for Mr. Watson and there were none.

17
18 Mr. Thorsland called Mr. Steve Burdin to testify.

19
20 Mr. Steve Burdin, who resides at 2527N CR 450E, Mahomet stated that there is a very simple formula
21 used to figure out what the distance to the horizon is for an object He said that it is based on the diameter
22 of the planet and the height of the object or observer. He said that the Vestas wind turbines located in the
23 Twin Groves Wind Farm has a height to the hub of 260 feet with the addition of 134 feet for the rotor
24 radius with a total of 394 feet to the tip of the highest rotor. He said that the formula indicates that with
25 that height the distance to the horizon for that object is 24 miles. He said that another good example
26 would be in relation to a six foot tall person whose distance to the horizon would be about 2.8 miles. He
27 said that if those two numbers are added together you could tell when that object for a six foot person
28 would come into view and that number is about 27 miles. He said that this may sound alarming but the
29 fact is that the formula does not account for numerous things such as atmospheric conditions or change in
30 terrain. He said to indicate a better idea for the Board he went out and took some pictures, submitted as
31 Documents of Record, on Tuesday evening. He said that he drove out on CR 2500N, which is west of
32 where he lives, into Piatt County and the wind turbines located northwest of this area were unable to be
33 seen and the only reason that he could photograph the wind turbines was with a pair of binoculars. He
34 said that later during that day he drove out to Route 47, which is approximately a few hundred feet north
35 of Champaign County Road 2425N and looking northwest you could see the blinking red lights which are
36 on top of the wind turbines. He said that he took pictures in two locations, one at CR 2500N which is
37 where you really can't see the turbines because just west of Route 47 the land rolls up and obscures the
38 view where the turbines are located. He said that the other location is just north of CR 2425N because
39 Route 47 actually rises there and there is a nice flat area to the northwest where you can see the wind
40 turbines very clearly. He said that without some sort of magnification it is very hard to see the turbines
41 during the day because they are simply down at the horizon. He said that at magnification, 432 mm you
42 can see them sticking up in the horizon. He said that the formula may seem alarming in that you can

ZBA
3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

1 supposedly see these objects at 26 miles away but the truth is that it is a lot more difficult to see them.

2
3 Mr. Thorsland asked the Board if there were any questions for Mr. Burdin and there were none.

4
5 Mr. Thorsland asked if staff had any questions for Mr. Burdin and there were none.

6
7 **Mr. Schroeder moved, seconded by Ms. Capel to grant a five minute recess. The motion carried by**
8 **voice vote.**

9
10 **The meeting recessed at 8:35 p.m.**

11 **The meeting resumed at 8:40 p.m.**

12
13 Mr. Thorsland called Mr. Jed Gerdes to testify.

14
15 Mr. Jed Gerdes, who resides at 1448 CR 2700E, Ogden stated that he is a landowner and farmer in
16 Champaign County. He said that it appears that everyone believes that Champaign County has to have
17 this wind turbine project in our county but he wonders why it is so important to everyone. He said that he
18 believes that the real reason why it is so important is because the wind turbine companies are handing out
19 money. He said that he was wondering when the last time any corporation had all the residents and
20 citizens of Champaign County's true interest in heart. He said that he was glad to see that the Board is
21 considering a 1,500 foot setback. He said that he called Horizon Wind Energy to see what their typical
22 setback recommendation would be and they indicated that anything less than a 1,500 foot separation
23 would not be safe for their 400 foot towers. Mr. Gerdes asked the Board what is the point of having a
24 *Zoning Ordinance* that is less than what the wind company actually believes is safe. He said that it is
25 interesting that no one has discussed this but farmers normally plant their crops north and south because
26 corn does not grow very well after the temperature reaches 85 degrees therefore they are trying to capture
27 more light during the hours that the crop is growing. He said that a 500 foot tall wind turbine has a
28 shadow at sunrise and still exists until 10:00 a.m. He said that if the setback is anything less than 1,000
29 feet from the property owner's line the wind turbine will be shading the non-participating neighbor's crop
30 which will deter their crop. He said that anyone who does not believe that this makes a difference should
31 visit the University of Illinois Morrow Plots which are located right next to the underground library. He
32 said that the library is underground for a reason and that reason is because it could very well cast a
33 shadow on the Morrow Plots.

34
35 Mr. Gerdes stated that anyone who sprays for fungicides knows that the best quality fungicide spray
36 application comes with the most potent chemical or gallons per acre. He said that airplanes fly at two
37 gallons per acre where most ground applicators are at least 10 to 15 gallons per acre. He said that a
38 couple of years ago farmers were having Headline sprayed with ground rigs and they were spraying it
39 before the corn tasseled because ground rigs can't handle it very well when the corn has tasseled. He said
40 that there were severe yield reductions all over the state of Illinois due to people spraying Headline with
41 ground rigs therefore proving that ground rigs cannot substitute for aerial application. He said that
42 everyone is into conservation and keeping our soils in place and there are people out there who are

3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 actively growing cover crops such as annual rye grass every year. He said that he has been practicing this
2 for several years and the only possible way for him to plant his crop in his field is with an airplane
3 therefore will this Board take away a farmer's right to plant his crop in his field. He said that if the
4 towers do go up and there is a non-participating landowner that is being charged 50% more for his crop to
5 be sprayed, due to the surrounding wind turbines, he should be compensated for that additional cost or for
6 any damage incurred by ground rig application. He said that this non-participating landowner could not
7 negotiate with the wind turbine companies because he did not sign a contract with them.
8

9 Mr. Gerdes stated that the life expectancy of the wind towers is 30 years. He said that one of the first
10 wind projects in California was away from everyone and there were no houses around the project. He
11 said that he believes that we have crossed the line because these wind farms were meant to function out in
12 the open range away from people's houses not near people's houses where the transmission lines are
13 located. He said that this is supposed to be a green project yet the County will allow tons and tons of
14 concrete and iron to be left in the ground when the project is decommissioned. He said that if this is a
15 green project then all of the concrete and iron should be removed, reclaimed and recycled when the wind
16 project is over. He said that he has a buddy that worked on the pipeline that runs from St. Louis to
17 Chicago and it was buried four feet deep into the ground 40 years ago and now there are places that are
18 less than 18 inches deep because things work up. He asked what will happen to that buried concrete and
19 iron when the 30 years have passed because the landowner will not be able to afford to get rid of it and
20 we cannot allow this debris to be left behind to scar the land. He said that the wind company can tear
21 down the tower and sell it for scrap iron. He said that we cannot call this a green project and not require
22 recycling of all of the material.
23

24 Mr. Gerdes stated that the Board needs to keep the map amendment because the landowner's of
25 Champaign County that are signing up may not live near the projects. He said that there are a high
26 percentage of people who own land in Champaign County but do not live in Champaign County and do
27 not even live in the state. He said that he farms for people who live in Florida, Arizona, and Wisconsin
28 therefore many of the people who are getting paid money for these projects do not live in Champaign
29 County therefore will this Board protect the welfare and safety of the citizens of Champaign County. He
30 requested that the Board keep the map amendment because people should have the right to say what is
31 going on around them and with distant landowners it is very hard to get a feel of what percentage of the
32 population really wants this.
33

34 Mr. Thorsland asked that Board if there were any questions for Mr. Gerdes and there were none.
35

36 Mr. Thorsland asked if staff had any questions for Mr. Gerdes and there were none.
37

38 Mr. Thorsland called Russ Taylor to testify.
39

40 Mr. Russ Taylor, who resides at 1301 West Hickory Street, Mahomet stated that he would like to make
41 two statements one regarding land value to residences and land value to farmland. He said that when he
42 has clients who are being transferred from companies such as ADM and Pioneer they request that he goes

3/26/09

1 out to evaluate different properties. He said that these companies use a Red Flag Checklist which has 27
2 items that are required to be checked to see if any of those items exist on or near the subject property as
3 well as their affect on value. He said that four of the items that are included on this list are: location to
4 railroad tracks (regarding noise); subjects view is undesirable; audible street or highway noise present;
5 and located near/in view of power lines, water towers, radio towers. He said that the companies created
6 the Red Flag Checklist so that when they transfer a person with their company they know the value of the
7 property so when they go to sell the property they know why it did not sell. He said that everyone knows
8 that farmland values have gone down a little bit but so have home values and it is unknown how the wind
9 farms will affect those values. He said that he spoke to Derry T. Gardner of Gardner Appraisal Group,
10 Inc. in San Antonio, Texas who did an extensive study on agricultural land and Texas rural land and he
11 proposed in his study that turbines decrease the value an average of 37% if the turbine is on the farm. He
12 said that if a turbine is within .4 miles it decreases the value 26% and if it is within 1.8 miles it decreases
13 the value 25% therefore the wind farms devalue houses and farmland both. Mr. Taylor submitted a copy
14 of the Red Flag Checklist and a copy of a handout from Gardner Appraisal Group, Inc. titled, "*Impact of*
15 *Wind Turbines on Market Value of Texas Rural Land.*"

16
17 Mr. Thorsland asked the Board if there were any questions for Mr. Taylor and there were none.

18
19 Mr. Thorsland asked if staff had any questions for Mr. Taylor and there were none.

20
21 Mr. Thorsland called Mr. Jeff Suits to testify.

22
23 Mr. Jeff Suits, who resides at 2703 CR 2500N, Penfield stated that he lives half way between Royal and
24 Penfield and is basically in dead center of the area proposed for the Invenergy Project. He said that he is a
25 school board member of Prairieview-Ogden School District and is also on the Compromise Township
26 Plan Commission but he is present at tonight's meeting as a farmer. He said that he and his family have
27 about 500 acres that is in the area that is involved and he is hoping that the Board will come up with some
28 sort of compromise which will allow the wind turbines to come into the County. He said that for 50 years
29 he has lived within a 1/2 mile of a railroad track and there is nothing that makes much more noise than a
30 train coming through, therefore you learn to tolerate a lot of things and you weigh the risks. He said that
31 a train could jump off the tracks and hit his residence but there are alot of things that could happen
32 because there are accidents all of the time. He said that as a school board member he is concerned about
33 the tax assessment and the sunset is in 2011 and the current law is Public Act 95-644 HB 664 with an
34 effective date of October 17, 2007. He said that this is about a 120 page bill and the sunset date is on
35 Page 5, Line 5 and 6. He said that Representative Matino from Spring Valley is the one who proposed
36 this bill. Mr. Suits stated that he spoke to Attorney Stuart Witt, who assisted in drafting the legislation,
37 and he indicated that the sunset was basically put in because Speaker Madigan insisted on it but the
38 intention is that it will be renewed next year in 2010. He said that if the Board makes the setback too
39 large they will be looking out for one landowner but will also be hindering a landowner who does want
40 the development on their property.

41
42 Mr. Thorsland asked the Board if there were any questions for Mr. Suits and there were none.

3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

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Mr. Thorsland asked if staff had any questions for Mr. Suits and there were none.

Mr. Thorsland stated that Mr. Eric McKeever has signed the witness register to testify but he is only present to address Part B. He said that he will recall Mr. McKeever if the Board has time to address Part B.

Mr. Thorsland called Mr. Bill French to testify.

Mr. Bill French, Project Coordinator for Midwest Energy, stated that they are interested in developing a wind farm in the western side of Champaign County stretching out into Piatt County. He said that they have read the draft ordinance and offered three comments. He said that they feel that the overlay district is redundant since the request will be done as a special use which allows for public notice, review and comment. He said that the 1,600 foot setback near an underground gas storage facility is inconsistent with the development that has occurred in that area. He said that this is a very large facility and people already have houses in the area, roads have been built and other utilities have been installed above this facility and requiring a 1,600 foot setback for wind farms is rather excessive and is not consistent with what has already occurred in the area. He said that they would recommend a setback which is something closer to 1.1 or 1.5 times the turbine height. He said that they have typically seen a setback of 1.1 times the height of the turbine near high pressure pipelines and many cases there are no setbacks and they work with the utility companies. He said that they would request that 1.1 times the height of the turbine be considered for the setback from underground high pressure gas lines.

Mr. Thorsland asked the Board if there were any questions for Mr. French.

Mr. Courson asked Mr. French what type of generators are used in their projects.

Mr. French stated that they would be a typical 80 meter hub so roughly 400 feet therefore it would require a 475 foot setback. He said that they do not use one manufacturer and use several different kinds.

Mr. Courson asked Mr. French what the manufacturer recommends for setbacks from a structure.

Mr. French stated that he is not sure what those recommendations are at this time.

Mr. Thorsland asked the Board if there were any additional questions for Mr. French and there were none.

Mr. Thorsland asked if staff had any questions for Mr. French and there were none.

Mr. Thorsland called Mr. Jerry Cohen to testify.

Mr. Jerry Cohen, who resides at 3211 Cypress Creek Rd, Champaign stated that he is a landowner and would like to address some of the comments made tonight. He said that Mr. Suits indicated that House

ZBA

DRAFT SUBJECT TO APPROVAL DRAFT

3/26/09

1 Bill 664 is to be renewed in 2010. He said that the banking system in this country is failing therefore
2 there is no guarantee that anything is stable right now let alone the deduction that the federal government
3 is going give for the wind turbines.

4
5 Mr. Thorsland informed Mr. Cohen that he should direct his comments to zoning issues only.

6
7 Mr. Cohen asked if there has been an independent soil compaction study that has been done by an
8 independent company that will keep the integrity of the agricultural land in its proper state after the
9 equipment that has been hauled across the property for set up of the wind turbines. He said that at the
10 present time it is his understanding that there is no credible land study that has been completed for the
11 compaction of the soil and the amount of heavy equipment that it takes to set these wind turbines into
12 place. He did not know if the County has done any type of soil compaction study because the *Ordinance*
13 requires keeping the integrity of the agricultural land in its most pristine place. He also recommended
14 that the Board approve the map amendment.

15
16 Mr. Thorsland asked the Board if there were any questions for the Mr. Cohen and there were none.

17
18 Mr. Thorsland asked if staff had any questions for Mr. Cohen and there were none.

19
20 Mr. Thorsland stated that this concludes the names on the witness register at this time. He asked if
21 anyone in the audience desired to sign the witness register to present testimony regarding Case 634-AT-
22 08 and there was no one.

23
24 Mr. Thorsland requested a motion to close the witness register.

25
26 **Mr. Palmgren moved, seconded by Mr. Schroeder to close the witness register for Case 634-AT-08.**
27 **The motion carried by voice vote.**

28
29 Mr. Thorsland stated that at the last meeting the Board tossed back and forth the idea of requiring a map
30 amendment and there was some discussion as to how to approach such. He said that currently the way
31 that the case is written is that the Board is working on a Preliminary Draft Finding of Fact for both a
32 County Board Special Use Permit and a Wind Farm Zoning District. He said that if the Board chooses to
33 go without a map amendment then the Board needs to indicate such.

34
35 Mr. Hall stated that the Zoning Administrator and the Zoning Board are presumably all on the same page
36 and he does not have a problem with the Board changing the petition and including something other than
37 what was advertised. He said that it is up to the Board and whatever they deem necessary.

38
39 Mr. Thorsland stated that at the last meeting he received some indications from Mr. Roger Miller and Ms.
40 Capel that a map amendment was not needed and he played the devils advocate and sided with them. He
41 said that since the Board has received additional testimony at tonight's hearing he requested that the
42 Board discuss their views regarding a need for a map amendment.

3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

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Mr. Roger Miller stated that it would be okay to have the map amendment included but we may be helping and hindering the project at the same time. He said that he still has a concern regarding requiring a map amendment but he is unsure if it would be overbearing.

Mr. Thorsland asked Ms. Capel for her thoughts about the map amendment.

Ms. Capel stated that she is sort of shell shocked. She said that with the map amendment the townships and landowners would have the right to protest but without the map amendment they can only give public input.

Mr. Thorsland stated that townships with a plan commission can protest the amendment to the *Ordinance* itself.

Ms. Capel stated that townships with plan commissions can protest the amendment to the *Ordinance* itself but once it is passed the protest rights are over. She said that the special use permit does not allow protests from landowners only public participation.

Mr. Thorsland stated that, at times, he gets the impression that when a map amendment is sent to ELUC that it may be possible that the amendment is not done therefore the Board will work on it some more. He asked Mr. Hall if the Board sends the amendment to ELUC with the map amendment does ELUC have the ability to modify what is sent to them.

Mr. Hall stated that this is how we got into this predicament in the first place because ELUC modified an amendment in 2000 which would have provided for wind farm development but they decided to change it at ELUC therefore we had to re-do it. He recalled that the State's Attorney has always advised against ELUC changing ordinances and it is not typical for them to change something. He said that he hopes that the ZBA's recommendation is not based on what the Board believes will get through the system the quickest.

Mr. Thorsland stated that this is not where he is going with this topic. He said that at the moment we need to settle this issue first because we have an alternative draft without the map amendment and the Finding of Fact has both in it therefore we can do it with or without it. He said that his personal opinion currently is that up until tonight the general consensus of public input has been on the distances and the setbacks more so than the simplicity of the map amendment. He said that tonight is the first night where he has heard any direction from the public so either public awareness is getting better or this is an issue that as been bandied about and people are more likely to comment on it now. He said that the map amendment is giving the landowners and certain townships more control over what happens in their area but not control over the *Ordinance*. He said that, regardless, at some point the amendment can still be protested upon while it's on its way to the County Board. He said that at the moment he is leaning on not having the map amendment because with it we will push non-participating parcels into small rectangular pieces as shown in the diagram.

ZBA
3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

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2 Mr. Hall stated that the legal description of the land is just for purposes of the land which is to be
3 rezoned.

4
5 Mr. Thorsland stated that if the Board works off of the legal description of the wind farm overlay district
6 will there be any setbacks to go off of that district border.

7
8 Mr. Hall stated no, they are all part of the special use permit.

9
10 Mr. Thorsland stated that the map amendment is included in the amendment currently therefore sending it
11 back to ELUC changed would not be what staff had provided for review. He said that if the Board would
12 like to go forward with the map amendment he would entertain a motion to do so or he would entertain a
13 motion to move ahead without the map amendment.

14
15 Mr. Palmgren stated that no less than twelve times the same statement appeared which indicated that the
16 map amendment was warranted.

17
18 Mr. Hall stated that staff was simply pointing out the benefits of the map amendment and the purpose was
19 not to indicate that the County has to have a map amendment. He said that the purpose was simply to
20 preload this and he would recommend that if the Board chooses to move ahead with the special use
21 permit only the finding should contain why a map amendment is not necessary. He said that in
22 anticipating a map amendment the finding explains why it is beneficial but it does not indicate why it is
23 necessary. He said that the only thing that we have to be worried about is why a map amendment is not
24 necessary. He said that staff does not believe that it is necessary legally and these issues can be dealt with
25 during the special use permit but the map amendment is more consistent in his mind as to how the *Zoning*
26 *Ordinance* currently treats development in the rural areas.

27
28 Mr. Palmgren stated that currently he is leaning towards keeping the map amendment.

29
30 Mr. Courson stated that he supports the map amendment because it will protect the public who live near
31 the turbines.

32
33 Mr. Thorsland stated that at this point the Board will review the Draft Finding of Fact. He asked the
34 Board if there were any concerns or comments on the required setbacks. He said that the Board needs to
35 make sure, before they continue with the amendment itself, that it is functional and works well
36 countywide.

37
38 Mr. Thorsland stated that Item 6.1.4.C.9 of Attachment H, dated March 20, 2009, should be revised to
39 indicate 10,000 gallons capacity in the aggregate rather than 500 gallons capacity in the aggregate. He
40 said that Item #8.C.(2)(b) of the Preliminary Draft Finding of Fact dated March 26, 2009, recommends a
41 1,500 feet setback separation from any wind farm tower to an existing, non-participating dwelling or
42 principal structure. He said that it is his opinion that 1,500 feet may be excessive and perhaps 1,320 feet

3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 may be more appropriate because that would coincide with how the sections are laid out in Champaign
2 County. He said that the 1,000 feet separation from any wind farm tower to an existing, participating
3 dwelling or principal structure would remain the same with their right to obtain a waiver.
4

5 Mr. Miller asked Mr. Thorsland if he was talking about a setback from the dwelling or the property line.
6

7 Mr. Thorsland stated that the setback would be from the dwelling.
8

9 Mr. Courson stated that if the wind farm developers are telling the owners that they need to be 1,200 or
10 1,300 feet away from a structure then the County should not be telling them that they can place them any
11 closer. He said that the Board could add text regarding the developers required setback from a dwelling.
12

13 Mr. Thorsland asked Mr. Courson what would happen if there were different developers with different
14 recommendations. He asked Mr. Courson how the County would handle that.
15

16 Mr. Courson stated that each one would be based on the recommended setbacks from that manufacturer.
17

18 Mr. Thorsland stated that he recommended the 1,320 feet separation because when the wind farm
19 developer comes in they do not run out to the dwelling with a tape to measure the distance and then begin
20 digging. He said that the Board has heard from some the wind farm developers that they intend to go
21 further in.
22

23 Mr. Courson stated that he prefers a 1,500 feet separation but if the Board goes lower it should not be
24 lower than the manufacturer's recommended setback.
25

26 Mr. Thorsland asked Mr. Courson if he desires to make the separation distance specific to each tower.
27

28 Mr. Courson stated yes.
29

30 Ms. Capel stated that the Board should just establish a minimum setback regardless of the manufacturer.
31

32 Mr. Thorsland stated that the 1,320 feet separation would be the minimum and if for some reason a
33 developer comes out with a 499 foot tower that is built in a way that they want the setbacks much further
34 then a clause should be inserted which states this is the minimum or the manufacturer's recommendation.
35

36 Ms. Capel stated that relying on the manufacturer to indicate the minimum setback may not be adequate
37 in every case.
38

39 Mr. Hall stated that the *Ordinance* was originally proposed with a 1,200 foot separation from non-
40 participating dwellings and at one point Vestas was recommending 1,300 feet. He said that this would
41 have been an instance where the County would have allowed something less than what Vestas was
42 requiring at the time. He said that the Board needs to decide what it believes is the minimum and then

ZBA
3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

1 include a provision that if the manufacturer requires more then that is what will be used.

2
3 Mr. Palmgren stated that Champaign County will have to enforce these structures therefore the closer
4 they are placed to dwellings the more enforcement action that will be required. He said that perhaps there
5 should be a waiver available for non-participating landowners. He said that the participating landowners
6 have an interest in the project but he is worried about the non-participating landowners.

7
8 Mr. Miller stated that there are young people in the community that would like to build in the rural setting
9 and if their family has had farmland for many generations they may want to build on that property. He
10 said that if we do not address the non-participating and the family so chooses to not put their 80 acres in
11 the wind farm area the setbacks mean nothing to them and the Board would be disregarding their choices
12 as to where their house or farm would best be suited on their land. He said that non-participating acres
13 should be looked at totally different than beyond the standard setbacks.

14
15 Mr. Thorsland asked Mr. Miller if he is suggesting a larger setback from the non-participating dwellings
16 or from the entire property.

17
18 Mr. Miller stated that it needs to be addressed completely separate. He said that one-mile, as previously
19 mentioned, is not practical either but we have to visualize, for example, three 80 acre parcels lying side by
20 side and if the middle 80 acres decides not to participate and a tower is placed on each side of that 80
21 acres on the property line there may not be adequate separation for the non-participating landowner to
22 build on that non-participating 80 acres. He said that if the Board skips over this issue then we have
23 taken away the future or current rights of those property owners.

24
25 Mr. Thorsland asked Mr. Miller how he would like the Board to approach this issue.

26
27 Mr. Miller stated that Item # 8.C.(2)(b) should indicate a 1,500 feet separation from the property line and
28 not from the dwelling or existing structure.

29
30 Mr. Thorsland stated that if a wind tower is placed 1,500 feet from a non-participating, existing dwelling
31 and the non-participating landowner decides that they want to construct another house that new house
32 could be sited without any waiver as close as 1.5 times the height.

33
34 Mr. Hall stated that there is no mandatory separation relative to a new dwelling. He said that the
35 *Ordinance* which is before the Board assures a 1,000 foot separation when a dwelling is within one-
36 quarter mile from a public street but when you are more than one-quarter mile from the public street you
37 cannot be assured and should not expect a 1,000 foot separation. He said that this would either be a big
38 increase in land area required for the wind farm or it is a big decrease in the number of turbines and once
39 you are more than one-quarter mile from the street Champaign County doesn't care if someone could put
40 a house there. He said that the County does not want to encourage people placing houses where the fire
41 protection district has to go one-quarter mile from the street to get to them. He said that this is mainly
42 because of the impact on the wind farm developer which really means the impact on the people who are

3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 going to participate in the wind farm because it cuts down on the number of turbines which makes the
2 whole thing less attractive.

3
4 Mr. Miller stated that he would like to think that the bigger part of the landowners within these proposed
5 areas, if they are on board, is a non-issue. He said that for the few who have decided to not accept the
6 \$10 dollars per acre and desire to reserve their development rights whether it means maintaining the land
7 as farmland or for a future home for their family. He said that in those particular cases taking the
8 setbacks to the property line would be justified.

9
10 Mr. Thorsland stated that, in the example of the three 80 acres, placing the setback from the property line
11 could potentially make an interested party's land a non-viable site for a tower. He said that they may be
12 willing to participate in the wind farm but will be prevented due to the required setback, especially if they
13 have an odd shaped site.

14
15 Mr. Miller stated that he disagrees with Mr. Thorsland because the placement of the towers is entirely up
16 to chance.

17
18 Mr. Thorsland stated that Mr. Miller appears to be leaning towards the map amendment.

19
20 Mr. Miller stated that he is willing to give up the map amendment if the Board gets the setbacks right.

21
22 Mr. Thorsland asked Mr. Miller if he would be comfortable with 1,500 feet from the structure.

23
24 Mr. Miller stated that the 1,500 feet from the structure does not protect the non-participating landowner in
25 regards to their future rights.

26
27 Mr. Thorsland asked Mr. Hall if the 1.5 times the height could be applied to a non-participating property
28 line. He said that this would prevent a participating property from having a tower right on the line. He
29 said that this was done for the road so that the road separated the activity.

30
31 Mr. Miller stated that just because a building is not located on a property currently does not mean that the
32 landowner does not have plans for a future home. He said that if someone chooses that the tract be non-
33 participating then that is what the Board is here for also to look after that landowner's interests. He said
34 that it would be easy to look over this issue because the wind farm isn't there now.

35
36 Mr. Thorsland asked Mr. Miller if Item# 8.C.(2)(b) should indicate a 1,000 feet separation from any wind
37 farm tower to an existing, participating dwelling or principal structure, and a 1,500 feet separation from
38 any wind farm tower to any non-participating dwelling or principal structure with a minimum setback
39 from a non-participating property line of 1.5 times the tower height.

40
41 Mr. Hall stated that the draft that is before the Board currently indicates 1.5 times the tower height to the
42 street, 1,000 feet to a property line within one-quarter mile of the road and at more than one-quarter mile

ZBA
3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

1 of the road it is 1.1 times the height.

2
3 Mr. Courson stated that if there was a forty acre tract that is subdivided and houses are placed on the
4 entire 40 acre tract those landowners would not have that protection.

5
6 Mr. Hall stated that first of all this is Champaign County therefore any subdivision is not guaranteed and
7 it depends on the shape of the 40 acres. He said that if the entire subdivision is along the street then the
8 landowners are protected and if it is a long 40 acres then ½ of it is protected and ½ of it would have some
9 overlap.

10
11 Mr. Schroeder stated that he is concerned with the legal aspects because we don't want to tie somebody
12 down.

13
14 Mr. Thorsland stated that the County is currently doing this with the RRO.

15
16 Mr. Schroeder stated that he does not want to step on anyone's toes or make anyone mad but this Board
17 has to do this right because we will only have one chance at it.

18
19 Mr. Thorsland asked Mr. Schroeder what he would suggest in making this right.

20
21 Mr. Schroeder stated that he would like to have heard from some of the County Board members.

22
23 Mr. Thorsland stated that the State's Attorney has requested that County Board members do not testify
24 during this hearing.

25
26 Mr. Schroeder stated that he is just being cautious because he doesn't want this to be sent back to the
27 Board because of disagreements by the County Board.

28
29 Mr. Thorsland stated that currently it has been discussed that we leave the 1,000 feet separation for a
30 participating dwelling and 1,500 feet from a non-participating dwelling and 1.5 times the tower height
31 from a non-participating property line.

32
33 Mr. Hall asked Mr. Thorsland if he is intending to not mention the greater separation within one-quarter
34 mile of the street.

35
36 Mr. Thorsland stated no, it would have to include that text.

37
38 Mr. Miller stated that he is having a hard time of keeping track and may need to see it in writing before he
39 can vote.

40
41 Mr. Hall reviewed Attachment H. with the Board beginning at Paragraph #6.1.4.C.1 through 6.1.4.C.5, all
42 of which remains unchanged. He said that a new Item #6.1.4.C.6 should read as follows: A separation

3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 distance equal to 1.50 times the total WIND FARM TOWER height from the above-ground base of a
2 WIND FARM TOWER to the nearest property line of a non-participating property. He said that the
3 items following new Paragraph #6.1.4.C.6 should be renumbered. He said that Paragraph #5.5.3.C.2
4 should be revised as follows: All land that is within a distance of 1.50 times the total WIND FARM
5 TOWER height (measured to the tip of the highest rotor blade) from non-participating property lines.

6
7 Mr. Thorsland stated that this would put a buffer around the non-participating landowner's property.

8
9 Mr. Miller stated that it might not be enough but it would be making an effort.

10
11 Mr. Thorsland read Item #8.C(2)(d) and stated that the noise issues are very difficult and he is not sure
12 about the 1,500 feet separation because the noise level could be different for every landowner.

13
14 Mr. Hall stated that the noise discussion in Item #8.C(2)(d) is not a requirement and is only intended to
15 give an idea because the important thing about these separations is what the Board is doing about noise.

16
17 Mr. Palmgren stated that on Page H-17 of the Attachment H, Paragraph #6.1.4.I.4 indicates 1,200 feet and
18 should be revised to 1,500 feet.

19
20 Mr. Hall stated that Mr. Palmgren is correct.

21
22 Mr. Hall stated that Subparagraph #6.1.4.A.2(c) discusses areas leased for underground gas storage and to
23 eliminate questions he proposed the following: In any area leased for underground gas storage or under
24 easement for same, unless the lease or easement requires that gas injection wells and other above ground
25 appurtenances be located in conformance with paragraph 6.1.4.C.8.

26
27 Mr. Palmgren commented that in regard to Paragraph 6.1.4.C.10, he does like the 3,500 feet separation
28 from the exterior above-ground base of a wind tower to any restricted landing area or residential airport.
29 He said that this is fine for the side but it should be specified as to how close the turbines can be at both
30 ends of the runway. He said that he feels that a 7,500 feet separation, using the 15:1 ratio, as stated in his
31 attachment to the March 20, 2009, Supplemental Memorandum, should be added to indicate how close a
32 turbine can be located from the front and rear of the runway.

33
34 Mr. Hall stated that Paragraph 6.1.4.C.10 establishes a minimum and a greater separation off the end of
35 his runway is something that staff would catch during the review of the wind farm that will be located
36 near his subdivision. He said that he would prefer not to keep adding statements.

37
38 Mr. Palmgren agreed. He said that testimony was received tonight from Jerry Watson, Farm Bureau
39 President, mentioned liability concerns. Mr. Palmgren stated that he also had this concern in his notes
40 and he does not believe that \$1 million per occurrence is nearly enough. He said that testimony was
41 received that an up-and-running tower costs approximately \$1.5 million therefore perhaps \$5 million per
42 occurrence would be a good number.

ZBA
3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

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Mr. Thorsland requested the Board's comments regarding this issue.

Mr. Hall stated that Paragraph #6.1.4.O.2 indicates the standard condition for liability insurance.

Mr. Palmgren asked Mr. Hall if there is a formula that could be used to determine the amount of liability per occurrence that would be acceptable. He said that hopefully it is something that would never be used but it could and the recommendation from the Farm Bureau was \$5 million per occurrence and \$5 million per aggregate. He said that perhaps the question should be who will get sued.

Mr. Thorsland stated that this is why the County has attorneys.

Mr. Hall stated that staff will revise Paragraph #6.1.4.O.2 to indicate \$5 million per occurrence and \$5 million per aggregate.

Mr. Palmgren moved, seconded by Mr. Courson to extend the meeting for fifteen minutes. The motion carried by voice vote.

Mr. Thorsland asked Mr. Hall if the Board should address the new Attachment H. Revised Draft of Paragraph 6.1.4.L dated March 26, 2009.

Mr. Hall stated that staff discussed the attachment and Mr. Doster indicated that he agreed with the proposed changes. He said that the new attachment will replace the text included on Page H-18-19 of Attachment H. Revised Draft Ordinance dated March 20, 2009. He said that the important change on the new attachment is Item #2(e) which indicates if the risk assessment indicates the risk may be low, no further surveys are required.

Mr. Thorsland stated that he is comfortable with this text and requested the Board's comments.

The consensus of the Board was that they accepted the revisions indicated in Attachment H. Revised Draft of Paragraph 6.1.4L dated March 26, 2009.

Mr. Thorsland asked the Board if there were other areas of the *Ordinance* which they believe requires revision.

Mr. Hall stated that Paragraph 6.1.4.T.(a)(1) should be revised to indicate WIND FARM towers rather than WECS Towers. He asked the Board if they are comfortable with the fees.

Mr. Miller stated that it appears that Champaign County will be within reason of other counties.

Mr. Hall stated that the fees are very reasonable and some might say that they are too low. He said that the difficult thing is that these are fees so unlike other fees and it is hard to compare them to anything else

3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 but clearly this is going to be a lot of work and it would be very unfortunate for the County to end up
2 subsidizing the wind farm approval.

3
4 Mr. Thorsland asked the Board if they feel like they have gone through the draft *Ordinance* and come up
5 with an agreeable setback formula that covers both participating and non-participating landowners.

6
7 Mr. Miller stated that the fees are something that staff recommendation would have to supersede what the
8 Board thinks.

9
10 Mr. Thorsland stated that staff should have the best idea of what things cost.

11
12 Mr. Miller stated that if staff believes that the fees are low then the Board should be informed of such.

13
14 Mr. Palmgren asked Mr. Hall if there will be a fee structure for how staff will handle complaints.

15
16 Mr. Hall stated that complaints will be an area where the County subsidizes the project. He said that he is
17 very sensitive to fees and the higher the fee the harder it is to prove that the fee is related to the actual
18 costs that are incurred therefore he will always under-estimate that cost. He said that as it stands now
19 Champaign County will receive fewer fees per wind turbine than Ford County receives but it is only a
20 difference of \$460. He said that Champaign County's standards are more complicated so we will put
21 more work into approving a wind farm than Ford County. He said that it is unknown if the fees charged
22 by Ford County are an accurate reflection of their costs therefore for that basis alone the Zoning Use
23 Permit fee could be increased \$400 and we will still be in the middle and anything over that \$400 would
24 not be worth it.

25
26 Mr. Palmgren stated that he would not have a problem with increasing the permit fee to \$400.

27
28 Mr. Hall stated that Item #20 on Page H-26 of Attachment H. Revised Draft Ordinance dated March 20,
29 2009, should be revised to indicate \$4460, which would make Champaign County comparable to Ford
30 County.

31
32 Mr. Miller recommended \$4500.

33
34 Mr. Thorsland stated that the Board has handled the issue of setbacks from non-participating landowners
35 and gas storage fields and the fee has been adjusted appropriately and the liability issue has been
36 addressed.

37
38 Ms. Capel stated that the decommissioning process has not been completely addressed.

39
40 Mr. Hall stated that the decommissioning cost will be 150% of an independent engineer's cost estimate to
41 complete the reclamation.

ZBA
3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

1 Mr. Thorsland asked who pays the independent engineer.

2

3 Mr. Hall stated that the County pays the independent engineer.

4

5 Mr. Thorsland asked the Board if there were any other suggestions other than the 150%.

6

7 Mr. Courson asked Mr. Hall how the engineer determines the cost estimate.

8

9 Mr. Hall stated that the wind farm developer will submit a cost estimate and staff reviews the estimate.

10 He said that once staff agrees that the developer presented a reasonable estimate it is multiplied by 1.5 to
11 get the cost for decommissioning.

12

13 **Mr. Miller moved, seconded by Ms. Capel to extend the meeting for an additional fifteen minutes.**
14 **The motion carried by voice vote.**

15

16 Mr. Courson stated that it costs more to take concrete out of a hole than it does to put it in the hole.

17

18 Mr. Hall stated that they have to take it down four feet. He corrected his previous statement in that the
19 decommissioning is not based on the cost of construction but on the cost of removal. He said that in the
20 only previous instance Vestas submitted an estimate from their contractor for removal costs and staff
21 contacted another contractor to evaluate the estimate for accuracy. He said that staff establishes the
22 values during the special use permit hearing but we do not actually need the Letter of Credit until they
23 really build.

24

25 Mr. Thorsland stated that the road agreement must be acceptable to everyone because no one has
26 mentioned any concerns about it. He asked Mr. Schroeder if, as a farmer, is he happy with what the
27 developer has proposed for land leveling and soil compaction.

28

29 Mr. Palmgren stated that the Board received testimony regarding the removal of the concrete and iron
30 work. He asked Mr. Hall to clarify the depth.

31

32 Mr. Hall stated that it is four feet.

33

34 Mr. Palmgren asked Mr. Hall if the concrete slab is 8' x 40'.

35

36 Mr. Hall stated that the concrete slab is deeper than 8 feet.

37

38 Mr. Palmgren stated that perhaps a slab that big will not resurface again out of the ground but it might in
39 the future therefore why is only half of the depth required for removal.

40

41 Mr. Hall stated the he would assume that four feet is the minimum that is required to try and farm the
42 land.

3/26/09
ZBA

DRAFT SUBJECT TO APPROVAL DRAFT

- 1
2 Mr. Palmgren asked if the frost level is an issue.
3
4 Mr. Hall stated no.
5
6 Mr. Miller stated that the companies have an agreement in place that they will remove the concrete slab
7 four feet below the ground level therefore some of the rest of the responsibility will fall back on the
8 landowner. He said that the landowner will, at that point, have been compensated for all these years and
9 if they want the additional concrete removed then the landowner will have to absorb those costs.
10
11 Mr. Schroeder stated that the County cannot protect everyone that has twenty feet of concrete on their
12 land due to a turbine that they have been compensated for.
13
14 Mr. Miller stated that if someone builds a home today and in twenty-five years they decide that they do
15 not want a basement they cannot expect the contractor to absorb the costs for tearing out the basement.
16
17 Mr. Palmgren stated that perhaps the reason that they are only removing the first four feet of the slab is
18 because anything deeper than that is below the frost line.
19
20 Mr. Hall stated that the four feet is not included in the reclamation section and this seems to be generally
21 applicable therefore this would be done on a case by case basis.
22
23 Mr. Thorsland asked Mr. Hall if this would be between the landowner and the wind farm developer or by
24 each permit.
25
26 Mr. Hall stated that the County has to determine what will be required during the special use permit
27 process.
28
29 Mr. Thorsland asked the Board if there were any other areas that need further review.
30
31 Mr. Hall stated that if the Board is comfortable with the provisions for non-participating landowners then
32 he believes that it is ready for approval.
33
34 Mr. Palmgren asked Mr. Hall if the 3,500 feet separation from the exterior above-ground base of a wind
35 farm tower to any restricted landing area or residential airport is just from the side.
36
37 Mr. Hall stated that there are other parts of the *Ordinance* which specifies no intrusion into those areas.
38
39 Mr. Thorsland asked the Board if they desire to send the amendment to the County Board with or without
40 a map amendment.
41
42 Mr. Schroeder stated that he believes that it should be sent to the County Board with the map amendment.

1
2 Mr. Palmgren agreed with Mr. Schroeder.

3
4 Mr. Thorsland stated that he is comfortable with the required setbacks therefore he would recommend
5 sending it forward without the overlay. He said that in order to send this forward without the overlay a
6 vote is necessary by the Board.

7
8 Mr. Hall stated that the Board has seen the language for the amendment and the changes that were made
9 were for both.

10
11 Mr. Thorsland stated that if the Board moves forward without a map amendment the amendment can still
12 be protested by townships with plan commissions but that is where it stops. He said that if the Board
13 moves forward with a map amendment the amendment can be protested and the townships can protest as
14 well as the 20% of the bordering landowners. He said that the initial concern was that the non-
15 participating landowners were not protected enough although he is comfortable with the additions that
16 were made to ensure that protection. He said that he is comfortable moving forward without the map
17 amendment.

18
19 **Ms. Capel moved, seconded by Mr. Miller to remove the map amendment. The motion carried by**
20 **voice vote with two opposing votes.**

21
22 **Finding of Fact for Case 634-AT-08:**

23
24 Mr. Hall stated that the description of the case must read as follows: Authorize the County Board to
25 approve Special Use Permits (SUP) and to change the requirements for the development of wind turbine
26 developments (wind farms) to a County Board Special Use Permit (CBSUP).

27
28 Mr. Hall stated that the Board could simply eliminate all of the statements regarding the overlay district
29 or they could be modified to indicate that the overlay district is not necessary. He said that indicating that
30 the overlay district is not necessary is so simple that it may be questioned what value that statement
31 provides but on the other hand it makes it very clear that the Board did not find it necessary.

32
33 **Mr. Palmgren moved, seconded by Ms. Capel to extend the meeting for an additional fifteen**
34 **minutes. The motion carried by voice vote.**

35
36 Mr. Miller stated that he would prefer that the text be removed.

37
38 Mr. Hall stated that the following items should be removed from the Finding of Fact: Item #7.A(4); Item
39 #7.B(2); Item #7.D(5); Item #7.F(2); Item #8.C(8); Item #8.D(2); Item #9.A(1)(h); Item #9.A(2)(b); Item
40 #9.A(3)(b); Item #9.A(4)(b); Item #11.B(5); Item #11.C(2); Item #11.G(6); and Item #11.I(3)(b).

41
42 Ms. Capel stated that an item should be added indicating that the Board did not feel that the map

3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 amendment is necessary. She recommended the following text: The map amendment is unnecessary
2 because the conditions imposed under the County Board Special Use Permit will adequately mitigate
3 impacts on adjacent landowners.
4

5 Mr. Hall agreed with Ms. Capel and stated that new Item #13 should read as follows: The map
6 amendment is unnecessary because the conditions imposed under the County Board Special Use Permit
7 will adequately mitigate impacts on adjacent landowners.
8

9 Mr. Hall stated that the following items should be added to the Documents of Record: Item #28:
10 Supplemental Memorandum for Case 634-AT-08, dated March 26, 2009, with attachments; Item #29:
11 Example Wind Farm Plans submitted on March 26, 2009; Item #30: Letter from Champaign County
12 Farm Bureau dated March 26, 2009; Item #31: Red Flag Checklist and Gardner Appraisal Group Handout
13 submitted by Russ Taylor at the March 26, 2009; Item #32: Wind Power Myths versus Facts; Item #33:
14 Pictures submitted by Steve Burdin on March 26, 2009; Item #34: Written statement submitted by Sherry
15 Schildt on March 26, 2009; Item #35: Dekalb County Finding of Fact received on March 26, 2009,
16 submitted by Rich Porter; Item #36: Noble Environmental information submitted by Rich Porter on
17 March 26,2009; Item #37: Documents submitted by Kim Schertz on March 26, 2009; and Item #38:
18 Documents submitted by Rene' Taylor on March 26, 2009.
19

20 **Mr. Schroeder moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents**
21 **of Record and Finding of Fact as amended. The motion carried by voice vote.**
22

23 **Mr. Miller moved, seconded by Mr. Schroeder to close the public hearing for Case 634-AT-08, Part**
24 **A. The motion carried by voice vote.**
25

26 Mr. Thorsland informed Mr. Hall that a full Board is not present at tonight's hearing and four affirmative
27 votes are required for approval. He asked Mr. Hall if he desired to proceed to the Final Determination or
28 continue Case 634-AT-08 to a date when a full Board is present.
29

30 Mr. Hall indicated that since Mr. Bluhm has abstained from the vote the Board is as full as it is going to
31 get in regards to this case and yes, he would like the present Board to proceed to the Final Determination.
32

33 **Final Determination:**
34

35 **Mr. Miller moved, seconded by Ms. Capel that pursuant to the authority granted by Section 9.2 of**
36 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
37 **determines that the Zoning Ordinance Amendment requested in Case 634-AT-08 should BE**
38 **ENACTED by the County Board in the form attached hereto.**
39

40 The roll was called:
41

42 **Capel-yes**

Courson-no

Miller-yes

ZBA
3/26/09

DRAFT SUBJECT TO APPROVAL DRAFT

Palmgren-no
Bluhm-abstained

Schroeder-yes

Thorsland-yes

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6. New Public Hearings

None

7. Staff Report

None

8. Other Business

None

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

Mr. Schildt asked Mr. Hall how long it will take to obtain a copy of the *Ordinance*.

Mr. Hall stated that he anticipates that copies of the Ordinance will be available by Tuesday, March 31, 2009.

10. Adjournment

Mr. Schroeder moved, seconded by Mr. Palmgren to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 10:45 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

1 **Case 634-AT-08: Petitioner: Zoning Administrator Request: Amend the Champaign County Zoning**
2 **Ordinance as follows: Part B: Change the requirement for private wind turbines; and Part C: Add a**
3 **requirement for a CBSUP for subdivisions in a Rural Residential Overlay District.**
4

5 Mr. Hall stated that he plans to withdraw Part C. because it has been completely overshadowed by Part A
6 and it will be some time before the Board will consider Part C. He said that Part B. is still needed and during
7 the first public hearing, for the entire case, there was testimony received from Eric McKeever,
8 Representative for Arends Bros. which requested a higher height than the 125 foot height that was
9 advertised. Mr. Hall stated that he spoke to another private wind turbine retailer and they indicated that the
10 125 foot height requirement would be adequate therefore we have the issue of continuing with the legal
11 advertisement that was published or re-advertise allowing a greater height with the Board potentially backing
12 off with something less. He said that even with the ZBA taking action on Part A, staff has been completely
13 occupied with preparing Part A for ELUC and have not done anything else on Part B. He said that he had
14 hoped that Mr. McKeever would be in attendance tonight but he is currently out of town. Mr. Hall informed
15 the Board that they could continue this case and if Mr. McKeever continues to request an increased height
16 requirement then Part B could be re-advertised. He said that some of the same evidence could be reused
17 after the advertisement therefore his recommendation would be to continue Part B. and once Part A. is put to
18 rest at the County Board staff will be able to focus on Part B.
19

20 Mr. Bluhm asked the Board if there were any questions for Mr. Hall.
21

22 Mr. Thorsland asked Mr. Hall to explain the expected timeframe for re-advertisement of Part B.
23

24 Mr. Hall stated that he does not want to work on Part B. until the full County Board is truly finished with
25 Part A. therefore the earliest docket date that Part B. could be heard is May 28th. He said that on the basis of
26 previous testimony we could re-advertise with a higher height and lower it during the hearing if needed.
27

28 Mr. Thorsland stated that he believes that Part B. should be continued and re-advertised with an increased
29 height.
30

31 Mr. Hall requested a height recommendation from the Board.
32

33 Mr. Bluhm asked Mr. Hall if Arends Bros. recommended a height.
34

35 Mr. Hall stated that it was a continuously changing height.
36

37 Mr. Miller asked Mr. Hall to indicate at what height Part A comes into consideration.
38

39 Mr. Hall stated 200 feet and above.
40

41 Mr. Miller stated that perhaps a recommendation could be 199 feet.
42

43 Mr. Thorsland asked Mr. Palmgren if 200 foot is the beginning of the F.A.A. requirement.

1
2 Mr. Palmgren stated that it depends on where the turbine is located.

3
4 Mr. Hall stated that he was being optimistic about Part A. because it will not be completed by the County
5 Board until May 21st He said that it is clear that staff will be busy with Part A. until it is completed therefore
6 his recommendation for a continuance date for Part B. would be June 11th.

7
8 Mr. Bluhm called Mr. Ben McCall to testify.

9
10 Mr. Ben McCall, who resides at 1085 CR 2200N, Champaign stated that he has two concerns regarding Part
11 B. which are the setbacks and the limitation of only allowing one private wind turbine per parcel. He said
12 that he understands the intent of the setback requirement but he wondered if there was a way to craft the
13 language such that if an adjacent landowner agrees to have a private wind turbine closer to their property line
14 that they could sign a waiver. He said that if there is a 2,000 square foot house in the middle of your
15 property and you want to put a tower 1.1 times away (137.5 feet for a 125 foot tower) from the home and
16 another 137.5 to the property line that is a total of 300 feet from the center of the property which would make
17 it physically impossible to site a windmill on any property which is less than 10 acres. He said that in his
18 particular case he resides on a five acre parcel in rural Hensley township which is completely surrounded by
19 farmland and he is pretty sure that the corn and beans would not mind the placement of a private wind tower
20 near his property line. He said that he is fairly confident that his neighbor would agree to such placement
21 therefore he would request that a private waiver be allowed for the adjacent property owner to reduce the
22 required setback.

23
24 Mr. McCall stated that the requirement of allowing only one private wind tower per parcel appears too
25 restrictive because the larger the wind turbine the more expensive it becomes. He said that he has
26 investigated the possibility of locating a wind turbine on his property and was hoping to go with two smaller
27 wind turbines rather than just one large turbine because he could save a lot of money in doing such. He said
28 that he understands the intent of the *Ordinance* but he wonders if the allowance of only one private turbine is
29 too restrictive especially in the AG-1 district. He said that he does not know if it is normal to have such a
30 restriction in the agricultural districts because there are properties around him that has more than one grain
31 bin therefore he should be able to have more than one wind turbine.

32
33 Mr. Bluhm asked the Board if there were any questions for Mr. McCall and there were none.

34
35 Mr. Bluhm stated that wind turbines can interfere with aerial applications for a neighbor's crops. He said
36 that one neighbor may grant a waiver for one turbine but if two or three turbines are desired then he could be
37 interfering with the other neighbor's ability to maintain their crops.

38
39 Mr. McCall stated that he understands Mr. Bluhm's point but it would be nice if the option was there if the
40 adjacent property owners did agree to a smaller setback rather than having an absolute setback requirement.

41
42 Mr. Hall stated that he will check with the State's Attorney regarding a private waiver. He said that the
43 County does not allow this option in any other context other than with a County Board Special Use Permit

1 for a wind farm which has just been proposed. He said that if this option is allowed then it should be
2 included in the legal advertisement. He asked Mr. McCall if he believes that some property owners may
3 desire to locate three private wind turbines on their property.
4

5 Mr. McCall stated that of the main commercially available wind turbines there is difference between the
6 power rating for smaller and larger models therefore it is big jump going from something that has a 500 watt
7 output to 2 kilowatts. He said that he is not sure how many someone would want to place on their property
8 but it appears that the allowance of only one seems too restrictive. He asked if this restriction would apply to
9 “old school” windmills as well.
10

11 Mr. Thorsland stated that he has considered locating small turbines on his property to power different
12 facilities on his farm and he could picture three small units on his parcel. He said that his property consists
13 of 38 acres but it is an oddly shaped parcel.
14

15 Mr. Bluhm asked the Board if there were any further questions for Mr. McCall and there were none.
16

17 Mr. Bluhm asked if staff had any questions for Mr. McCall and there were none.
18

19 Mr. Bluhm asked the audience if anyone desired to sign the witness register to present testimony for this case
20 and there was no one.
21

22 **Mr. Miller moved, seconded by Ms. Capel to close the witness register for Case 634-AT-08, Part B.**
23 **and Part C. The motion carried by voice vote.**
24

25 Mr. Hall suggested that Case 634-AT-08 be continued to the June 11, 2009, public hearing and have this
26 case be the only case for that hearing.
27

28 **Mr. Thorsland moved, seconded by Ms. Capel to continue Case 634-AT-08, Part B. to the June 11,**
29 **2009, public hearing with Case 634-AT-08, being the only case on the docket. The motion carried by**
30 **voice vote.**
31

32 Ms. Capel asked Mr. Hall if an old-fashioned windmill would also fall under this amendment.
33

34 Mr. Hall stated that currently the whole idea with Part B. is if the windmill is less than 100 feet in height it is
35 by-right therefore a permit needs to be submitted, reviewed and approved. He said that the Board has
36 indicated that they desire to bump the height requirement up therefore if a windmill is under that requirement
37 then it will be allowed by-right.
38

39 Mr. Bluhm requested a motion to rearrange the agenda and hear Case 643-V-08, Albert and Barbara Knox
40 prior to Case 632-AM-08, Mike Trautman.
41

42 **Mr. Thorsland moved, seconded by Mr. Miller to hear Case 643-V-08, Albert and Barbara Knox**
43 **prior to Case 632-AM-08, Mike Trautman. The motion carried by voice vote.**

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6. New Public Hearings

Case 643-V-08: Petitioner: Albert and Barbara Knox Request: Authorize the construction and use of an existing, unauthorized carport with a side yard of five feet in lieu of the required side yard of 10 feet for an accessory building in the AG-1, Agriculture Zoning District. Location: Lot 105 in Claybaugh Subdivision in Section 10 of Somer Township and commonly known as the house at 2207 CR 1600E, Urbana.

Mr. Bluhm informed the audience that this is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. He said that at the proper time she will ask for a show of hands for those who would like to cross examine and each person will be called upon. He requested that anyone called to cross examine go to the cross examination microphone to ask any questions. He said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. He noted that no new testimony is to be given during the cross examination. He said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are exempt from cross examination.

Mr. Hall stated that there is no new information regarding this case except for the fact that the carports are not open but actually have walls. He said that when it comes time to review the Finding of Fact we need to remove the items which incorrectly indicate that there are no sidewalls.

Mr. Thorsland stated that the front page of the Preliminary Memorandum dated April 9, 2009, indicates that the property is located within the one-and-one half mile ETJ of the City of Urbana but Item #3 of the Preliminary Draft of the Finding of Fact indicates that the subject property is not located within the mile and half ETJ of the City of Urbana. He asked Mr. Hall which statement is correct.

Mr. Hall stated that the subject property is not located within the one-and-one half mile ETJ of the City of Urbana.

Mr. Palmgren asked if the carports are on a foundation.

Mr. Miller stated no.

Mr. Hall stated that the carports are all metal with no concrete floor. He said that the Board should clarify what the carport structure can become in the future.

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

Mr. Bluhm called Mr. Knox to testify.

Mr. Albert Knox, who resides at 2207 CR 1600E, Urbana stated that he is present to answer any questions

1 that the Board may have regarding his case.
2

3 Mr. Miller asked Mr. Knox if the carports could be re-located to the north to meet the required 10 foot
4 setback.
5

6 Mr. Knox stated that he spoke to the contractor who built the carports and he indicated that there would be a
7 \$400 charge per carport to move them and he cannot afford it.
8

9 Mr. Palmgren asked Mr. Knox what his long term plan was for the carports.
10

11 Mr. Knox stated that the only thing that he plans to do is add more rock if it gets wet underneath the carports.
12 He said that he does not anticipate placing any concrete under the carports.
13

14 Mr. Bluhm stated that if the Board approves the request the carports would remain as they appear today.
15

16 Mr. Knox stated yes, other than perhaps some gravel.
17

18 Mr. Hall asked Mr. Knox if the contractor requested the location of his property line or did he just determine
19 that for himself.
20

21 Mr. Knox stated that he spoke to the contractor about permits and the contractor indicated that no permits
22 were needed because he installs them all of the time therefore he took them at their word.
23

24 Mr. Hall asked Mr. Knox if the contractor questioned the location of the property lines.
25

26 Mr. Knox stated that the contractor asked him where he wanted the carports and he told him. He said that at
27 that time he again asked the contractor about any required permits and the contractor stated that he did not
28 need one. He said that they never asked him about the location of his property lines.
29

30 Mr. Bluhm asked the Board if there were any additional questions for Mr. Knox and there were none.
31

32 Mr. Bluhm asked if staff had any additional questions for Mr. Knox and there were none.
33

34 Mr. Bluhm asked the audience if anyone desired to cross examine Mr. Knox and there was no one.
35

36 Mr. Miller stated that there is a letter in the packet from the adjacent neighbor indicating that they do not
37 oppose the current location of the carport and since the Board would be granting the variance at this time it
38 doesn't matter what any future neighbors think about the location of the carports.
39

40 Mr. Hall stated that Mr. Miller was correct. He said that in the residential districts within the one-and-one
41 half mile jurisdiction of Urbana the side yard for a detached structure would be five feet. He said that the
42 carport is not adjacent to farmland but is adjacent to another residential lot therefore there is no fear about
43 interference with farming and in the residential district a five foot side yard setback is what would be

1 required for an accessory structure. He noted that this information should be included in the Summary of
2 Evidence and Finding of Fact.

3
4 Mr. Miller asked if the Claybaugh Subdivision would be approved under today's standards.

5
6 Mr. Hall stated that the unique thing about this subdivision is that Mr. Claybaugh owned two adjacent
7 parcels therefore under the current *Ordinance* and based on the size of those parcels Mr. Claybaugh could do
8 three new parcels from the existing tracts. He said that the subdivision was a County subdivision that was
9 created by-right and could happen again under today's standards.

10
11 Mr. Bluhm called Barbara Knox to testify.

12
13 Ms. Knox declined to speak.

14
15 Mr. Bluhm asked the audience if anyone else desired to sign the witness register and present testimony
16 regarding this case.

17
18 Mr. Lenny Grussing, who resides at 2205 CR 1600E, Urbana stated that he is the adjacent neighbor that
19 submitted the letter indicating approval of the location of the carport. He said that the carport is located five
20 feet from the property line and it is far enough away from his home that it does not bother him.

21
22 Mr. Bluhm asked the Board if there were any questions for Mr. Grussing and there were none.

23
24 Mr. Bluhm asked if staff had any questions for Mr. Grussing and there were none.

25
26 Mr. Bluhm closed the witness register for Case 643-V-08.

27
28 Mr. Miller asked Mr. Hall if within a few years the property changes hands and the new owner desires to
29 erect a permanent garage on the property, in the same location, would the ten foot side yard setback be
30 required for the structure or would the five foot setback be sufficient.

31
32 Mr. Hall stated that any new structure would require a permit but the Board needs to be specific in the
33 Finding of Fact if the five foot setback is reasonable for any permanent structure with this footprint. He said
34 that the Board could allow this structure to be replaced with a traditional type garage, provided that it is the
35 same footprint and the same site plan or the Board could take the approach that the variance will be granted
36 provided that the structure is made no more permanent than it is today. He said that any new structure would
37 require a permit but if that structure doesn't increase the area and is the same footprint it could go as just a
38 replacement and be authorized by the variance or the Board could indicate that any reconstruction would not
39 be authorized by the variance.

40
41 Mr. Bluhm stated that he is concerned that perhaps the carports are destroyed and the current or future
42 landowners indicate that they rather than reconstructing the two individual units they desire to construct one
43 large unit to encompass the entire area.

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Mr. Hall stated that such a request would be a problem.

Mr. Bluhm stated that it would but a five foot variance has already been granted.

Mr. Hall stated that historically staff takes the view that the variance is specific to the site plan therefore the only way the variance would be honored in the future would be if the new structure was the same exact footprint. He noted that the variance is not a blanket five foot variance but for just that footprint.

Mr. Miller stated that too often the Board grants a variance for these types of issues and at some point there won't be any need for an *Ordinance*. He said that if the current neighbor is okay with this request and he desires to put a building five feet from the property line then there is only a five foot clearing between the lot lines. He said that he does not want the Board to be too lenient in regards to variances.

Mr. Bluhm asked what would happen if the new construction was placed on the same footprint but it was two stories.

Mr. Hall stated that this would allow a 20 foot high accessory building. He said that in the Board's finding they may want to be very specific about the height of the building in this location.

Mr. Bluhm stated that a special condition could be inserted into the Finding of Fact that no further improvements can be made to make this a more permanent structure. He said that such a special condition would limit the use to what structure is currently there and not allowing it to become more permanent than what it currently is. He said that if the carport blows away and the owner desires to reconstruct the same size structure the special condition would prohibit such construction.

Mr. Hall stated that he assumes that the Board would not have a problem if Mr. Knox desired to place a door on the structure because it would not make the structure any more permanent.

Mr. Bluhm asked the Board if they would like Mr. Hall to construct a special condition regarding further improvements.

Mr. Miller asked Mr. Knox if he purchased the carports from Shaff Implement.

Mr. Knox stated that the carports were manufactured by American Steel Incorporated but Shaff Implement is their agent.

Mr. Bluhm requested that Mr. Hall construct a special condition regarding future use of the carport.

Mr. Bluhm asked if there were any changes or additions to the Summary of Evidence.

Mr. Hall recommended that Item #7.B. of the Summary of Evidence be deleted and add a new Item #7.C. as follows: The adjacent property to the south is a residential property and so no clearances are required for

1 farm equipment. He said that a new Item #7.D. should be added as follows: the landowner to the south has
2 submitted a statement to the effect that they do not see a need for the petitioner to move the carport.
3
4 Mr. Hall asked the Board if the second sentence in Item #8.B. appears accurate. He said that during his
5 review of the site plan it appears that both carports could have constructed without angling and being so
6 close to the property line but if the Board feels that the sentence is accurate then it should remain as written.
7
8 Mr. Hall requested the Board's permission to address Mr. Knox and the Board agreed.
9
10 Mr. Hall asked Mr. Knox if both carports were constructed at the same time.
11
12 Mr. Knox stated that the larger carport was installed on the property first. He said that the reason that he
13 angled the carports was because he desired to have a turn-around.
14
15 Mr. Hall stated that the last sentence in Item #10.B(2) indicating that the subject structure is a carport that is
16 not enclosed with walls should be deleted.
17
18 Mr. Knight stated that the second sentence in Item #10.B(1) also indicates that the subject structure is a
19 carport and is not enclosed with walls therefore it should also be deleted.
20
21 Mr. Hall stated that the last sentence in Item #11.B. has a similar statement indicating that the carport has no
22 enclosed walls and should be deleted.
23
24 Mr. Bluhm asked if Item #11.B. should include a description of the carport.
25
26 Mr. Hall stated that the following text should be added to Item #11.B: The existing carport is a light weight
27 metal frame with metal skin and a gravel floor.
28
29 Mr. Bluhm stated that he agreed with Mr. Hall's description of the existing carport. He said that Item #8.B.
30 should include Mr. Knox's testimony regarding the reason why the carport was placed at an angle on the
31 property.
32
33 Mr. Hall stated that the following text could be added to Item #8.B: The Petitioner testified at the public
34 hearing on April 16, 2009, that the carports were angled to provide a turn-around area. He said that a new
35 Item #12 should read as follows: The following special condition will ensure that the existing building is not
36 made more permanent or increased in size: The garage shall not be made into a more permanent type of
37 structure other than the current type of metal shell construction with a gravel floor to ensure that the effects
38 of the reduced side yard will not be further pronounced than what currently exists. He said that the way this
39 condition is written if the carport is blown away in wind storm Mr. Knox could replace it with the exact type
40 of structure but a wooden garage in the same location would not be permissible.
41
42 Mr. Bluhm asked Mr. Knox if he agreed to the special condition as stated.
43

1 Mr. Knox stated yes.

2

3 **Mr. Thorsland moved, seconded by Mr. Palmgren to accept the following special condition:**

4 **The garage shall not be made into a more permanent type of structure other than**
5 **the current type of metal shell construction with a gravel floor to ensure that the effects**
6 **of the reduced side yard will not be further pronounced than what currently exists.**

7

8 **The motion carried by voice vote.**

9

10 Mr. Hall stated that the staff photographs should be added to the Documents of Record as Item #3.

11

12 Mr. Bluhm requested a motion to adopt the Summary of Evidence, Finding of Fact and Documents of
13 Record as amended.

14

15 **Ms. Capel moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Finding of Fact and**
16 **Documents of Record as amended. The motion carried by voice vote.**

17

18 Mr. Bluhm requested a motion to close the public hearing for Case 643-V-08.

19

20 **Mr. Thorsland moved, seconded by Ms. Capel to close the public hearing for Case 643-V-08. The**
21 **motion carried by voice vote.**

22

23 Mr. Bluhm informed Mr. Knox that two Board members are absent from tonight’s meeting and he will need
24 four positive votes in his favor for an approval. He asked Mr. Knox if he desired to continue to the Final
25 Determination at tonight’s meeting or request a continuation of his case until there is a full Board present.

26

27 Mr. Knox requested that the current Board proceed to the Final Determination.

28

29 Mr. Bluhm stated that, in error, he prematurely requested adoption of the Summary of Evidence, Finding of
30 Fact and Documents of Record and to close the public hearing for Case 643-V-08, therefore the Board will
31 move to completion of the Finding of Fact.

32

33 **Findings of Fact for Case 643-V-08:**

34

35 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
36 643-V-08 held on April 16, 2009, the Zoning Board of Appeals of Champaign County finds that:

37

- 38 **1. Special conditions and circumstances DO exist which are peculiar to the land or**
39 **structure involved, which are not applicable to other similarly situated land and**
40 **structures elsewhere in the same district.**

41

42 Mr. Thorsland stated that the special conditions and circumstances DO exist which are peculiar to the land or
43 structure involved which are not applicable to other similarly situated land and structures elsewhere in the

1 same district because the carport is in line with the southern most located driveway and angled to provide a
2 turn around area. He said that the carport is not located near structures located on the adjacent neighbor's
3 lot.
4

5 **2. Practical difficulties or hardships created by carrying out the strict letter of the**
6 **regulations sought to be varied WILL prevent reasonable or otherwise permitted**
7 **use of the land or structure or construction.**
8

9 Mr. Palmgren stated that practical difficulties or hardships created by carrying out the strict letter of the
10 regulations south to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or
11 construction because it would be expensive to move the carport and the adjacent neighbor has indicated that
12 they agree to the current location of the carport.
13

14 **3. The special conditions, circumstances, hardships or practical difficulties DO NOT**
15 **result from actions of the applicant.**
16

17 Mr. Thorsland stated that the special conditions, circumstances, hardships or practical difficulties DO NOT
18 result from action of the applicant because the contractor was unaware of the required setback and placed the
19 carport in line with the existing driveway.
20

21 **4. The requested variance, subject to the proposed special condition, IS in harmony with**
22 **the general purpose and intent of the *Ordinance*.**
23

24 Ms. Capel stated that the requested variance, subject to the proposed special condition, IS in harmony with
25 the general purpose and intent of the *Ordinance* because the adjacent residential neighbor has indicated that
26 they have no concern with the existing location of the carport and there is no concern regarding conflict with
27 farm equipment.
28

29 Mr. Thorsland stated that the structure meets all other zoning requirements.
30

31 Mr. Miller stated that a five foot setback is not uncommon in other residential areas even though this
32 subdivision is located in a suburban area located in the AG-1 district.
33

34 **5. The requested variance, subject to the proposed special condition, WILL NOT be**
35 **injurious to the neighborhood or otherwise detrimental to the public health, safety or**
36 **welfare.**
37

38 Mr. Palmgren stated that the requested variance, subject to the proposed special condition, WILL NOT be
39 injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare because a letter
40 has been submitted indicating that the residential neighbor is okay with the placement of the carport. He said
41 that there are no concerns related to interference with agricultural equipment and no comments were
42 received from the fire protection district or the highway commissioner.
43

1 Mr. Miller stated that the setback pertains the side yard rather than the front yard which alleviates any safety
2 concerns from the township.

3
4 **6. The requested variance, subject to the proposed special condition, IS the minimum**
5 **variation that will make possible the reasonable use of the land/structure.**

6
7 Ms. Capel stated that the requested variance, subject to the proposed special condition, IS the minimum
8 variation that will make possible the reasonable use of the land/structure because anything less would require
9 that the shed be moved.

10
11 Mr. Thorsland stated that the requested variance is 50% of the required distance although the carport meets
12 all other *Zoning Ordinance* requirements.

13
14 Mr. Bluhm requested a motion to adopt the Summary of Evidence, Documents of Record and Finding of
15 Fact as amended.

16
17 **Mr. Thorsland moved, seconded by Mr. Miller to adopt the Summary of Evidence, Documents of**
18 **Record and Finding of Fact as amended. The motion carried by voice vote.**

19
20 **Mr. Miller moved, seconded by Mr. Capel to close the public hearing for Case 643-V-08. The motion**
21 **carried by voice vote.**

22
23 Mr. Bluhm asked Mr. Knox if he still desired to proceed to the Final Determination.

24
25 Mr. Knox stated yes.

26
27 **Final Determination for Case 643-V-08:**

28
29 **Mr. Miller moved, seconded by Mr. Thorsland that the Champaign County Zoning Board of Appeals**
30 **finds that , based upon the application, testimony and other evidence in this case, that the**
31 **requirements of Section 9.1.9.C HAVE been met, and pursuant to the authority granted by Section**
32 **9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign**
33 **County determines that the variance requested in Case 643-V-08 is hereby GRANTED WITH**
34 **CONDITIONS, to the petitioners Albert and Barbara Knox, to authorize the construction and use of**
35 **an existing, unauthorized carport with a side yard of five feet in lieu of the required side yard of 10**
36 **feet for an accessory building in the AG-1, Agriculture Zoning District.**

37
38 **Subject to the following condition:**

39
40 **The garage shall not be made into a more permanent type of structure other than**
41 **the current type of metal shell construction with a gravel floor to ensure that the effects**
42 **of the reduced side yard will not be further pronounced than what currently exists.**
43

1 The roll was called:

3 **Capel-yes**

Courson-absent

Miller-yes

4 **Palmgren-yes**

Thorsland-yes

Schroeder-absent

5 **Bluhm-yes**

7 Mr. Hall informed Mr. and Mrs. Knox that their variance has been approved and staff will send out the
8 appropriate paperwork as soon as possible.

10 Mr. Bluhm stated that the Board will now return to Case 632-AM-08, Mike Trautman.

13 **7. Staff Report**

15 Mr. Hall stated that ELUC held their first meeting regarding Case 634-AT-08, Part A. and had no
16 reservations in amending what the ZBA had recommended. He said that staff sent notices to the townships
17 and municipalities advising them what ELUC’s recommendation was and the case will go back to ELUC on
18 May 11, 2009. He said that staff assumes that ELUC will make a final recommendation to the County Board
19 at the May 11, 2009, meeting and hopefully Part A. will be finalized at the May 21, 2009, County Board
20 meeting.

22 Mr. Hall stated that ELUC reduced the separation to non-participating dwellings to 1,200 feet and adjusted
23 one of the pipeline separations to 1.1 times the height of the turbine. He set that ELUC deleted all of the
24 visual assessment, which was not much of a requirement to begin with.

26 Mr. Miller asked Mr. Hall if the setbacks still apply to the dwellings and not the property line.

28 Mr. Hall stated yes. He said that ELUC allowed testimony although not many people testified. He said the
29 Committee took a lot of time reviewing all of the various parts and raised a concern regarding the shadow
30 flicker requirements and requested that staff report back with additional information regarding this issue. He
31 said that it is clear that ELUC desires to keep the shadow flicker study but they are concerned that as it
32 comes back to them it provided no flexibility as to roads and homes.

34 Mr. Hall stated that two of the wind developers did attend the ELUC meeting and presented testimony
35 therefore no one could say that Champaign County is not showing interest in wind farm development.

37 Mr. Miller stated that it appears that since two of the wind farm developers were present at the ELUC
38 meeting that they are still interested in pursuing Champaign County. He said that the Newcomb Township
39 Plan Commission will probably protest the amendment.

41 Mr. Hall stated that a copy of Newcomb Township’s Plan Commission filed protest was received today.

43 Mr. Miller asked how that protest would effect the amendment since there is no proposed wind development

1 in Newcomb Township.

2
3 Mr. Bluhm stated that there is a proposed wind development project for Newcomb Township.

4
5 Mr. Miller stated that their protest will be presented at the County Board meeting when the *Ordinance* is
6 presented for approval.

7
8 Mr. Bluhm stated yes and their protest will require a ¾ majority vote for approval.

9
10 Mr. Thorsland stated that it was his understanding that the Newcomb Township Plan Commission violated
11 the Open Meetings Act.

12
13 Mr. Bluhm stated that he has had two other townships request information as to how they can set up a plan
14 commission.

15
16 Mr. Hall stated that he would be happy to speak to them but his advice would be to have them contact their
17 attorney. He requested that if those townships did set up a plan commission that they contact the
18 department.

19
20 **8. Other Business**

21
22 None

23
24 **9. Audience Participation with respect to matters other than cases pending before the Board**

25
26 None

27
28 **10. Adjournment**

29
30 **Mr. Thorsland moved, seconded by Mr. Palmgren to adjourn the April 16, 2009, meeting. The motion**
31 **carried by voice vote.**

32
33 The meeting adjourned at 8:25 p.m.

34
35
36
37 Respectfully submitted

38
39
40
41
42 Secretary of Zoning Board of Appeals

CASE NO. 611-AM-08 Revised

SUPPLEMENTAL MEMORANDUM

May 8, 2009

Champaign
County
Department of

**PLANNING &
ZONING**

Petitioners: **Casey's Retail Company
and Henri Merkelo**

Request: **Amend the Zoning Map to
change the zoning district designation
from the R-5 Manufactured Home
Park Zoning District to the B-2
Neighborhood Business Zoning
District.**

Site Area: **approx. 1.04 acres**

Time Schedule for Development:
Immediate

Location: **A 1.04 acre tract in the
Southwest Quarter of the Southwest
Quarter of the Southwest Quarter of
Section 10 of Urbana Township and
commonly known as the vacant house
at 2218 East University Avenue,
Urbana.**

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

Prepared by: **J.R. Knight**
Associate Planner
John Hall
Zoning Administrator

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

STATUS

This case was continued from the January 29, 2009, public hearing. This is the second meeting for this case. Staff met with City of Urbana staff and representatives from Casey's on April 28, 2009, to discuss possible revisions to the Casey's request for rezoning and revisions to the proposed site plan.

REVISED REZONING REQUEST

The petitioner has revised their request for rezoning from B-4 General Business to B-2 Neighborhood Business. This will reduce the different types of uses that are allowed on the subject property, and when the property is annexed to the City of Urbana it will translate to the City's B-1 Neighborhood Business District.

ATTACHMENTS

- A Revised Land Use Map dated May 8, 2009 (included separately)
- B Letter from Stephen O'Byrne, received on May 4, 2009
- C Letter of opposition from Jean Thompson to Steve O'Byrne, received on May 4, 2009, with attachments
- D Letter of opposition from Lloyd Wright, received April 28, 2009
- E Letter of opposition from Betty Brinegar, received on April 28, 2009
- F Letter of opposition from Jerry Ray, received on April 28, 2009
- G Letter of opposition from Luke and Catherine Schneider, received on April 29, 2009
- H Letter of opposition from Florence Fuchs, received on April 30, 2009
- I Letter of opposition from Shelly Estrada-Walters, received on May 5, 2009
- J Letter of opposition from Joseph Williams, received on May 5, 2009
- K Letter of opposition from J.B. Williams, received on May 5, 2009
- L Letter of opposition from Bryan Fogelson, received on May 5, 2009
- M Letter of concern from Karen Steiner, received on May 6, 2009
- N Letter of opposition from Carolyn McCammon, received on May 7, 2009

J. Michael O'Byrne
Of Counsel

Edward H. Rawles*

Stephen M. O'Byrne

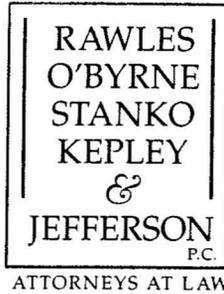
Glenn A. Stanko

Brett A. Kepley

Timothy S. Jefferson[■]

*Licensed in Illinois and Colorado

■Licensed in Illinois and Missouri



Reno & O'Byrne
1952-1962

Reno, O'Byrne
& Kepley
1962-1984

Reno, O'Byrne
& Kepley, P.C.
1984-1994

Rawles, O'Byrne,
Stanko & Kepley, P.C.
1994-2005

May 1, 2009

Mr. John Hall, Zoning Administrator
Champaign County Planning & Zoning
1776 E. Washington Street
Urbana, IL 61801

RE: 2218 E. University Ave., Urbana Rezoning Request

Dear John:

Enclosed please find a copy of the letter addressed to me from Jean Thompson addressing her concerns regarding the request by Casey's to rezone the property on University Ave. I am also enclosing a copy of the report from Brown & Brown Real Estate Appraisals regarding the rezoning issue.

Ms. Thompson has also forwarded to me search results of various websites reporting crimes at Casey's Stores over the country for your own review.

Would you please include these in the records for the case? Once you have had a chance to review the enclosed documents, please give me a call if you have any questions regarding same.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen M. O'Byrne".

Stephen M. O'Byrne

SMOB/dlm
Enclosure

RECEIVED

MAY 04 2009

CHAMPAIGN CO. P & Z DEPARTMENT

April 7, 2009

Stephen O'Byrne
510 W. Church
Box 800
Champaign, IL
61824-0800

Dear Stephen,

You have suggested that I prepare a memo that might be useful to you in your discussions with Mr. John Hall of the Champaign County Planning and Zoning Department. I'm happy to do so. Since the January 29 ZBA meeting I've had the chance to gather and assess further information. I will be referring at times to the Letter of Opinion prepared for me by Mr. Tom Brown of Brown and Brown Real Estate Appraisals, Urbana. (Enclosed.) His conclusion is that a commercial operation such as a Casey's General Store would have a negative impact on my Smith Road property. As he notes, his letter is not to be considered an appraisal report, since a more in-depth analysis would be required to determine actual dollar amounts. For my own information I have also consulted a realtor, and while his estimate is not a substitute for an appraisal report, he has told me that in the event of Casey's building according to their current site plan, I could expect my property to decrease in value by about twenty per cent.

This issue is one of land use compatability, and I would argue that these usages are in conflict. Mr. Brown notes the extreme proximity of the proposed Casey's building, and concludes that 'nothing can properly separate the two locations sufficiently to not consider this a detriment to the Smith Road residence and other residences in the immediate area.' Casey's proposes to make full use of the parcel, including a point where the lot line comes to within three feet of my house. A fence at this location would have the effect of making it impossible for me to walk from my side door into my back yard, due to the location of an air conditioning unit. A loading area is also in very close proximity to the house, and to a permanent structure, a deck, which extends ten feet from the back of the house. Even if this loading area is meant primarily for the use of a specific Casey's supply truck, any paved surface will no doubt be used for parking by other vendors and customers. This can be seen on a daily basis at Casey's current Urbana location. It would be difficult to enjoy any residential outdoor use with a high-volume, extended hour business so close, and I would expect that even from indoors, sleep and other day to day activities would be disrupted by Casey's operations. Loss of privacy and security are real concerns. Mr. Brown also notes that the rear sections of such commercial buildings are most often used for waste/garbage collection and are prone to deterioration over time.

I will state my other concerns more briefly:

1. Alcohol sales and the nuisance behavior associated with them.
2. Increased foot traffic and the possibility of littering, loitering, congregating and trespassing. This is a frequent problem at Casey's current Urbana store.

RECEIVED
MAY 04 2009
CHAMPAIGN CO. P & Z DEPARTMENT

3. Crime. Convenience store crime is a well-known problem, and even a cursory internet search (see sample), reveals that Casey's is not immune from it. As of this date, 2009 crime reports at Casey's stores include ten armed robberies (three at Illinois locations), one sexual assault on the premises (followed by armed robbery), one stabbing, and three after-hours burglaries. I would not be consoled by any statistical analysis showing that most convenience store locations are crime-free most of the time. No violent crimes have occurred next door to me in my more than thirty years at this location. No one would choose such an unsafe neighbor. No one should have such a neighbor imposed on them.

4. Lighting. Please see Mr. Brown's letter.

5. Noise. Again, please see Mr. Brown's letter. I would add to this noise (and exhaust), from idling delivery trucks, and, as mentioned in the ZBA Preliminary Report, noise from commercial air conditioning and refrigeration units.

6. Food service operations. It is my understanding that Casey's new store plans include an area for increased prepared food offerings, such as breakfast items, salads, hamburgers, etc., and made to order pizzas and submarine sandwiches. There is also a coffee bar and customer seating. In short, this is something close to a fast-food restaurant, open until late night, and with the sorts of litter and cooking smells that would accompany it.

7. Hours of operation. Casey's would be open from 6 a.m. to 11 p.m., seven days a week. There would be little respite from this commercial operation, and certainly some lighting would remain on, and some equipment (such as refrigeration units), might function constantly.

8. Drainage. See Mr. Brown's letter for discussion of potential problems.

9. Tree loss. The parcel is now heavily wooded. These trees have always helped to screen me from the light and noise of the adjacent highway, and also prevented drainage and erosion problems. And while all these trees offer some landscaping value, some specimens may be valuable from a preservationist point of view.

In addition, I have noted to the Urbana City Council the example of Aldi's Foods, about a mile east of here on Route 150. Before the City allowed Aldi's to open in 2004, a number of conditions were required, such as a solid six-foot wall around the property, landscaping on the outside of this wall, noise-muffling fabric around air conditioning units, restrictions on hours of operation and delivery, and a distance of 150 feet from the nearest residential structure. I would hope that there would be consistency in the way that other similar commercial residential properties are separated, and equal protection for the rights of residents.

Sincerely,


Jean Thompson
203 N. Smith Rd.
Urbana

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CHAMPAIGN CO. P & Z DEPARTMENT

March 13, 2009

Ms. Jean Thompson
203 North Smith Road
Urbana, IL 61802

Re: Rezoning and development adjacent to the property located at:
203 North Smith Road, Urbana, IL

Dear Ms. Thompson,

Per your request I have reviewed documents pertaining to the possible rezoning of the property located along the North side of U. S. Route 150 in the 2200 Block of East University Avenue, Urbana, Illinois. In addition, I have visited the subject location for a better understanding of the proposed change. This letter is not to be considered an appraisal report.

The information provided indicates that the land parcel you own is located along the West side of North Smith Road and would border the tract of land proposed to be rezoned. The South and Southeast portion of your land area would be the North boundary of the East University Avenue land parcel. The tract located along U. S. Route 150 is indicated to be a rectangular and consist of approximately 1.04 acres. This land area is adjacent West of the present Edge-Scott Fire Station Building which is on the Northwest corner of U. S. Route 150 and Smith Road.

The property along U. S. Route 150 (University Avenue) is presently zoned R-5 (Manufactured Home Park) by the County of Champaign and is proposed to change to B-4 (General Business). The proposed change is to allow for the construction of a Casey's General Store. This is a convenient store which also provides gasoline sales.

I have been asked for an opinion as to what type of affect this proposed zoning change, as well as construction of the proposed improvements would have on the property located at 203 North Smith Road, Urbana, Illinois. My analysis is as follows.

The documents provided indicate a possible change in zoning for a 1.04 acre land parcel. The tract is presently zoned R-5 and a request has been made to change this zoning to B-4 for the construction of a Casey's General Store. The plats submitted show the need to use the entire land area to accomplish proper on-site accessibility. The project would place the main building structure to the far north section of the parcel with the majority of the remaining land area being concrete surfaced with gasoline pumps under an island canopy more to the south half of the tract. There will be two cut out drive access points to University Avenue. Presently the land parcel is improved with an older frame dwelling in only fair to poor condition. It is apparent that a number of potential issues will occur if the property zoning is changed and allow a commercial development. My concerns are as follows:

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1. A new commercial development will most likely include a visual change in the landscape that will cause a negative affect to the surrounding residential properties. Factor's that could occur and would occur based on the proposed development project is increased traffic in the immediate area which would cause a rise in noise levels. Stores such as Casey's have extended operating hours and sometimes open all 24 hours. The constant traffic could be disturbing. In addition, commercial operations such as this require significant on site exterior lighting. This is especially the case when there is an island canopy gasoline area with raised fixtures. Though lighting fixtures can be directed to specific areas and illumination can be softened it certainly will be a change from the present quiet enjoyment and less active usage.
2. The proximity of the proposed Casey's General Store to the dwelling at 203 North Smith Road is close. This in itself is a concern. Though a wall or some other barrier could be constructed to separate the property, nothing can properly separate the two locations sufficiently enough to not consider this a detriment to the Smith Road residence and other residences in the immediate area. During my inspection it appears that once construction is complete the Smith Road property topography elevation grade could end up slightly lower than that of the University Avenue property. This would make it even more difficult to separate the two locations and bring in the possible question of drainage.
3. This appraiser is also concerned that when facilities such as this convenient store are built there is very little consideration given to the rear sections of the development. Most developers are concerned with the visual appearance of the front and sometimes, to a lesser extent, "side yard" appearance. More often than not the rear portion of a property is not a priority. As the property ages the rear section of a commercial location continues to deteriorate. Many of the rear locations are used for waste/garbage collection and can be an inconvenience to the surrounding properties due to potential smell, unsightliness as well as litter.

Though the thoughts presented are not specifically analyzed they would be concerns and must be considered if an appraisal of 203 North Smith Road, Urbana, Illinois was to be prepared. It is this appraiser's opinion that changing the zoning of the adjacent property located in the 2200 Block of East University Avenue from R-5 to any Commercial Zoning would have a negative affect on the Smith Road property. The actual dollar amount affected is not part of this assignment and would require a more in depth analysis.

Brown & Brown Real Estate Appraisals

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URBANA, ILLINOIS 61301

This letter should not be considered an appraisal report. I have not prepared a full analysis of the property and my presentation is based on you requesting my opinion regarding zoning change and its possible affect upon your property value. If you have questions about the information submitted or wish to discuss please contact me at your convenience.

Respectfully submitted,

BROWN & BROWN REAL ESTATE APPRAISALS



Thomas L. Brown
Certified General Real Estate Appraiser
Illinois License # 553.000139

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URBANA, ILLINOIS 61801

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Casey's General Store + armed robbery

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1 - 11 of 11 for Casey's General Store + armed robbery - Local - 4/4/09

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Two face armed robbery charges

... Dec. 28 for allegedly robbing the **Casey's General Store** on 42nd Street. ... robbery was the second in Mt. Vernon in December involving a **Casey's General Store**. ... register-news.com/local/local_story_025114319.html/... - Cached

Armed robbery reported at Casey's in Lohrville - MessengerNews.net

... an armed robbery that occurred at **Casey's General Store** in Lohrville ... release a man armed with a knife entered the **Casey's store** at Lohrville and took ... www.messengernews.net/page/content/detail/id/514153.html?nav=5010 - Cached

Armed Robbery, No Arrest | KSFY.com - Your Source for News, Sports, and ...

The **Casey's General Store** at 5th & Kiwanis in Sioux Falls on Friday night. ... News they are investigating an armed robbery at **Casey's General Store** at 5th and ... www.ksfy.com/news/local/42037592.html - 75k - Cached

Pantagraph.com | News | 2 people in custody after Normal armed robbery

... with an apparent armed robbery at the **Casey's General Store** in north Normal Sunday afternoon. ... The armed robbery was reported shortly before 4 p.m. at ... pantagraph.com/articles/2006/12/31/news/doc4598520c9d9bb983904826.txt - 54k - Cached

Armed Robbery in Sparta |

WEAU 13 NEWS - WEAU.com Providing NEWS, WEATHER, SPORTS & more to Eau ... the suspects in an armed robbery at **Casey's General Store** in Sparta Sunday night. ... www.wEAU.com/sunrise/headlines/15503082.html - 55k - Cached

Casey's Robbery

... Police in Farmington are investigating an attempted **armed robbery**. ... and he was acting alone when he walked into **Casey's General Store** with a pistol. ... centralillinoisproud.com/content/fulltext/?cid=7956 - 51k - Cached

Oskaloosa.com - Robbery at Casey's Sunday

... **Casey's General Store** in University Park was the scene of an armed robbery Sunday morning. ... who robbed the **Casey's General Store** in University Park ... www.oskaloosaherald.com/homepage/local_story_119102221.html - Cached

Tomah Journal - Printable Version

... an armed robbery that occurred Sunday night at **Casey's General Store** in Sparta. ... to a robbery in progress at **Casey's General Store** shortly before 10: ... www.tomahjournal.com/articles/2008/02/15/news/03robbery.prt - Cached

December 2001 Press Release / Robbery

... inside the new **Casey's General Store**, on Market Street, and is believed to have ... **Casey's General** convenience store; and the December 27th, 2001, strong arm ... www.ctownpd.com/0112robbery.htm - Cached

The top local news headlines from Yahoo! News

LOHRVILLE - An armed robber escaped the **Casey's General Store** in Lohrville with ... an armed robbery that occurred at **Casey's General Store** in Lohrville ... news.yahoo.com/localnews/24701005/source/16225913/... - 55k - Cached

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27 results for Casey's General Store + armed robbery - April 11, 2007

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Spencer Daily Reporter: Subject: Robbery And Burglary

... **armed robbery**, which took place Monday night and a convenience store in ... mask and **armed with a knife allegedly robbed the Casey's General Store, located ...**
www.spencerdailyreporter.com/keywords/robbery_and_burglary_ - Cached

WDAY : News Weather Sports for North Dakota and Minnesota

... of a **Casey's General Store** employee for an **armed robbery** at the store in August. ... for **Casey's armed robbery**. On Sunday, she told police the store's safe ...
www.wday.com/news/index.cfm?id=6703

Armed robber hits Casey's | police, casey, alton - Local News - The ...

... **Armed robber hits Casey's | police, casey, alton, armed, robber, fosterberg, robbery, displayed, ... armed robbery at Casey's General Store, 3499 Fosterburg ...**
www.thetelegraph.com/news/police_23223___article.html/casey_alton.html - Cached

Robbery trial postponed

... 22, of Rolling Meadows Estates, is charged with **armed robbery** after being ... in December for allegedly robbing the **Casey's General Store** on South 42nd Street. ...
register-news.com/local/local_story_089113406.html/... - Cached

The Commercial-News, Danville, IL - Police arrest robbery suspects

... 2007 11:29 am. **Police arrest robbery suspects. STAFF REPORT ... Casey's General Store** at 225 E. Orange St. to the report of an **armed robbery** at the business. ...
www.commercial-news.com/local/local_story_164112923.html - Cached

City of Lincoln: Police Dept

Robbery. Casey's General Store/550 W. Cornhusker Hwy was the victim of an **armed robbery** ... An **armed robbery** occurred at K/N NAILS, 8222 Holdrege, on 1-16-09 ...
lincoln.ne.gov/city/police/stats/crime_stop.htm - Cached

West Terre Haute ~~armed robbery~~

... **armed robbery** suspect is on the loose after holding up a West Terre Haute ... 7:30 p.m., at the Discount Tobacco Store just east of **Casey's General Store**. ...
wthitv.com/dpp/news/news_wthi_WestTerreHaute_armedrobbery_200901262239 - Cached

Jury selected for Epp robbery trial - News - Local - The Beatrice Daily ...

Beatrice, Nebraska's Community Newspaper providing local news, events and ... involvement in the **armed robbery** of the **Casey's General Store** in Wymore April 24. ...
beatricedailysun.com/articles/.../local/doc47839a1e3acfa058735126.txt - Cached

GlobeGazette.com :: Crime Stoppers give \$250 reward in Casey's arrest ...

... the Sunday morning **armed robbery** of **Casey's General Store** received a \$250 reward ... after he allegedly robbed **Casey's General Store** at 813 N. Federal Ave. ...
globegazette.com/articles/2007/11/13/.../doc473a5ab28ed97221423458.txt - 68k - Cached

Casey's Robber Close to Building Meth Lab | KSFY.com - Your Source for

...
... 29 year old, Laticia Knight for the suspected **armed robbery** of **Casey's General Store** this past friday, Sioux Falls Police referred to it as a "high-risk" ...
www.ksfy.com/news/local/42296572.html - 82k - Cached

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~~[Flooding charge tied to Casey's profit drop | DesMoinesRegister.com ...](#)~~

~~Casey's General Stores Inc.'s earnings fell 3.3 percent from the same quarter a ... Former~~

~~Hawkeye charged with armed robbery in Detroit ...~~

~~desmoinesregister.com/apps/pbcs.dll/article?AID=.20080904/BUSINESS/... - 81k - Cached~~

[The Cedar Rapids Gazette - Cedar Rapids, Iowa City, Eastern Iowa](#)

... 19, 2008. Waterloo police investigate convenience store robbery ... to investigate an

armed robbery at Casey's General Store, 3035 Logan Ave., late Sunday. ...

gazetteonline.com/apps/pbcs.dll/article?Date=20080519&... - Cached

[Waterloo police investigate convenience store robbery |](#)

[GazetteOnline ...](#)

News stories from eastern Iowa, Cedar Rapids and Iowa City ... to investigate an

armed robbery at Casey's General Store, 3035 Logan Ave., late Sunday. ...

gazetteonline.com/apps/pbcs.dll/article?AID=.r... rrs01&rssfeed=rss01 - 82k -

Cached

[\[PDF\] News Release - Johnson County \(Kan.\) Sheriff's Office](#)

253k - Adobe PDF - [View as html](#)

... November 15, 2005 at 9:30 p.m. an armed robbery occurred at the Casey's General

Store located in Wellsville, Kansas at 4. th. and Main. ...

jocosherriff.org/...pdf/Wellsville Armed Robbery 11-15-05.pdf

[Granite City Press-Record | Law & Order | Madison Police seeking armed](#)

...

... are continuing to search for two suspects in an armed robbery last month. ... 42 p.m. on

March 16, two men robbed Casey's General Store at 225 McCambridge Ave. ...

granitecitypress-record.stltoday.com/articles/2008/04/13/news/... - Cached

[Sioux Falls resident faces armed robbery, drug charges after Casey's holdup](#)

... resident faces armed robbery, drug charges after Casey's holdup. Melanie ... Tuesday

related to an armed robbery at Casey's General Store, 500 N. Kiwanis Ave. ...

m.argusleader.com/apps/pbcs.dll/article?AID=/20090331/UPDATES/... - Cached

[Forest Lake Times - Suspects named in Wyoming liquor store robbery](#)

... an armed robbery at Rick's Liquor Store Rick's Liquor Store, 26687 ... m. when a vehicle

was reported stolen from Casey's General Store in North Branch. ...

forestlaketimes.com/content/view/2292/1 - Cached

[The Maneater - No leads on suspects in Casey's robbery](#)

Two men, one of whom was armed, entered a Casey's General Store on Nov. 2 and

demanding money from two ... on how to handle disturbances in the stores when ...

theman eater.com/stories/2007/11/6/no-leads-suspects-casey-s-robbery - Cached

[Police arrest robbery suspects](#)

Police arrest robbery suspects. STAFF REPORT. DANVILLE June ... Casey's General

Store at 225 E. Orange St. to the report of an armed robbery at the business. ...

commercial-news.com/local/local_story_164112923.html/... - Cached

[The Joplin Globe, Joplin, MO - Tip helps trace robbery suspect to Texas](#)

... in connection with a robbery two weeks ago of Casey's General Store in Aurora. ... A

man armed with a knife robbed two stores there on March 23, and Adams was ...

www.joplinglobe.com/local/local_story_092222204.html - 64k - Cached

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The Joplin Globe, Joplin, MO - Tip helps trace robbery suspect to Texas
... in connection with a robbery two weeks ago of Casey's General Store in Aurora. ... A man armed with a knife robbed two stores there on March 23, and Adams was ...
www.joplinglobe.com/local/local_story_092222204.html - 64k - Cached

Police seek suspect in Casey's robbery | News-Leader.com | Springfield ...
Springfield police were searching for an armed robber who fled the Casey's General Store at 703 S. Scenic Ave. with the till from the cash register Wednesday night.
www.news-leader.com/article/20081020/COMMUNITIES0401/816220333/1145 - 56k - Cached

Armed Robbery and Chase Ends in Johnson County | Kansas City infoZine ...
Two suspects, a man and a woman fled the scene and were pursued by ... m. an armed robbery occurred at the Casey's General Store located in Wellsville, ...
www.infozine.com/news/stories/op/storiesView/sid/11454 - 51k - Cached

WTCA NEWS
Van Hits Building at Casey's General Store ... responded to Casey's General Store on East Jefferson ... Photo Released of Suspect in Armed Robbery at Pak-A-Sak ...
www.am1050.com/pg/news.php?pg=22 - Cached

Spencer Daily Reporter: Subject: Identity Theft
... armed robbery, which took place Monday night and a convenience store in ... mask and armed with a knife allegedly robbed the Casey's General Store, located ...
www.spencerdailyreporter.com/keywords/identity_theft - Cached

GlobeGazette.com
... early Sunday morning, a masked gunman robbed the Casey's General Store ... the Sunday morning armed robbery of Casey's General Store received a \$250 reward ...
globegazette.com/articles/2007/.../local/doc473a8a4a9c038569463440.txt - 68k - Cached

MP robbery 112007
... in jail on a \$25,000 bond charged with first-degree robbery. ... was armed with a kitchen knife when he robbed Casey's General Store, 400 W. Washington St. ...
www.thehawkeye.com/print/MP_robbery_112007 - Cached

Quincy robbery suspects in court : News : KHQA
... arrested for a pair of armed robberies in Quincy last week, were ... Lot Grocery Store at 9th and Jefferson and the Casey's General Store on North 24th street. ...
www.connecttristates.com/news/news_story.aspx?id=87635 - 50k - Cached

Email This Story
Beatrice man facing charges in case of armed robbery at Wymore convenience store ... involvement in the robbery of the Casey's General Store in Wymore April 24. ...
www.beatricedailysun.com/articles/2007/09/05/news/news6.eml - Cached

City of Spencer, Iowa: Official Home Page
... ARMED ROBBERY THAT OCCURRED MONDAY EVENING @ 9:10 P.M. AT THE CASEY'S GENERAL STORE ON ... A SKI MASK ENTERED THE STORE AND DEMANDED MONEY FROM EMPLOYEES. ...
www.spenceriowacity.com/notices.php - Cached

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To: Champaign County Zoning Board of Appeals, c/o Mr. John Hall, Champaign County Dept. of Planning and Zoning, Brookens Administrative Center, 1776 E. Washington St., Urbana, IL 61802

Re: Casey's General Store proposal to rezone the property at 2218 E. University, Urbana

I wish to oppose Casey's General Store's plans to build a new and larger store at this location. My concerns include (check any that apply):

- increased traffic congestion
- increased noise
- increased lighting
- loss of trees
- increased crime, both at the store site and in the surrounding neighborhood
- nuisance behavior by Casey's customers, such as littering, loitering, and trespassing

Other comments:

I build in this neighborhood 40 years ago. that was Zone R residential which I like. Not Industrial. So please let it stay that way.

Name

Lloyd L. Wright

Address

204 N. Smith, Rd. Urbana, IL

Lloyd L. Wright

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APR 28 2009

CHAMPAIGN CO. P & Z DEPARTMENT

To: Champaign County Zoning Board of Appeals, c/o Mr. John Hall, Champaign County Dept. of Planning and Zoning, Brookens Administrative Center, 1776 E. Washington St., Urbana, IL 61802

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- nuisance behavior by Casey's customers, such as littering, loitering, and trespassing

Other comments: *We moved here because it is a quiet area + not wanting any noisy businesses around. Also trees clean the air + since Urbana is known for trees, why remove any that have been growing for years? This is a lovely little neighborhood. Let's keep it that way.*

Name Betty Brinegar

Address 205 Carrie Ave
Urbana, IL
61802

Thanks.
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APR 28 2009

CHAMPAIGN CO. P & Z DEPARTMENT

To: Champaign County Zoning Board of Appeals, c/o Mr. John Hall, Champaign County Dept. of Planning and Zoning, Brookens Administrative Center, 1776 E. Washington St., Urbana, IL 61802

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Other comments:

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APR 28 2009

CHAMPAIGN CO. P & Z DEPARTMENT

Name

Jeremy W. Raus

Address

308 Carrie Ave Urbana IL 61802

To: Champaign County Zoning Board of Appeals, c/o Mr. John Hall, Champaign County Dept. of Planning and Zoning, Brookens Administrative Center, 1776 E. Washington St., Urbana, IL 61802

Re: Casey's General Store proposal to rezone the property at 2218 E. University, Urbana

I wish to oppose Casey's General Store's plans to build a new and larger store at this location. My concerns include (check any that apply):

increased traffic congestion

increased noise

increased lighting

loss of trees

increased crime, both at the store site and in the surrounding neighborhood

nuisance behavior by Casey's customers, such as littering, loitering, and trespassing

Other comments:

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APR 29 2009

Name Luke & Catherine Schneider

CHAMPAIGN CO. P & Z DEPARTMENT

Address 208 Carrie Ave, Urbana 61802

To: Champaign County Zoning Board of Appeals, c/o Mr. John Hall, Champaign County Dept. of Planning and Zoning, Brookens Administrative Center, 1776 E. Washington St., Urbana, IL 61802

Re: Casey's General Store proposal to rezone the property at 2218 E. University, Urbana

I wish to oppose Casey's General Store's plans to build a new and larger store at this location. My concerns include (check any that apply):

- increased traffic congestion
- increased noise
- increased lighting
- loss of trees
- increased crime, both at the store site and in the surrounding neighborhood
- nuisance behavior by Casey's customers, such as littering, loitering, and trespassing

Other comments:

*What kind of mess is Casey's going to leave at their present site?
Remember! Talk is cheap.*

Name Florence Fuchs

Address 306 N. Smith Rd.

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CHAMPAIGN CO. P & Z DEPARTMENT

5-2-09

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MAY 05 2009

CHAMPAIGN CO. P & Z DEPARTMENT

To: Champaign County Zoning Board of Appeals, c/o Mr. John Hall, Champaign County Dept. of Planning and Zoning, Brookens Administrative Center, 1776 E. Washington St., Urbana, IL 61802

Re: Casey's General Store proposal to rezone the property at 2218 E. University, Urbana

I wish to oppose Casey's General Store's plans to build a new and larger store at this location. My concerns include (check any that apply):

- Residential area not commercial area! Keep it that way
- increased traffic congestion
- increased noise
- increased lighting
- loss of trees
- increased crime, both at the store site and in the surrounding neighborhood
- nuisance behavior by Casey's customers, such as littering, loitering, and trespassing
- People would be attempting to cross through yards.

Other comments:

I have lived in my mobile home for 13 yrs + most of my surrounding neighbors have lived here just as long if not longer. We appreciate coming home to a quiet neighbor hood/home. Elder ladies live in area. I truly believe that where Casey is now is acceptable.

We prefer it to continue quiet & safe & not have worry about robberies & them going into our homes, etc. Please reconsider.

Name Shelly Estrada-Walters Shelly Estrada-Walters

Address 72 Toni Ln, Urbana, IL 61802

We already have Aldi's & Wal-Mart for shopping needs! I am in agreement with Jean Thompson, she lives directly behind me. This is a residential area lets

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MAY 05 2009

CHAMPAIGN CO. P & Z DEPARTMENT

To: Champaign County Zoning Board of Appeals, c/o Mr. John Hall, Champaign
County Dept. of Planning and Zoning, Brookens Administrative Center, 1776
E. Washington St., Urbana, IL 61802

Re: Casey's General Store proposal to rezone the property at 2212 E. University,
Urbana

I wish to oppose Casey's General Store's plans to build a new and larger
store at this location. My concerns include (check any that apply):

- increased traffic congestion
- increased noise
- increased lighting
- loss of trees
- increased crime, both at the store site and in the surrounding
neighborhood
- nuisance behavior by Casey's customers, such as littering,
loitering, and trespassing

Other comments:

Name Joseph Williams

Address 2212 E. University Ave.

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MAY 05 2009

CHAMPAIGN CO. P & Z DEPARTMENT

To: The Urbana City Council, c/o City Clerk, City Building, 400 S. Vine, Urbana,,
IL, 61801

Re: Casey's General Store proposal to rezone the property at 2212 E. University,
Urbana

I wish to oppose Casey's General Store's plans to build a new and larger
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- increased noise
- increased lighting
- loss of trees
- increased crime, both at the store site and in the surrounding
neighborhood
- nuisance behavior by Casey's customers, such as littering,
loitering, and trespassing

Other comments:

Name

B Williams

Address

2212 E. University Ave.

RECEIVED

MAY 05 2009

CHAMPAIGN CO. P & Z DEPARTMENT

To: The Urbana City Council, c/o City Clerk, City Building, 400 S. Vine, Urbana,,
IL, 61801

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I wish to oppose Casey's General Store's plans to build a new and larger
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- increased noise
- increased lighting
- loss of trees
- increased crime, both at the store site and in the surrounding
neighborhood
- nuisance behavior by Casey's customers, such as littering,
loitering, and trespassing

Other comments:

Name Bryan Fogelson

Address 205 1/2 N. Smith Road

May 5, 2009

Champaign County Zoning Board of Appeals
c/o Mr. John Hull
Dept. of Planning and Zoning
Brookens Center
1776 E. Washington St.
Urbana, IL 61802

To whom it concerns:

It has come to my attention that Casey's in Urbana has plans to develop a Super Casey's store along University Avenue in East Urbana. As a long-time resident of the city, I have concerns that this kind of development is not appropriate for the area and will adversely affect residents in the surrounding housing and result in the destruction of mature trees on the proposed lot.

I urge the Zoning Board of Appeals to reconsider the advisability of Casey's plan. As an Urbana property owner, I certainly support development in Urbana, but not at the expense of the livability of this area of the city. To minimize negative impact, I would much prefer to see a Super Casey's along Route 130, where other development of this scope already exists.

Thank you for your consideration.

Sincerely,



Karen Steiner
206 W. Michigan Ave.
Urbana, IL 61801

RECEIVED
MAY 06 2009
CHAMPAIGN CO. P & Z DEPARTMENT

To: Champaign County Zoning Board of Appeals, c/o Mr. John Hall, Champaign County Dept. of Planning and Zoning, Brookens Administrative Center, 1776 E. Washington St., Urbana, IL 61802

Re: Casey's General Store proposal to rezone the property at 2218 E. University, Urbana

I wish to oppose Casey's General Store's plans to build a new and larger store at this location. My concerns include (check any that apply):

- increased traffic congestion
- increased noise
- increased lighting
- loss of trees
- increased crime, both at the store site and in the surrounding neighborhood
- nuisance behavior by Casey's customers, such as littering, loitering, and trespassing

Other comments:

I live in the trailer park where Casey's is right now & I have trouble getting out of the park now, I'm afraid it would be worse with the traffic. Wouldn't the traffic be congested with the trucks getting in & out.

Name

Carlye McCommor

Address

71 Torie Lane - Urbana

RECEIVED

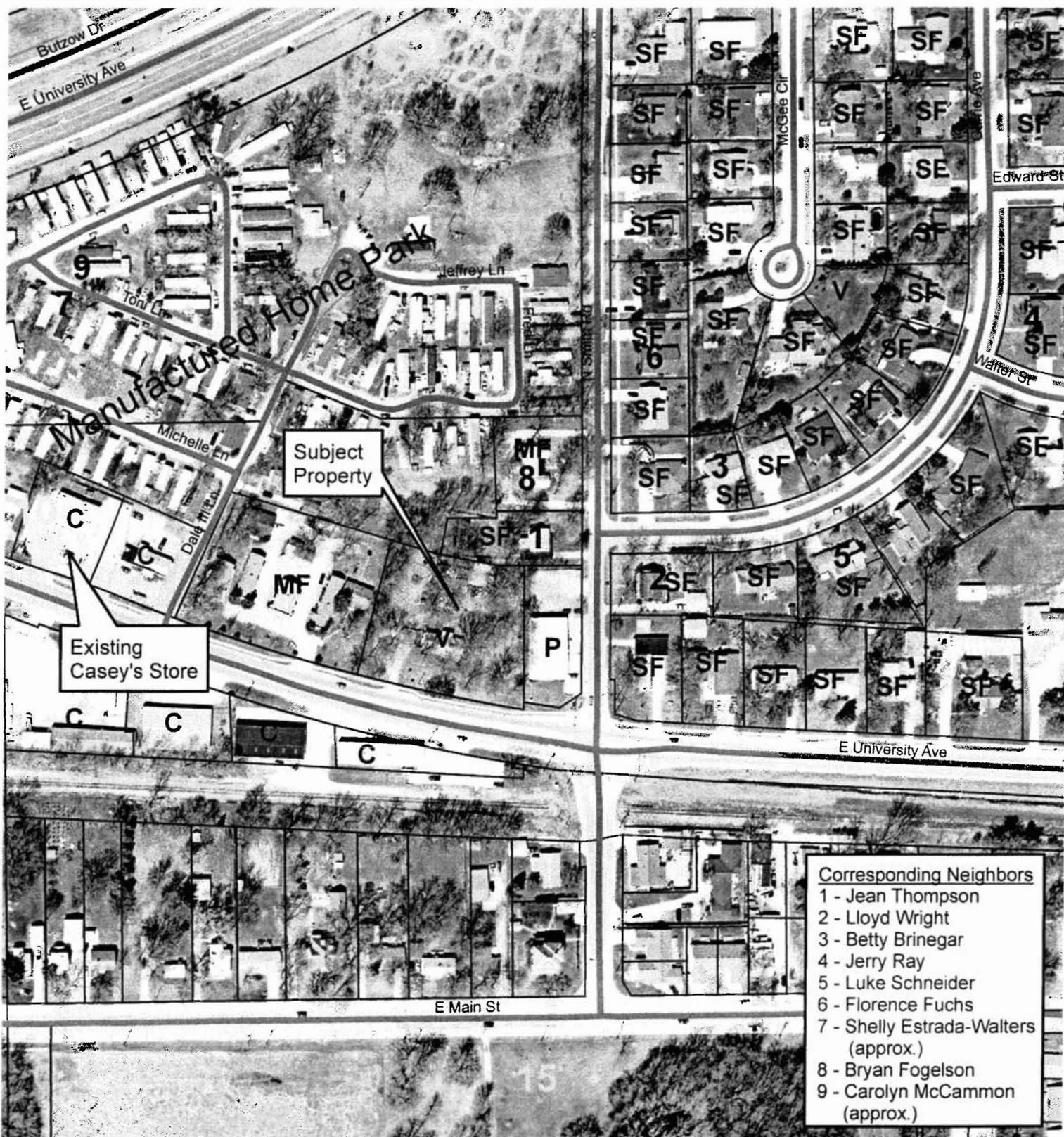
MAY 07 2009

CHAMPAIGN CO. P & Z DEPARTMENT

ATTACHMENT A. REVISED LAND USE MAP

Case 611-AM-08 Revised

MAY 8, 2009



SF

Single Family

P

Public

MF

Multi-Family

V

Vacant

C

Commercial



1 inch = 200 feet

Champaign
County
Department of

**PLANNING &
ZONING**