

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **July 30, 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
5. Continued Public Hearings

***Case 645-S-09** Petitioner: **Robert and Barbara Gerdes**

Request: **Authorize the construction and use of a "Restricted Landing Area" as a
Special Use in the AG-1 Agriculture Zoning District.**

Location: **An approximately 83 acre tract that is approximately the West Half of the
Southwest Quarter of Section 33 of Ayers Township and commonly known as
the farm at 52 R 2700E, Broadlands.**

6. New Public Hearings

***Case 647-V-09** Petitioner: **Dennis and Jeanine French**

Request: **Authorize the creation and use of a lot 7.71 acres in area on best prime
farmland in lieu of the maximum allowed three acres on best prime farmland.**

Location: **A 7.71 acre tract in the North Half of the Northeast Quarter of the Northeast
Quarter of Section 5 of Raymond Township and commonly known as 1985
CR 600N, Sidney.**

7. Staff Report
8. Other Business
 - A. Scheduling of wind farm zoning cases
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

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

CASE NO. 647-V-09

PRELIMINARY MEMORANDUM

July 24, 2009

Champaign
County
Department of

Petitioners: **Dennis and Jeanine French**

Request: **Authorize the creation and use of a lot 7.71 acres in area on best prime farmland in lieu of the maximum allowed three acres on best prime farmland.**



Site Area: **7.71 acres**

Time Schedule for Development:
N/A

Location: **A 7.71 acre tract in the North Half of the Northeast Quarter of the Northeast Quarter of Section 5 of Raymond Township and commonly known as the house at 1985 CR 600N, Sidney.**

**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

BACKGROUND

The subject property is located on best prime farmland soils, so while it conforms with the Illinois Plat Act it does not conform to the Champaign County Zoning Ordinance. Before the lot was sold, both the seller and an attorney possibly representing the seller called Planning and Zoning to determine what would need to be done to make the lot a good zoning lot.

Nevertheless the petitioners purchased the lot without a variance being obtained due to some miscommunication. The petitioners called the Planning and Zoning Department on April 6, 2009, apparently under the impression that they were on the docket for an April meeting. The petitioners desire to correct the nonconformity of their lot and so have applied for this variance.

EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. Municipalities with zoning do not have protest rights in variance cases and they are not notified of such cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Single Family Dwelling	AG-1 Agriculture
North	Farmland	AG-1 Agriculture
East	Single Family Dwelling	AG-1 Agriculture
West	Farmland	AG-1 Agriculture
South	Farmland	AG-1 Agriculture

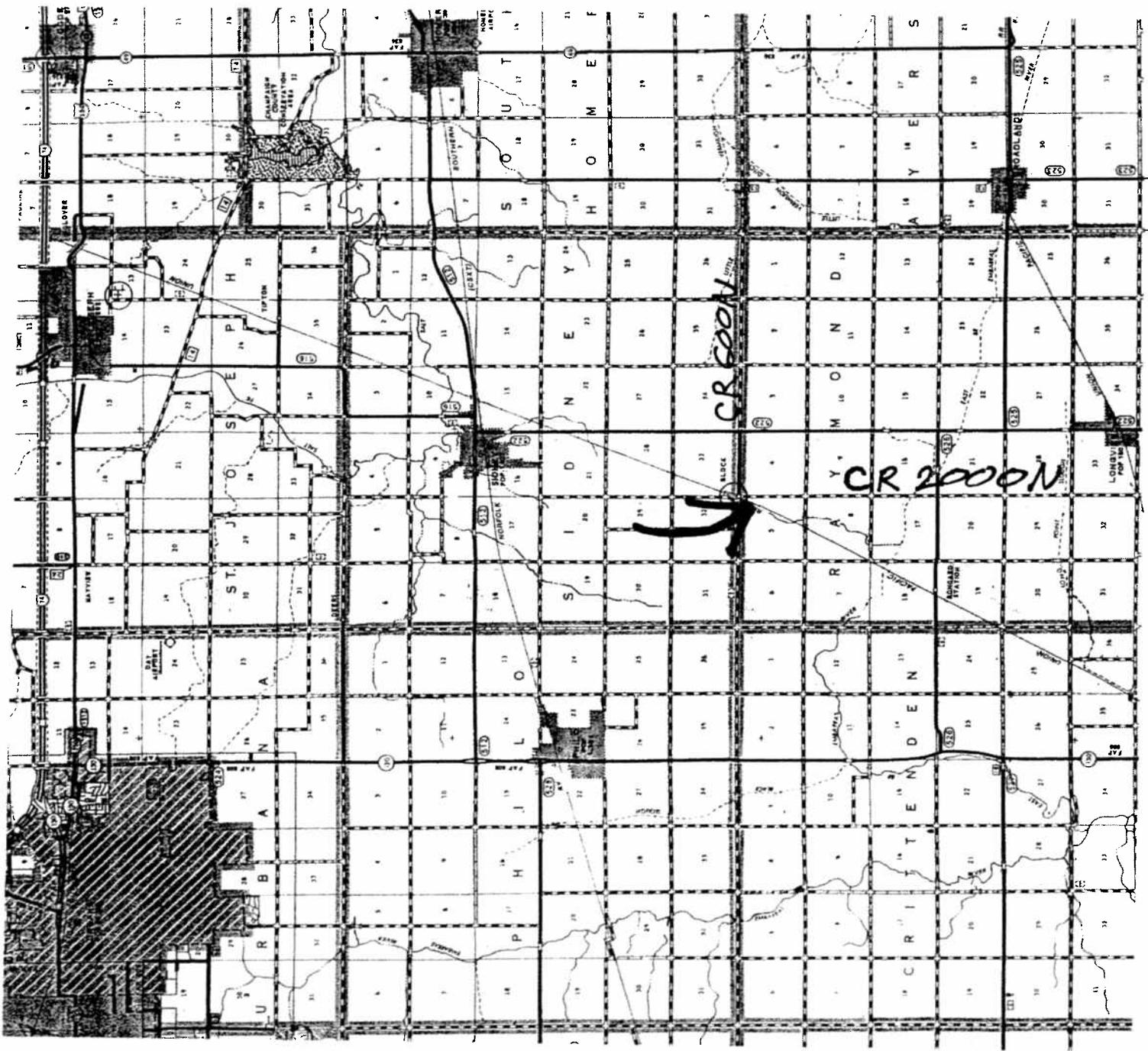
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Aerial Photograph of Subject Property
- C Aerial Photograph of Subject Property from 1977
- D Excerpt of GIS Consortium Database with Soil Information
- E Draft Summary of Evidence for Case 647-V-09

ATTACHMENT A. LOCATION MAP

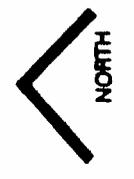
Case 647-v-09

JULY 24, 2009



Champaign
County
Department of

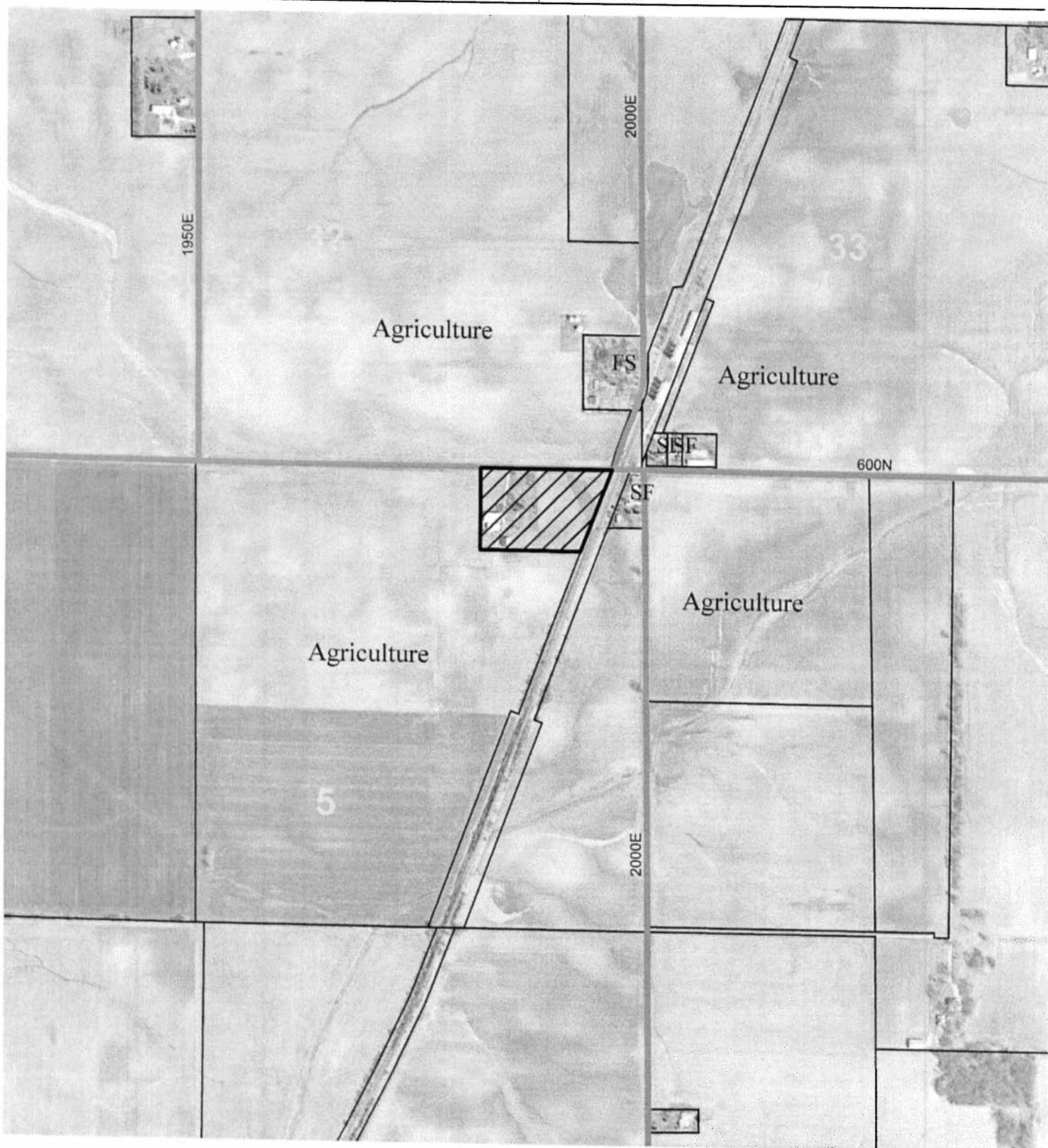
PLANNING &
ZONING



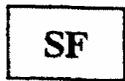
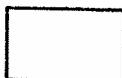
ATTACHMENT A. LAND USE MAP

Case 647-V-09

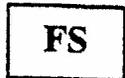
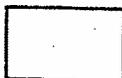
JULY 24, 2009



Area of Concern



Single Family



Farmstead



NORTH

1 inch = 800 feet

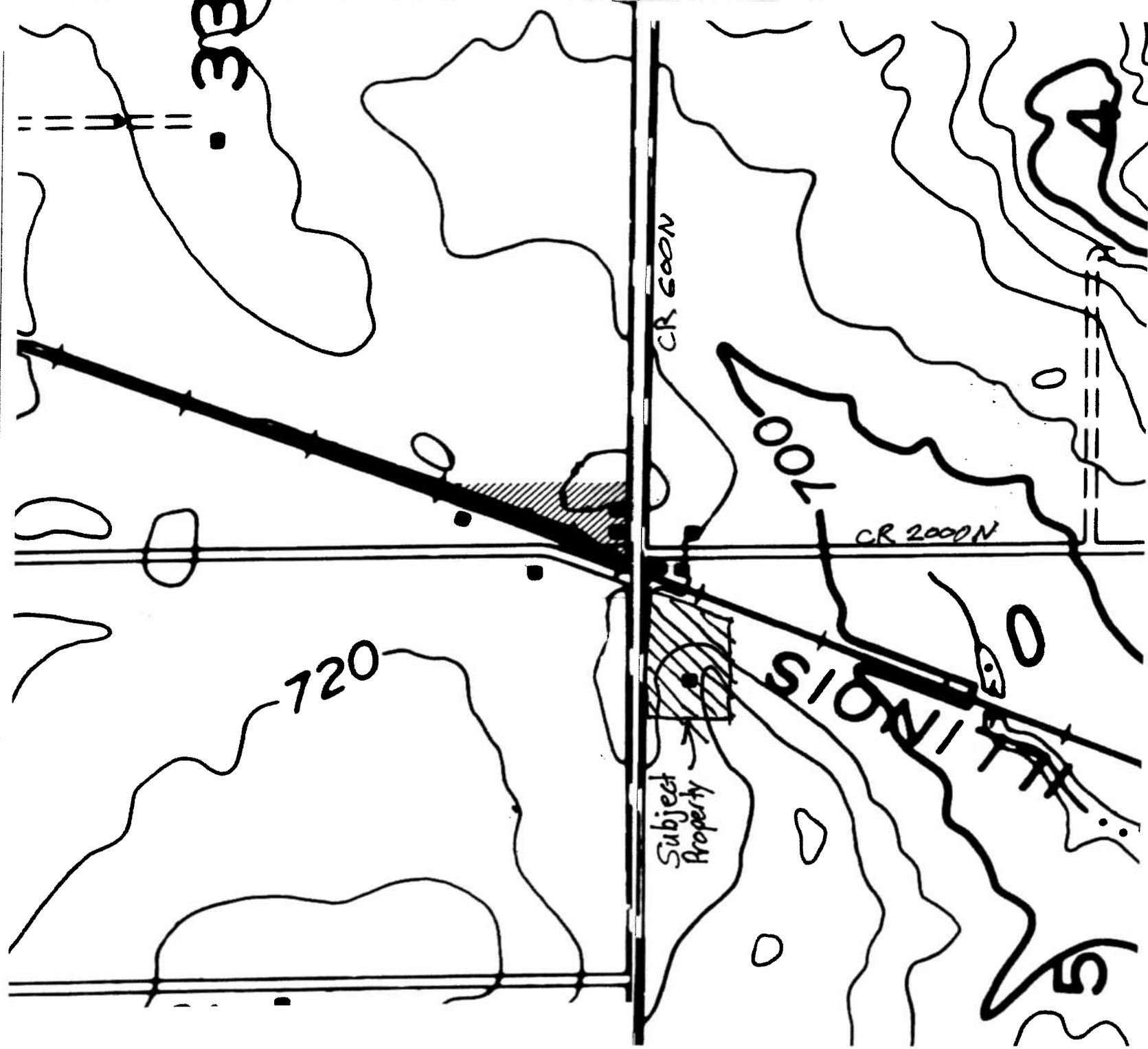
Champaign
County
Department of

**PLANNING &
ZONING**

ATTACHMENT A. ZONING MAP

Case 647-V-09

JULY 24, 2009



Chicago County Department of PLANNING & ZONING					
AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	NORTH
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation- Recreation	R-3 Two-family Residence	B-1 Rural Trade Center	B-4 General Business	I-2 Heavy Industry	

Aerial Photo of Subject Property

Case 647-V-09

July 24, 2009

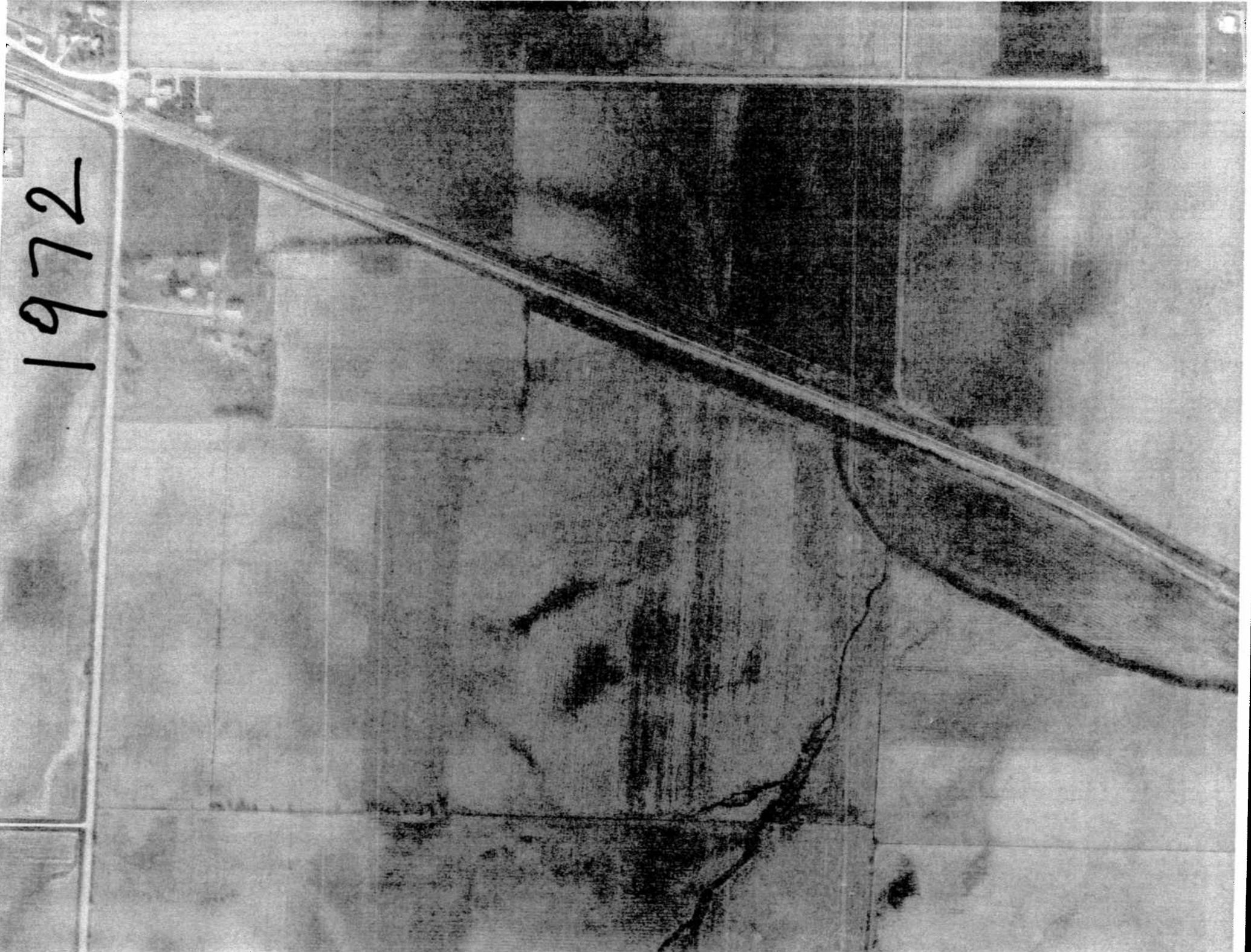
Subject
Property

Pasture

1 inch = 150 feet



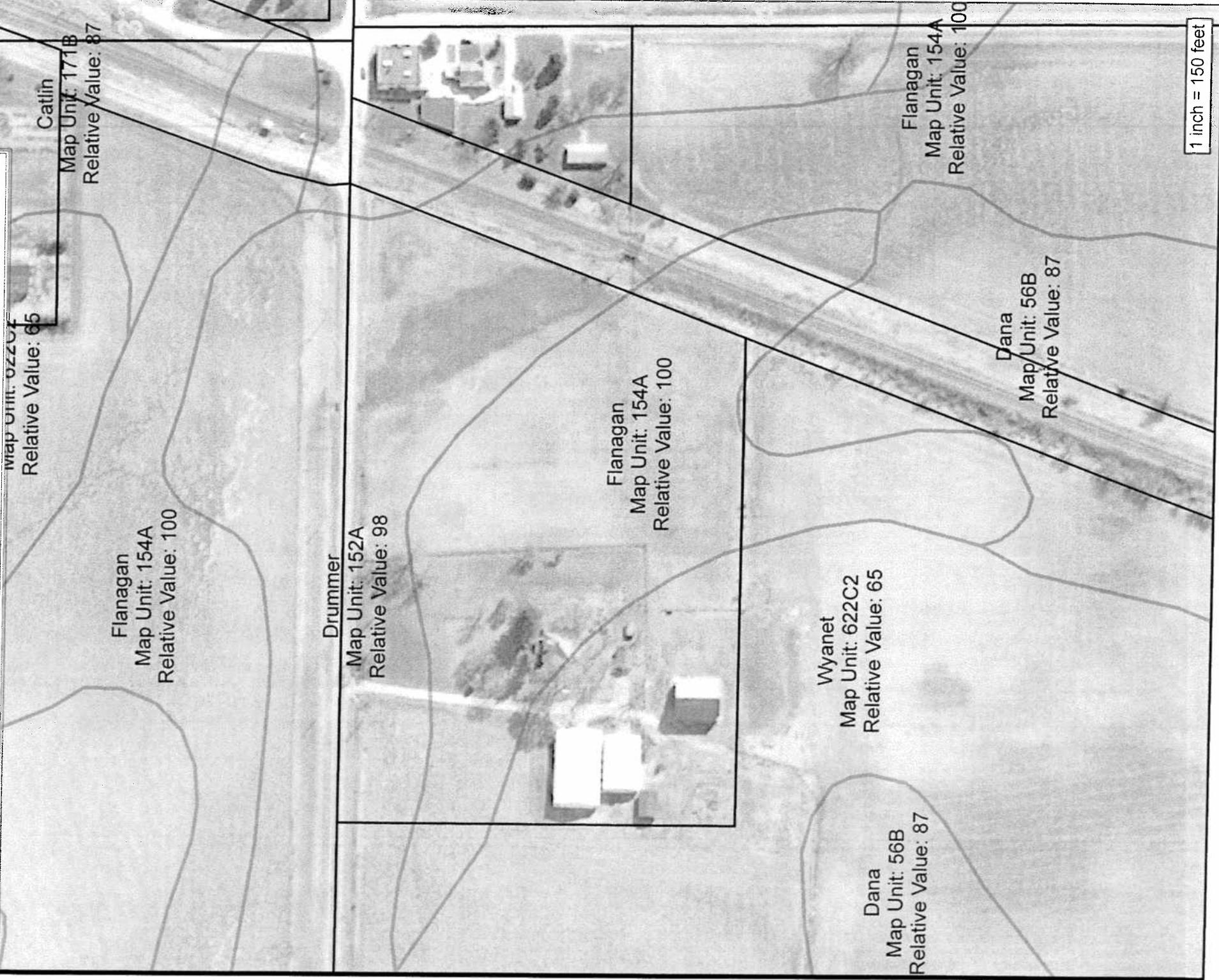
1972



Excerpt from GIS Consortium Database with Soil Information

Case 647-V-09

July 24, 2009



1 inch = 150 feet

PRELIMINARY DRAFT

647-V-09

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: ***{GRANTED / GRANTED WITH SPECIAL CONDITIONS / DENIED}***

Date: July 24, 2009

Petitioners: Dennis and Jeanine French

Request: Authorize the creation and use of a lot 7.71 acres in area on best prime farmland in lieu of the maximum allowed three acres on best prime farmland.

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 30, 2009**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Dennis and Jeanine French, own the subject property.
2. The subject property is a 7.71 acre tract in the North Half of the Northeast Quarter of the Northeast Quarter of Section 5 of Raymond Township and commonly known as the house at 1985 CR 600N, Sidney.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning. Municipalities do not have protest rights in variance cases and are not notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and adjacent to it:
 - A. The subject property is zoned AG-1 Agriculture, and there is a single family dwelling with outbuildings.
 - B. Land to the north, west, and south is zoned AG-1 Agriculture and is in use as farmland.
 - C. Land to the east is zoned AG-1 and is in use as a single family dwelling. This property is separated from the subject property by a railroad right-of-way.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the subject property, it is an existing 7.71 acre lot, as follows:
-

PRELIMINARY DRAFT

ITEM 5. CONTINUED.

- A. The lot is 690 feet wide on average and 485 feet deep.
- B. There are six structures on the subject property, as follows:
 - (1) An existing farmhouse located in a stand on trees located on the west half of the property.
 - (2) Two large metal buildings located west of the farmhouse.
 - (3) A smaller shed that appears to be older than the two metal buildings.
 - (4) Two very small sheds, one behind the metal buildings and one behind the farmhouse.
- C. The proposed lot appears to contain approximately 0.6 acres of farmland currently in production.
- D. The east half of the subject property is not currently in agricultural production but covered in grass. The aerial photograph shows two culverts that are connected by a low channel, which is presumably why this area is not farmed.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

- 6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
 - (1) "AGRICULTURE" is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment form the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
 - (2) "AREA, LOT" is the total area within the LOT LINES.
 - (3) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.

ITEM 6.A. CONTINUED.

- (4) "LOT DEPTH" is the distance between the midpoint of the FRONT LOT LINE and the midpoint of the REAR LOT LINE or LINES.
- (5) "LOT LINES" are the lines bounding a LOT.
- (6) "LOT WIDTH, AVERAGE" is the LOT AREA divided by the LOT DEPTH or, alternatively, the diameter of the largest circle that will fit entirely within the LOT LINES.
- (7) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
- (8) "YARD" is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

- B. In the *Zoning Ordinance*, maximum lot size is restricted by Footnote 13 to Section 5.3 Schedule of Area, Height, & Placement Regulations by District, as follows:

The following maximum LOT AREA requirements apply in the CR, AG-1 and AG-2 DISTRICTS:

- (1) LOTS that meet all of the following criteria may not exceed a maximum LOT AREA of three acres:
 - (a) The LOT is RRO-exempt;
 - (b) The LOT has a Land Evaluation score greater than or equal to 85 on the County's *Land Evaluation and Site Assessment System*; and
 - (c) The LOT is created from a tract that had a LOT AREA greater than or equal to 12 acres as of January 1, 1998.
 - (2) LOTS that meet both of the following criteria may not exceed an average maximum LOT AREA of two acres:
 - (a) The LOT is located within a Rural Residential Overlay DISTRICT; and
 - (b) The LOT has a Land Evaluation score greater than or equal to 85 on the County's *Land Evaluation and Site Assessment System*.
 - (3) The following LOTS are exempt from the three-acre maximum LOT AREA requirement indicated in Paragraph A:
-

PRELIMINARY DRAFT

ITEM 6.B.(3) CONTINUED.

- (a) A 'Remainder Area Lot'. A 'Remainder Area Lot' is that portion of a tract which existed as of January 1, 1998 and that is located outside the boundaries of a RRO-exempt LOT less than 35 acres in LOT AREA. No CONSTRUCTION or USE that requires a Zoning Use Permit shall be permitted on a 'Remainder Area Lot'.
 - (b) Any LOT greater than 35 acres in LOT AREA.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - (a) That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - (b) That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - (c) That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - (d) That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - (e) That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9D.2.
- D. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

- 7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. The Petitioner has testified on the application that, **"Sold to us in a non-conforming manner. Previous owners were granted a temporary variance for sale."**
-

ITEM 7. CONTINUED.

- B. The subject property appears to have been out of production since the farmstead was established, based on review of aerial photographs from 1972, 1988, and 2008, which is well prior to Ordinance No. 726 (Zoning Case 444-AT-04), which was adopted on July 22, 2004, and added the maximum lot size requirement to the *Zoning Ordinance*.
- C. The subject property is best prime farmland overall as it consists mostly of the following best prime farmland soils: Drummer silty clay loam (Relative Value 98) and Flanagan silt loam (Relative Value 100). The southwestern corner is made up of Wyanet (Relative Value 65), but, overall, the subject property has an LE of 85 or greater
- D. Under the Illinois Plat Act the Petitioner has the right to create any number of parcels greater than five acres in area.

GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

- 8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. The Petitioner has testified on the application that, **“We would not be able to obtain a permit for building a new home if adverse circumstances occurred to our house without this variance.”**
 - B. A three acre tract is impractical because it could not contain the existing layout, due to the configuration of the existing farmhouse, yard, and the accessory buildings on the lot.
 - C. The existing 7.71 acre lot divides the only area on the entire parent tract that is not in agricultural production from the existing farmland while possibly only taking 0.6 acres out of production.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

- 9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application that, **“No.”**
 - B. The subject property appears to have been out of production since the farmstead was established, based on review of aerial photographs from 1972, 1988, and 2008, which is well prior to Ordinance No. 726 (Zoning Case 444-AT-04), which was adopted on July 22, 2004, and added the maximum lot size requirement to the *Zoning Ordinance*.
 - C. A drainage way runs through the east half of the subject property, which makes that area too wet for farming.
-

PRELIMINARY DRAFT

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
 - A. The Petitioner has testified on the application that, **“We believe the variance is in place to maintain the agricultural integrity of this area. We intend to use the property only in that manner – specifically for horse pasture along with native prairie grass re-seeding.”**
 - B. The subject property conforms to all other Zoning Requirements.
 - C. The maximum lot size on best prime farmland requirement was first established by Ordinance No. 726 (Case 444-AT-04) on July 22, 2004. It was made permanent with Ordinance No. 773.
 - D. The proposed lot area of 7.71 acres is 257% of the required 3.0 acre maximum for a variance of 157%.
 - E. The requested variance is not prohibited by the *Zoning Ordinance*.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioners provided no comments on the application regarding this criteria.
 - B. The Township Road Commissioner has received notice of this variance but no comments have been received.
 - C. The Drainage District has been notified of this variance but no comments have been received.
 - D. The Fire Protection District has been notified of this variance but no comments have been received.
12. On the application the Petitioner has also testified that, **“We attempted to comply with the ordinance by trying to add an additional amount of acreage to the original sale but the previous owner was unwilling.”**

GENERALLY REGARDING PROPOSED CONDITIONS OF APPROVAL

13. No special conditions of approval are proposed at this time.
-

DOCUMENTS OF RECORD

1. Variance Application from Dennis and Jeanine French, received on May 6, 2009, with attachments:
 - A Legal Description of subject property

2. Preliminary Memorandum for Case 647-V-09, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Aerial Photograph of Subject Property
 - C Aerial Photograph of Subject Property from 1977
 - D Excerpt of Champaign County Soil Survey
 - E Draft Summary of Evidence for Case 647-V-09

PRELIMINARY DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 647-V-09 held on **July 30, 2009**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances *{DO / DO NOT}* exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: _____

 2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied *{WILL / WILL NOT}* prevent reasonable or otherwise permitted use of the land or structure or construction because: _____

 3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: _____

 4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}* in harmony with the general purpose and intent of the *Ordinance* because: _____

 5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION} {WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: _____

 6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because: _____

 7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW;}***
-

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.9.C *{HAVE / HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case 647-V-09 is hereby *{GRANTED/GRANTED WITH CONDITIONS/DENIED}* to the petitioners, **Dennis and Jeanine French**, to authorize **the creation and use of a lot 7.71 acres in area on best prime farmland in lieu of the maximum allowed three acres on best prime farmland.**

{SUBJECT TO THE FOLLOWING CONDITION(S):}

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

SIGNED:

Doug Bluhm, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date

CASE NO. 645-S-09

SUPPLEMENTAL MEMORANDUM

July 24, 2009

Champaign
County
Department of



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

(217) 384-3708

Petitioners: **Robert and Barbara Gerdes**

Request: **Authorize the construction and use of a "Restricted Landing Area" as a Special Use in the AG-1 Agriculture Zoning District**

Site Area: **approx. 83 acres**

Location: **An approximately 83 acre tract that is approximately the West Half of the Southwest Quarter of Section 33 of Ayers Township and commonly known as the farm at 52 CR 2700E, Broadlands.**

Time Schedule for Development:
Immediate

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

STATUS

This is the second meeting for this case, it was continued from the June 11, 2009, ZBA meeting. Since the last meeting, the Petitioners have submitted an amended site plan and staff has continued to update the Summary of Evidence. Changes were made throughout the Summary of Evidence, so staff has not reviewed specific changes in this memo.

However, Item 7.J. bears special mention and is reviewed below.

APPROVAL REQUIRES ALL AFFIRMATIVE FINDINGS

As reviewed in item 6.D. of the Summary of Evidence, approval of the proposed RLA requires affirmative findings for all five required Findings of Fact. Three of the required Findings (3, 4, and 5) may be relatively straightforward but the first two required Findings may not be.

In regards to whether or not the proposed RLA is necessary for the public convenience, there has been much testimony asserting that the RLA could be convenient as a base for aerial application on surrounding farmland. However, no farmer other than Jed Gerdes has asserted that the RLA is necessary for the public convenience at this location. See item 7. J. of the Summary of Evidence.

In regards to whether or not the proposed RLA will be injurious to the district or otherwise detrimental to the public health, safety, and welfare, it is well documented that a wind farm is anticipated in this area even though no application has yet been received (see 7.C. of the Summary of Evidence). It is also clear that (1) an RLA in this location could prevent wind turbines from being placed on adjacent land within 3,500 feet of the RLA; and (2) less than half of the area within 3,500 feet of the proposed RLA is likely to be subject to the 3,500 feet RLA separation from a wind farm because it is unlikely that the other wind farm jurisdictions will require that separation (see item 8. B. of the Summary). Preventing neighboring landowners from being eligible to receive wind farm lease payments and also lowering the economic benefits to local taxing bodies could be considered injurious to the district. And since less than half of the 3,500 feet RLA separation from wind farm is even within the Champaign County zoning jurisdiction, it is arguable that this is not a safe location for an RLA even if the separation is enforced in the Champaign County zoning jurisdiction.

ATTACHMENTS

- A Amended site plan received June 19, 2009
 - B Revised Imaginary Surfaces and Other Requirements
 - C Approximate Area of Village Wind Turbine Jurisdiction
 - D Revised Wind Farm Separations for subject property
 - E Map of Restricted Landing Areas in Champaign County from Zoning Case 644-AT-88
 - F Table of Restricted Land Areas in Champaign County from Zoning Case 644-AT-08
 - G Letter from Carol Horst submitted at June 11, 2009,
 - H Excerpt of June 11, 2009, ZBA Minutes (included separately)
 - I Revised Draft Summary of Evidence for Case 645-S-09
-

IDOT Imaginary Surfaces & Zoning Standard Conditions

Case 645-S-09

July 24, 2009

3500 feet separation from
Wind Farm Turbine Towers
(Not enforceable in Municipal
Wind Turbine Jurisdiction or
Other County Jurisdictions.)

Allerton Wind
Turbine Jurisdiction
(3500 feet wind farm
separation not enforceable)

15:1 Clear Approach
for 3000 feet

4:1 Side Transition slope
135 feet from centerline of runway

Douglas County
(3500 feet wind farm
separation not enforceable)

Runway
Clear Zone

Primary
Surface

Subject
Property

Runway

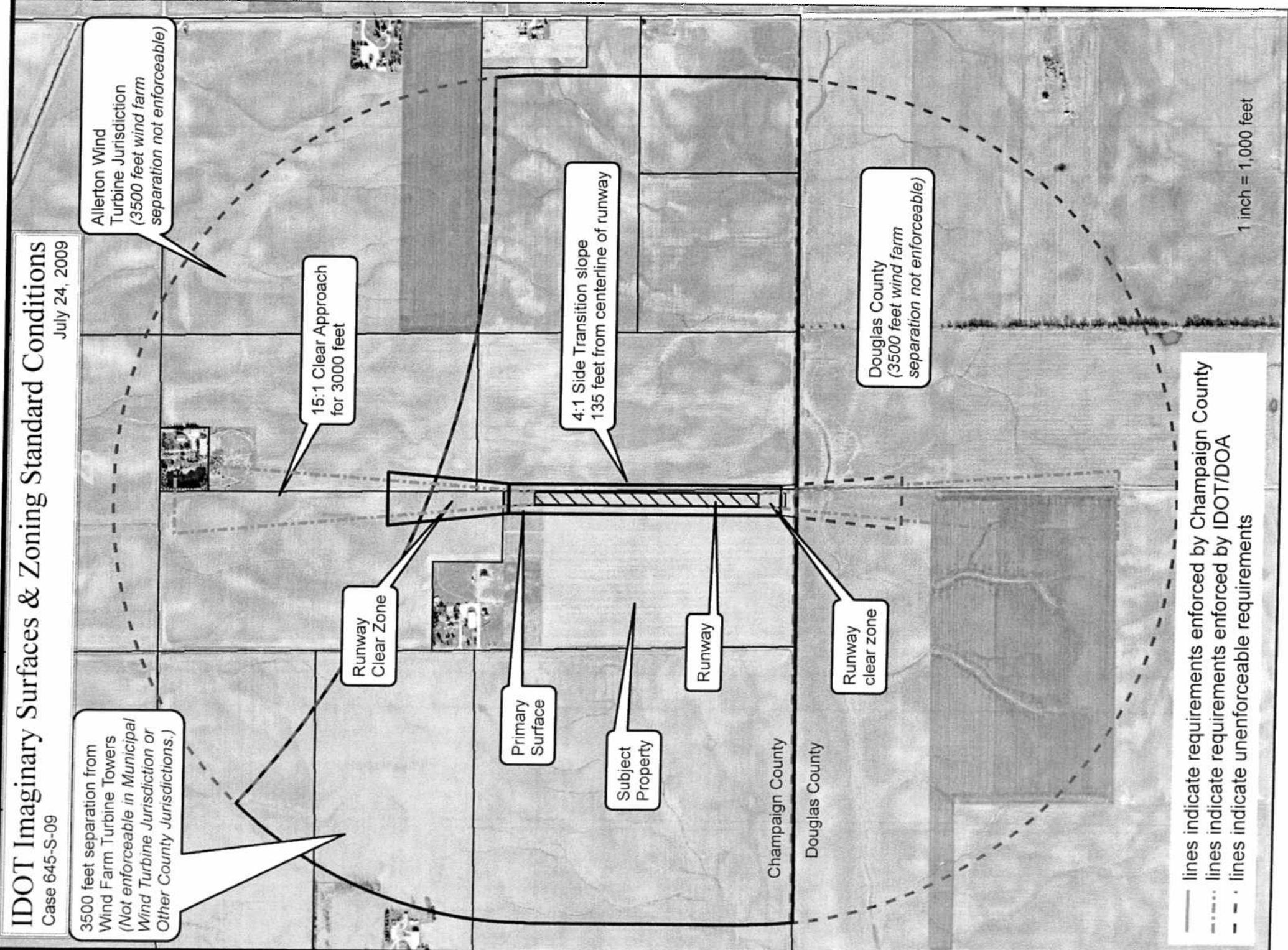
Runway
clear zone

Champaign County

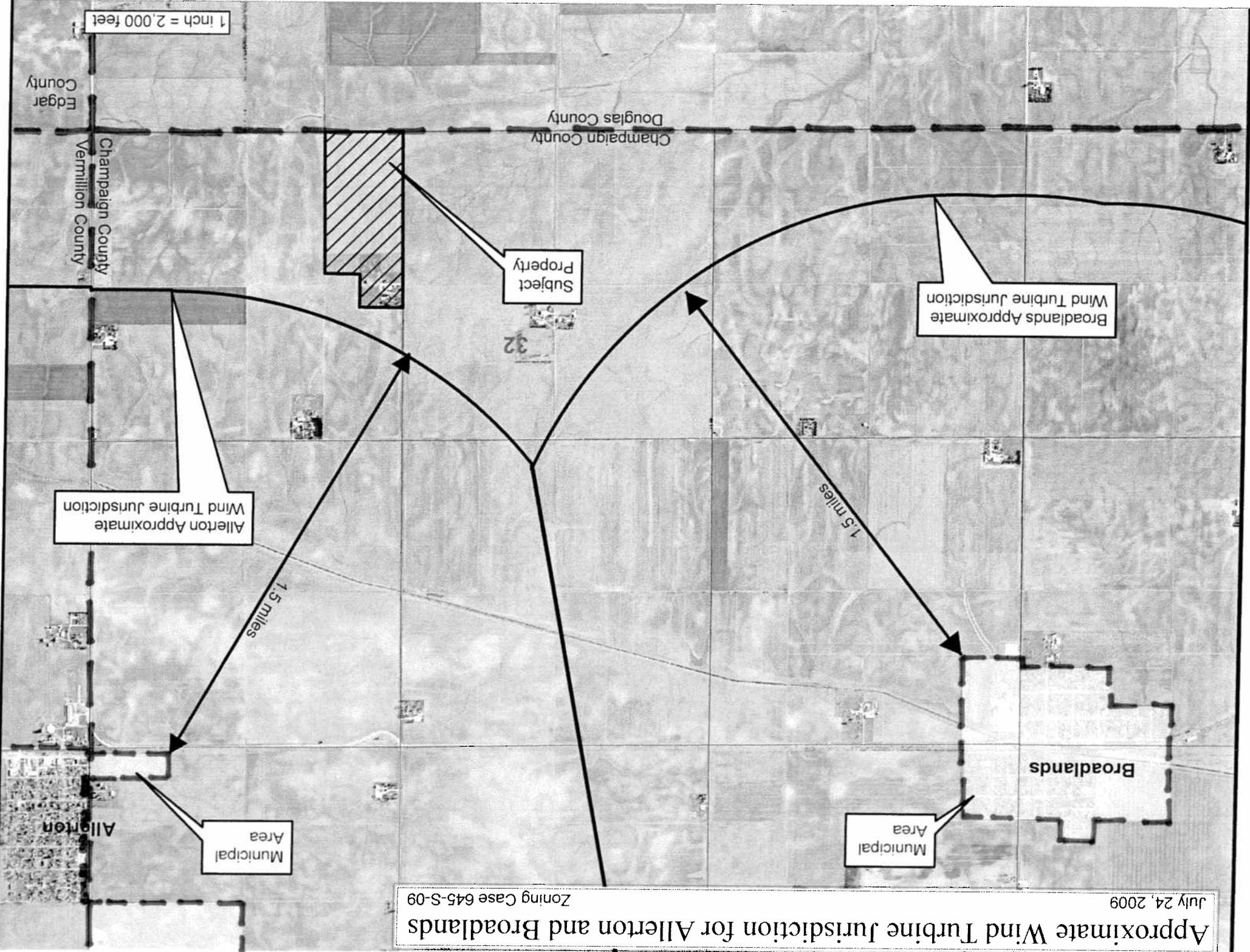
Douglas County

- lines indicate requirements enforced by Champaign County
- - - lines indicate requirements enforced by IDOT/DOA
- · · lines indicate unenforceable requirements

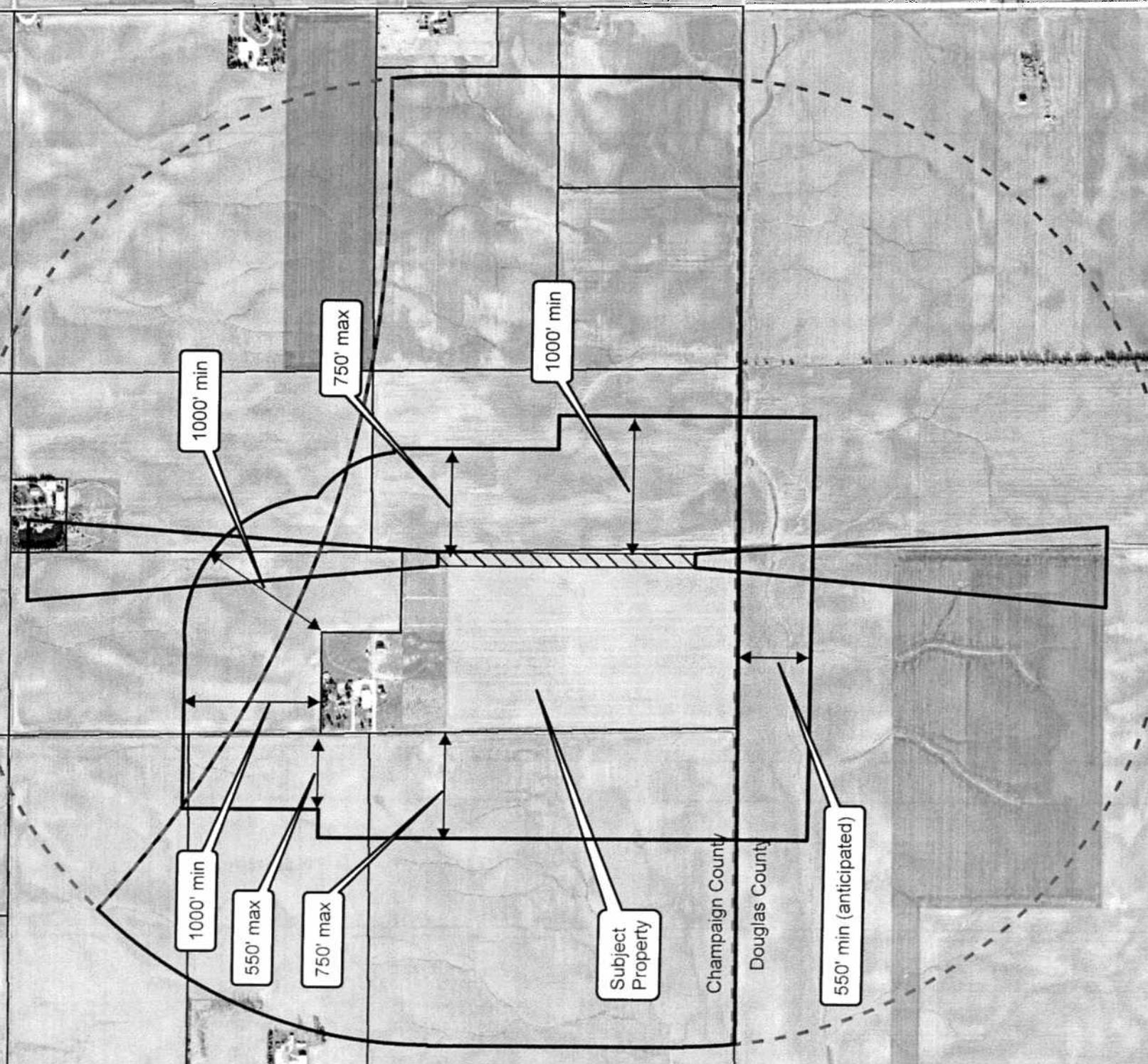
1 inch = 1,000 feet



Approximate Wind Turbine Jurisdiction for Allerton and Broadlands
July 24, 2009
Zoning Case 645-S-09



Revised Standard Wind Farm Separations
Case 645-S-09
July 24, 2009



1000' min
750' max
1000' min

1000' min
550' max
750' max

Subject Property

Champaign County
Douglas County

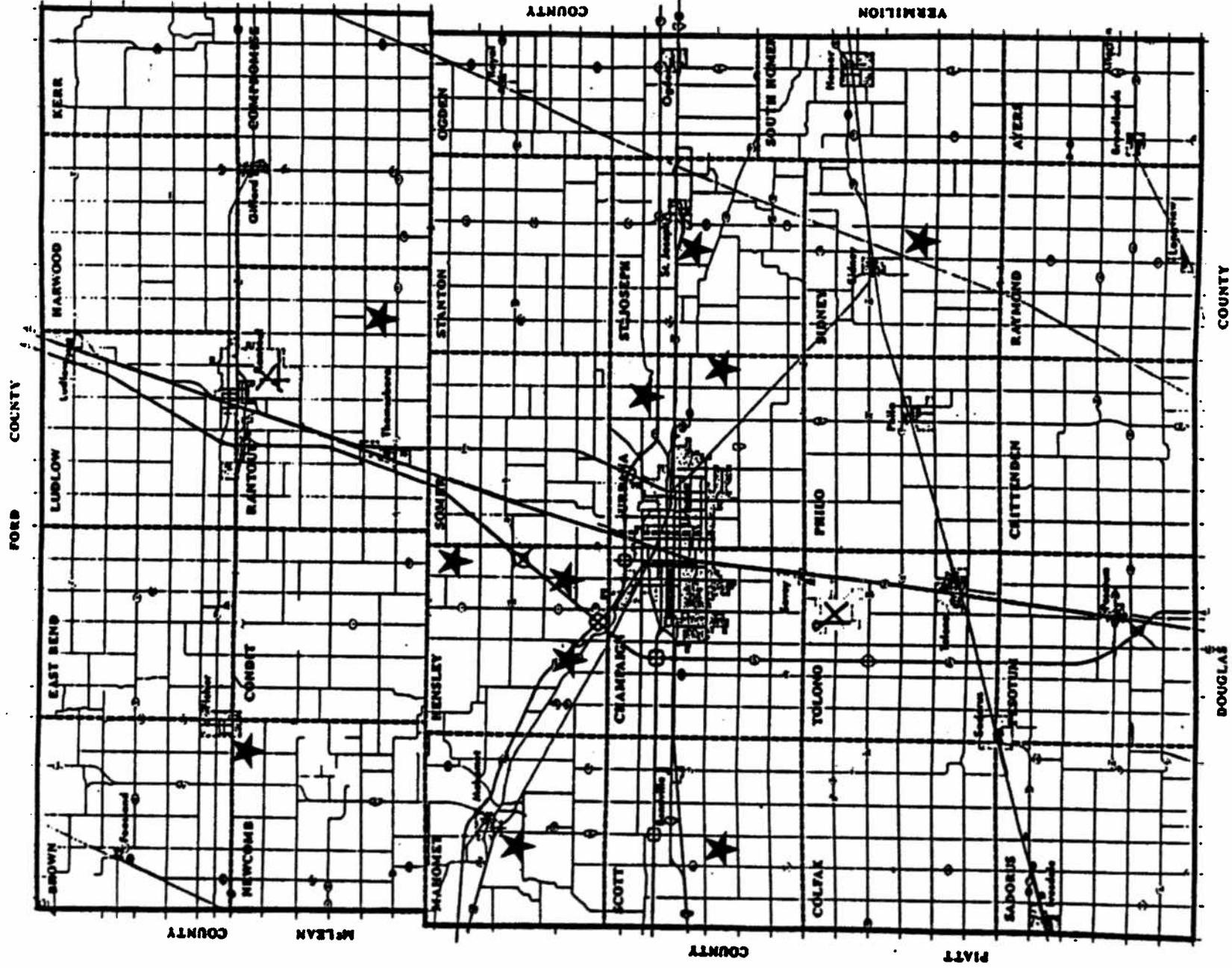
550' min (anticipated)

1 inch = 1,000 feet

Separations are only relevant to subject property, and assume all bordering properties take part in the anticipated wind farm.

Case 642-AT-88

Figure 1. Restricted Landing Areas in Champaign County.



RESTRICTED LANDING AREAS IN CHAMPAIGN COUNTY

<u>Owners Names</u>	<u>Classification</u>	<u>Runway Length (Ft.)</u>	<u>Location</u>	<u>Date Certified</u>	<u>Comments</u>
1. Mr. Furtney	RLA	2415	Newcombe Township Section 12	07-01-86	ILLEGAL USE
2. Riley McCulley	RLA	2345	Hensley Township Section 1	06-21-73	Lighted Runway
3. Voyle Spence	RLA	1900	Mahomet Township Section 12	06-26-69	Inactive run- way. No longer used.
4. Frank Andrew	RLA	1200	Hensley Township Section 28	01-18-49	
5. William Herriott	RLA	2090	Mahomet Township Section 28	04-08-77	ILLEGAL USE
6. Roy Reifsteck	RLA	2575	Somer Township Section 31	09-09-59	The runway was altered and ex- tended 09-16-75. IDOT could not find file. Run- way Clear Zone may overlap some B zoning. Need exact site plan to determine.
7. Mark Igoe	Heliport/RLA		Scott Township Section 21	03-17-88	ILLEGAL USE
8. John Litchfield	RLA	2200	Scott Township Section 27	09-05-80	ILLEGAL USE
9. Robert Schmidt	RLA	2190	Rantoul Township Section 29	07-21-83	ILLEGAL USE

RESTRICTED LANDING AREAS IN CHAMPAIGN COUNTY (Cont.)

<u>Owners Names</u>	<u>Classification</u>	<u>Runway Length (Ft.)</u>	<u>Location</u>	<u>Date Certified</u>	<u>Comments</u>
10. Roscoe Knott	RLA	2175	St. Joseph Township Section 6	11-29-49	IDOT file has 2483 ft. Has waiver to let U. of I. teach students at this location. Court found in favor of the runway vs. a communications tower.
11. Dale Busboom	RLA	2230	St. Joseph Township Section 16	08-03-70	
12. Donald Day	Residential Airport	2200	Urbana Township Section 24	03-04-87	Certificated for RLA 07-16-84.
13. Harry Justus	RLA	1435	Sidney Township Section 22	08-23-66	On 09-27-71 got waiver to let U. of I. teach students at this location.

Other Comments:

1. There may be a heliport owned by Mr. Vofel east of U.S. Route 45 and south of TR 1400 N, but records were unavailable at the time of the visit.
2. Raymond Busboom had an RLA south of TR 3000 N and east of TR 2300 E. It became null and void 05-05-86.

Prepared by Champaign County Regional Planning Commission from records of the Illinois Division of Aeronautics, 6/88.

/cam-zba\rla.lst

May 25, 2009

To: Champaign County Zoning Board of Appeals

Concerning: Case 645-5-09 involving location of "Restricted Landing Area" on property west of my acreage

My name is Carole Smith Horst and I received notice on May 22, 2009, at 4 p.m. of a hearing concerning property next to my property (East Half of the S.W. Quarter of Section 33, Township 17 North, Range 14 West of the 2nd Principal Meridian in Champaign County, Illinois-80 acres).

This letter is for my nephews/tenants (Carl Smith and Vic Smith) and Horizon Wind Farms to speak on my behalf against the placement of this landing strip for planes. I have had a signed contract for the Horizon Wind Farms to locate a turbine on my property for some time. I am in total agreement that renewable, clean wind power is a good solution for the United States, State of Illinois, and Champaign County's power needs. I believe the use of power plants using coal-burning or atomic energy is a less desirable answer to the future needs of our country.

If this airstrip is approved, I feel my tenants, myself and heirs should be reimbursed for loss of income from the wind farm. Our family has been farming in Champaign County for four generations and will be heading into our fifth. I desire to continue bringing good benefits to Champaign County and Heritage School District from our success as farmers. I see all of us working in partnership to try to improve quality of life in the United States.

Sincerely,

Carole Smith Horst

Carole Smith Horst
1314 Aspen St.
Broomfield, CO 80020

RECEIVED

JUN 11 2009

CHAMPAIGN CO. P & Z DEPARTMENT

645-S-09

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: { *GRANTED / GRANTED WITH CONDITIONS / DENIED* }

Date: July 30, 2009

Petitioners: Robert and Barbara Gerdes

Request: Authorize the construction and use of a “Restricted Landing Area” as a Special Use in the AG-1 Agriculture Zoning District.

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 11, 2009, and July 30, 2009**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Robert and Barbara Gerdes, own the subject property.
2. The subject property is an approximately 83 acre tract that is approximately the West Half of the Southwest Quarter of Section 33 of Ayers Township and commonly known as the farm at 52 CR 2700E, Broadlands.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned AG-1 Agriculture and is in use as a farmstead and associated farmland.
 - B. Land north, east, and west of the subject property is zoned AG-1 and is in use as farmland.
 - C. Land to the south of the subject property is in Douglas County, which does not have a zoning ordinance. The land is in use as farmland.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

5. Regarding the proposed site plan for the proposed RESTRICTED LANDING AREA (RLA), as follows:
-

- A. The runway is located along the east lot line of the subject property. It is a strip of land 100 feet wide and 1900 feet long. Based on comments on the application the actual runway is only 1600 feet long and is located 300 feet north of CR 0N.
- B. ~~The proposed site plan does not currently show the required side yard or runway safety area, however there appears to be adequate space available on the subject property to meet these requirements.~~ An amended site plan was received on June 19, 2009, that indicates the following:
 - (1) The runway surface is 100 feet wide and 1,871 feet long running north to south.
 - (2) There is a runway safety area located entirely on the subject property that is 120 feet wide, centered on the runway, and extending 240 feet north of the runway and 300 feet south of the runway.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

- 6. Regarding authorization for a “RESTRICTED LANDING AREA” as a Special Use in the AG-1 Zoning District in the *Zoning Ordinance*:
 - A. Section 5.2 authorizes a “RESTRICTED LANDING AREA” as a Special Use in the AG-1, AG-2, I-1, and I-2 Districts.
 - B. Section 6.1.3 establishes the following standard conditions for RESTRICTED LANDING AREAS:
 - (1) Must meet the requirements of the Federal Aviation Administration and Illinois Department of Transportation, Division of Aeronautics.
 - (2) The RESTRICTED LANDING AREA shall provide for a runway plus a runway safety area both located entirely on the LOT. The runway safety area is an area centered 120 feet wide and extending 240 feet beyond each end of the runway.
 - (3) No part of a BUILDING or STRUCTURE intended for regular human occupancy located within a R or B District nor any PUBLIC ASSEMBLY or INSTITUTIONAL USE may be located:
 - (a) Within the Primary Surface, an area 250 feet wide centered on the runway centerline and extending 200 feet beyond each end of the runway; or
 - (b) The Runway Clear Zones, trapezoidal areas centered on the extended runway centerline at each end of the Primary Surface, 250 feet wide at the end of the primary surface and 450 feet wide at a point 1,000 feet from the primary surface.
 - (4) After a RESTRICTED LANDING AREA is established, the requirements in Section 4.3.7 and Table 5.3 note (12) shall apply.
 - C. Ordinance No. 848 (Zoning Case 634-AT-08 Part A) was adopted on May 21, 2009, and added requirements for wind farms to the *Zoning Ordinance*. Part of the those requirements included a 3500 feet separation between any wind turbine tower and an RLA.

- D. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
- (1) “AIRCRAFT” is any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.
 - (2) “RESTRICTED LANDING AREA” is any area described or defined as a Restricted Landing Area under the *Illinois Aviation Safety Rules (92 Ill. Admin. Code Part 14)* and as further regulated by the Illinois Department of Transportation, Division of Aeronautics.
 - (3) “SPECIAL CONDITION” is a condition for the establishment of the SPECIAL USE.
 - (4) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
- E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare;
 - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:
-

- A. The Petitioner has testified on the application, **“Our farming operation has used aerial spraying and/or seeding for 5 years. An air landing strip we have used to load is not available, the land has been tilled. Rye grass is bulky and requires frequent loading.”**
- B. The proposed RLA is intended for private use, but the owner does not fly and it is intended solely for use by the aerial applicator. The owner has other land approximately 13 ½ miles to the north.
- C. The subject property is located in an area where a wind farm is anticipated, as follows: The recent Zoning Ordinance amendment authorizing wind farms prohibits any wind turbines located within 3,500 feet of a RLA.
- (1) Horizon representative, Dwight Farber, has discussed the anticipated wind farm and its general location with Planning and Zoning staff on multiple occasions.
 - (2) At the June 11, 2009, public hearing, attorney Paul Cole, representing several neighbors to the west, indicated that his clients had signed contracts to allow Horizon Wind farm to place a turbine on their property.
 - (3) At the June 11, 2009, public hearing, Carl Smith, tenant of the ground immediately to the east of the subject property, indicated he owned land in the vicinity and had signed a contract with Horizon Wind to place a turbine on his property.
 - (4) At the June 11, 2009, public hearing a letter from Mrs. Carole Horst was received and it indicated that she also had a contract on her property to place a wind turbine from Horizon Wind Farms.
- D. It is not clear how much land the Gerdes’ farm and where that land is located in relation to the subject property.
- E. The subject property is located beyond the one and one-half mile wind turbine jurisdiction of the nearby Villages of Allerton and Broadlands. However, some neighboring property is located in those areas.
- F. Jed Gerdes, son of the petitioners, testified at the June 11, 2009, public hearing, as follows:
- (1) He and his parents farm together therefore he is assisting them with this request.
 - (2) Having a runway is not entered into lightly because if there is anything a farmer hates to do is mow grass all the time.
 - (3) The petitioners were using an RLA, which belonged to Steve Riggins, and was just a few miles away, but that RLA has now been plowed up and planted in crops. They need to establish a new landing strip so they can continue using rye grass to protect their fields from erosion.
-

- (4) The old landing strip would also have been located in the area of the anticipated wind farm, therefore there would be no net effect on the number of turbines that could be located in the anticipated wind farm.
 - (5) The main reason they need the proposed RLA is to allow aerial application of rye grass. He said that he is one of the only farmers in Central Illinois who has been working with rye grass.
 - (6) Mike Plummer from the University of Illinois has been trying to promote rye grass because it is one of the best ways to preserve Champaign County farmground.
 - (7) In early August when the corn and beans are beginning to turn the rye grass seed is flown on and when it receives a good one-inch rain it starts growing. By the time the corn and beans are ready to be harvested there is a good stand of rye grass on his fields and it is an excellent erosion preventer.
 - (8) He has also experienced some significant yield boosts on thin Vermillion County ground. His corn fields have averaged around 200 bushels to the acre and up to 74 bushels for beans.
 - (9) Working with rye grass is not very popular because it takes some trial and error, but he has been working with the National Rye Grass Association from Oregon and they have had some success.
 - (10) He stated that when a field is tilled carbon is released into the atmosphere, but a no-till field actually sequesters carbon at the rate of 1300 kilograms per year. As compared to a tillage field, a no-tillage field can sequester the same amount of carbon that an average home would release from a coal powered plant. When you add rye grass to a no-tillage field the amount almost doubles because there is a crop growing on the field year round. The effect of this carbon sequestration is to help out the environment in the same way as wind turbines.
 - (11) The main challenge with rye grass is that it is very bulky, and even spreading it at a light rate an airplane can only hold 70 acres worth of seed, and if urea fertilizer is mixed in only 35 acres worth can be carried. This is can make things quite difficult if the airplane has a long way to fly while loaded.
 - (12) Spreading the seed has to be done early in the morning when the wind is very still, usually before 9 AM.
 - (13) He stated that he raises good quality seed beans and he has to spray fungicides, which means he could save five to ten dollars per acre by providing a landing strip closer to where he farms. When you multiply those savings by thousands of acres that is a large financial incentive, and also helps with the cost of setting aside the ground for the RLA.
-

- (14) He understands there is a wind farm anticipated in this area, but Horizon has not applied for any permits to date.
 - (15) The subject property is the home base of his and his family's farming operations.
 - (16) He and his partner, Charles Goodall, farm in six different counties, and the bulk of his farming area is in the Broadlands, Allerton, and Sidell area, encompassing approximately 2500 acres. He lives in his grandmother's old home near Ogden.
 - (17) It is possible that his spray applicator would load fungicides and he could install a loading pad if necessary. According to current regulations his applicator does not need a loading pad as long as there is permanent chemical storage at his main facility.
 - (18) He stated that his aerial applicator does not have an ownership interest in the proposed RLA, but he needs the RLA for rye grass application and to keep input costs down. He said he would make the RLA available for other pilots as well. He wants to benefit his neighbors as well.
 - (19) He said that he currently plants between 200 and 400 acres of rye grass and he hopes to increase that substantially over the years. He said that the farm where he applies the rye grass is in the anticipated wind farm area.
 - (20) He said that if the proposed RLA was not approved and not located on the subject property he would only be able to spread rye grass on 100 acres because it would take too long for the applicator to fly back and forth.
 - (21) Mr. Goodall is located primarily in the Sidell area, which is anticipated to be part of the same wind farm as in Mr. Gerdes's area. He also stated that the fields he spreads rye grass on are located next to Mr. Goodall's fields.
- G. Mr. John Richard Reed, 18 Stonegate, Charleston, testified at the June 11, 2009, public hearing, as follows:
- (1) He is the co-owner of Reed's Fly-On Farming and has been based out of Coles County Memorial Airport for 33 years.
 - (2) He feels that this RLA is a great idea because he has just lost the use of another RLA. He normally flies out of Mattoon, but he can also fly out of Danville and Tuscola. However, there are no other places in the middle of those hard surface airports that he can use.
 - (3) Rye grass is a difficult crop to apply and time is of the essence, so being able to load close is imperative. He said there is not a single helicopter in the State of Illinois that can apply rye grass.
 - (4) His business has tripled in the last few years and he plans to use the RLA in the spring for application of fungicides on corn and soybeans.
-

- (5) Over the past ten years the existing RLA's have been disappearing, but over the past two years there have been more and more applications for RLA's across the state, for reasons mostly similar to Mr. Gerdes's.
 - (6) The potential for Asian Rust to move into Illinois is a good possibility and the number of acres that would have to be covered in a short time is extremely high.
 - H. Carl Smith, 214 CR 2700E, Allerton, testified at the June 11, 2009, public hearing, as follows:
 - (1) Although he has an Allerton address he lives in Champaign County.
 - (2) He and his brother are the tenants of the farm directly on the east side of the subject property, and he submitted a letter from the land owner.
 - (3) Mr. Smith, Mrs. Horst, the land owner of the farm directly to the east, and her sister own considerable property in the area, and they all signed contracts with Horizon several months before the RLA was proposed.
 - (4) An airstrip to service agricultural uses is a good idea. Mr. Reed has sprayed thousands of acres that he farmed over the years, but to the best of his knowledge, Mr. Reed has always been able to service his farms out of Mattoon.
 - I. Carole Smith Horst, landowner of the property directly bordering the subject property on the east, gave her tenant a letter that he submitted at the June 11, 2009, public hearing, which indicated the following:
 - (1) Her nephews/tenants, Carl and Vic Smith, and Horizon Wind Farms are allowed to speak on her behalf against the placement of this landing strip.
 - (2) She has signed a contract to allow Horizon Wind Farms to place a turbine on her property.
 - (3) She feels that if the landing strip is approved she and her tenants and heirs should be reimbursed for the loss of income from the wind farm.
 - J. Other than the petitioners and Jed Gerdes, no other farmer in the vicinity has asserted that the proposed RLA is necessary for public convenience.
 - K. Other than Jed Gerdes, there is no evidence that any other farmer in the vicinity plants rye grass with row crops.
 - L. There have only ever been three Special Use Permits for RLA's authorized by Champaign County. No Special Use Permit for an RLA has ever been authorized in Ogden, South Homer, Ayers, Raymond, Philo, Crittenden, or Tolono Townships.
-

M. As noted above in Item 7.F.(21), Mr. Gerdes testified at the June 11, 2009, public hearing that his farming partner, Mr. Goodall is also located in the anticipated wind farm area, and that the fields Mr. Gerdes plants with rye grass are near Mr. Goodall. If the rye grass fields are also located in the wind farm area it is possible that even if the RLA is approved wind turbine towers surrounding the rye grass fields could obstruct the spreading of the seed.

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:

A. The Petitioner has testified on the application, **“Dale Rust, Flight Safety Coordinator of Illinois Department of Transportation has inspected the site, stated it is satisfactory, and it follows his recommendations. It allows 1900’ for landing area (300’ for road). It is a positive tool for agriculture.”**

B. The proposed RLA is also located on the southern line of Champaign County, such that neither the required 3500 feet wind turbine separation nor the required Runway Clear Zones (see Item 6) can be fully enforced for the proposed RLA, as follows:

(1) Based on analysis of Attachment to the Supplemental Memorandum dated July 24, 2009, “IDOT Imaginary Surfaces and Zoning Standard Conditions” the area covered by the 3500 feet separation from the proposed RLA would include approximately 1208 acres.

(2) Due to the subject property’s location on the county line between Champaign and Douglas County, and its proximity to Allerton’s Wind Turbine Jurisdiction the County can only enforce the 3500 feet separation on approximately 529 acres or 44% of the intended 1208 acres.

C. Regarding surface drainage:

(1) The subject property is located in the Union Drainage District.

(2) The existing amount of impervious area on the subject property does not trigger any requirement for stormwater detention under the *Champaign County Stormwater Management Policy*, and no new impervious area is proposed as part of the RLA.

(3) Notice was sent to the Union Drainage District, but no comments have been received to date.

D. The subject property is located on CR 2700E, one-half mile from CR 0N. The subject property is accessed from CR 2700E on the west side of the property. Regarding the general traffic conditions on CR 2700E at this location and the level of existing traffic and the likely increase from the proposed Special Use:

(1) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and

reports it as Average Daily Traffic (ADT). The most recent ADT data, in the vicinity of the subject property, is from 2001, as follows:

- (a) Along CR 2700E where it passes the subject property the ADT is 50 trips.
 - (b) The proposed RLA is for private use only and is proposed to be used for agricultural purposes making an increase in traffic unlikely.
- (2) The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* are general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The *Manual* indicates the following pavement widths for the following traffic volumes measured in Average Daily Traffic (ADT):
- (a) A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
 - (b) A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.
 - (c) A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.
 - (d) A local road with a pavement width of 22 feet has a recommended maximum ADT of more than 400 vehicle trips.
 - (e) The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines also recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet.
- (3) The width of CR 2700E was measured by J.R. Knight, Associate Planner, during a site visit on June 2, 2009, to be 16 feet wide.
- (4) The Township Road Commissioner has been notified of this case, but no comments have been received at this time.
- E. Regarding fire protection of the subject property, the subject property is within the protection area of the Allerton Fire Protection District and is located approximately three road miles from the fire station. The Fire Protection District Chief has been notified of this request, but no comments have been received at this time.
- F. The subject property does not appear to be located within a Special Flood Hazard Area.
-

- G. Regarding outdoor lighting on the subject property, there is no indication on the site plan of outdoor lighting for any purpose. ~~However, the Illinois Aviation Safety Rules (92 Ill. Admin. Code Part 14) require all RLA's to have a wind direction/velocity indicator that is lighted for night use.~~
- H. Regarding subsurface drainage, the site plan does not contain any information regarding agricultural field tile. ~~There is no proposed construction as part of the RLA, however, the landing of aircraft on the runway could possibly damage tile located underneath the runway.~~
- I. Regarding wastewater treatment and disposal on the subject property, the proposed use has no need for any wastewater treatment and disposal.
- J. Paul Cole, attorney representing Hester L. Miles and Robert and Barbara Miller, adjacent landowners west of the subject property, testified at the June 11, 2009, public hearing that if it were possible to place a wind turbine on their property his clients would like the opportunity to do so.
- K. Mr. John Richard Reed, 18 Stonegate Charleston, testified at the June 11, 2009, public hearing, as follows:
- (1) This location would create safety concerns if the 3500 feet separation was not available and only standard separations from wind turbines were enforced.
 - (2) In discussions with wind farm developers one of the items they are reviewing is a circle at least 3500 feet around landing strips.
- L. A letter from Mrs. Carole Horst was submitted at the June 11, 2009, public hearing which indicated that if the proposed RLA was approved she felt that she, her tenants, and heirs should be compensated for the lost income from no longer being able to take part in the anticipated Horizon wind farm.
- M. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.
- N. If the RLA is authorized and the anticipated wind farm is developed, more than 50% of the required RLA separation from the wind farm would be under other zoning jurisdictions and not within the Champaign County zoning jurisdiction. The lack of the required RLA-wind farm separation would create safety concerns and would make it more difficult to authorize that part of the wind farm in Champaign County. Wind farms provide substantial economic benefits to the entire community and anything that would reduce the number of turbines would reduce the economic benefits to the wider community.
-

GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
- A. The Petitioner has testified on the application, **“Yes, Grass areas are part of agriculture, as pastures and waterways.”**
- B. Regarding compliance with the *Zoning Ordinance*:
- (1) The proposed RLA complies with all area and placement requirements for the AG-1 District in Section 5.3, ~~with the exception of the east side yard. The east side yard is indicated to be 0 feet in lieu of the minimum required 15 feet for a principal use in the AG-1 District. There appears to be adequate area on the subject property to meet the minimum side yard.~~
 - (2) Regarding parking on the subject property, it is unclear what the exact parking requirements for an RLA would be, however, there appears to be more than adequate area around the farmstead to accommodate parking for the proposed use.
 - (3) Regarding compliance with the standard condition requiring a proposed RLA must meet the requirements of the Federal Aviation Administration (FAA) and Illinois Department of Transportation, Division of Aeronautics (IDOT/DOA):
 - (a) The FAA requirements for RLA’s mostly deal with operation of the RLA once it is established. However, the FAA does make an airspace determination before the RLA is established. This airspace determination must be favorable for the RLA to be established, the IDOT/DOA requirements incorporate this requirement.
 - (b) IDOT/DOA enforces the *Illinois Aviation Safety Rules (92 Ill. Admin. Code Part 14)* which contains regulations for establishment of a RLA.
 - (c) RLA’s are required to be private use only, to provide a sufficient landing area taking into account the skill of the pilots using the facility and the type of aircraft used, and to meet minimum dimensional standards.

The petitioners submitted a letter from Dale Rust, Flight Safety Coordinator, with IDOT/DOA, dated April 21, 2009, that indicates the proposed location of the landing area provides sufficient length for a safe operation and takes into account other aeronautical facilities in the area.
 - (d) RLA’s are required to obtain a Certificate of Approval from IDOT/DOA, which involves an application process with an initial inspection of the proposed area, obtaining an FAA airspace determination, publication of notice in a local

newspaper, the chance for concerned neighbors to request a hearing, and a final inspection.

The petitioners submitted a letter from Dale Rust, Flight Safety Coordinator, with IDOT/DOA, dated April 21, 2009, that indicates Mr. Rust performed the initial inspection and has indicated a favorable result. There is no information regarding the FAA airspace determination, but Mr. Rust did indicate that a negative determination is unlikely.

- (e) RLA's are also required to meet minimum runway dimensions and to have imaginary surfaces of specified slope on all four sides of the runway that are free from obstruction by any structures or natural obstructions, as follows:

- i. An RLA runway is required to be a minimum of 100 feet wide and to have a minimum length of 1600 feet. It is possible that due to certain obstructions a runway may be longer than 1600 feet but only for landings or take offs in certain directions.

The petitioner has indicated on the site plan and application that the runway will be ~~1600~~ 1871 feet long and separated from CR 0N by 300 feet.

- ii. There are also requirements for separation distances between a runway, taxiway, and aircraft parking, but the petitioner has not indicated any taxiway or aircraft parking on the site plan.

- iii. At either end of the runway a 15:1 slope extending 3,000 feet beyond the end of the runway.

The only obstruction near the runway that appears to require a minimum clearance is CR 0N, which requires a 15 feet clearance according to IDOT/DOA requirements. The runway is located 300 feet north of the street providing 20 feet of clearance.

- iv. On either side of the runway a 4:1 slope extending 135 feet from the centerline of the runway.

There does not appear to be any obstruction that would interfere with the side transition slopes.

- (f) Overall it appears that if the petitioners obtain a positive airspace determination from the FAA they will meet all state and federal requirements for establishing an RLA. There are also numerous requirements for safe operation of an RLA, which the petitioners are also required to meet or be in violation of their SUP.

- (4) The RESTRICTED LANDING AREA shall provide for a runway plus a runway safety area both located entirely on the LOT. The runway safety area is an area centered 120 feet wide and extending 240 feet beyond each end of the runway.

The petitioner has not indicated the required runway safety area on the site plan, however, there does appear to be adequate area on the subject property to accommodate this requirement so no waiver is recommended.

- (5) No part of a BUILDING or STRUCTURE intended for regular human occupancy located within a R or B District nor any PUBLIC ASSEMBLY or INSTITUTIONAL USE may be located:
- i. Within the Primary Surface, an area 250 feet wide centered on the runway centerline and extending 200 feet beyond each end of the runway; or
 - ii. The Runway Clear Zones, trapezoidal areas centered on the extended runway centerline at each end of the Primary Surface, 250 feet wide at the end of the primary surface and 450 feet wide at a point 1,000 feet from the primary surface.
 - iii. These areas are not indicated on the site plan, but they are not required to be entirely contained on the subject property and there are no structures within the described areas.

- (6) After a RESTRICTED LANDING AREA is established, the requirements in Section 4.3.7 and Table 5.3 note (12) shall apply.

This condition does not appear to be a requirement on the petitioners, but instead on anyone who is building a structure of some sort close enough to the RLA that it might be a hazard to aircraft.

- C. Regarding compliance with the *Stormwater Management Policy*, the proposed use will not require any stormwater detention.
- D. Regarding the Special Flood Hazard Areas Ordinance and Subdivision Regulations:
- (1) The subject property does not appear to be located in a Special Flood Hazard Area.
 - (2) The subject property complies with the Subdivision Regulations.
- E. Regarding the requirement that the Special Use preserve the essential character of the AG-1 Zoning District, the RLA is proposed to support agricultural activities.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use is in harmony with the general intent and purpose of the Ordinance:
- A. A “RESTRICTED LANDING AREA” may be authorized in the AG-1 Agriculture Zoning District as a Special Use provided all other zoning requirements are met.
- B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
- (1) Subsection 5.1.7 of the Ordinance states the general intent of the AG-1 District and states as follows (capitalized words are defined in the Ordinance):
- The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
- (2) The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the Ordinance is securing adequate light, pure air, and safety from fire and other dangers.
- (a) This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan is in full compliance with those requirements.
- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the Ordinance is conserving the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- (a) In regards to the value of nearby properties, the proposed Special Use Permit will likely have a negligible effect on property value.
- (b) With regard to the value of the subject property, the proposed Special Use Permit will likely have a negligible effect on property value
- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding congestion in the public STREETS.

The current IDOT traffic count is from 2001, and indicates that CR 2700E could handle a 200% increase in traffic.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the Ordinance is lessening and avoiding the hazards to persons and damage to PROPERTY resulting from the accumulation of runoff from storm or flood waters.

The requested Special Use Permit complies with the *Champaign County Stormwater Management Policy* and is outside of the Special Flood Hazard Area and there are no special drainage problems that appear to be created by the Special Use Permit.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the Ordinance is promoting the public health, safety, comfort, morals, and general welfare.
- (a) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
- (b) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in full compliance.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.
-

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate nonconforming conditions. No special conditions appear to be necessary

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the Ordinance is preventing additions to and alteration or remodeling of existing BUILDINGS, STRUCTURES, or USES in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose relates to nonconforming buildings, structures, or uses that existed on the date of the adoption of the Ordinance and the proposed Special Use is not an existing nonconforming use.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the Ordinance is protecting the most productive AGRICULTURAL lands from haphazard and unplanned intrusions of urban USES.

The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the Ordinance is protecting natural features such as forested areas and watercourses.

There are no natural areas on the subject property.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the Ordinance is encouraging the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

This purpose is not relevant to the proposed Special Use Permit because the AG-1 District is not for urban development.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the Ordinance is encouraging the preservation of AGRICULTURAL belts surrounding urban areas, to retain the AGRICULTURAL nature of the COUNTY, and the individual character of existing communities.

The types of uses authorized in the AG-1 District are in fact the types of uses that have been determined to be acceptable in the AG-1 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to

meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

11. The proposed Special Use is an existing NONCONFORMING USE because the existing use has been on the subject property since before the adoption of the *Zoning Ordinance* on October 10, 1973.
 - A. The Petitioner has testified on the application, “**Does not apply**”

GENERALLY REGARDING ANY SPECIAL CONDITIONS OF APPROVAL

12. At this time no special conditions of approval have been proposed.
-

DOCUMENTS OF RECORD

1. Special Use Permit Application from Robert and Barbara Gerdes received on April 24, 2009, with attachments:
 - A Proposed site plan
2. Letter from Dale Rust, Flight Safety Coordinator, to Jed Gerdes dated April 21, 2009
3. Preliminary Memorandum for Case 645-S-09, with attachments:
 - A Zoning Case Maps (Location, Land Use, Zoning)
 - B Proposed site plan received April 24, 2009
 - C Letter from Dale Rust, Flight Safety Coordinator, to Jed Gerdes dated April 21, 2009
 - D Excerpts of *Illinois Aviation Safety Rules (92 Ill. Admin. Code Part 14)*
 - E IDOT Traffic Map of vicinity of subject property
 - F Preliminary Draft Summary of Evidence for Case 645-S-09
4. Staff handouts at June 11, 2009 meeting
5. Letter from Carole Horst submitted at the June 11, 2009, ZBA meeting
6. Supplemental Memorandum for Case 645-S-09, dated July 24, 2009, with attachments:

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 645-S-09 held on **June 11, 2009, and July 30, 2009**, the Zoning Board of Appeals of Champaign County finds that:

1. The requested Special Use Permit *{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN }* *{ IS / IS NOT }* necessary for the public convenience at this location because: _____

2. The requested Special Use Permit *{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN }* is so designed, located, and proposed to be operated so that it *{ WILL / WILL NOT }* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:

a. The street has *{ ADEQUATE / INADEQUATE }* traffic capacity and the entrance location has *{ ADEQUATE / INADEQUATE }* visibility.
b. Emergency services availability is *{ ADEQUATE / INADEQUATE }* *{because:¹}* _____

c. The Special Use will be designed to *{ CONFORM / NOT CONFORM }* to all relevant County ordinances and codes.

d. The Special Use *{ WILL / WILL NOT }* be compatible with adjacent uses *{because:¹}* _____

e. Surface and subsurface drainage will be *{ ADEQUATE / INADEQUATE }* *{because:¹}* _____

f. Public safety will be *{ ADEQUATE / INADEQUATE }* *{because:¹}* _____

g. The location *{ IS / IS NOT }* suitable for the proposed onsite wastewater system *{because:¹}* _____

h. (Note: The Board may include other relevant considerations as necessary or desirable in each case.)

1. In each case the Board may add supporting reasoning if desired.
- 3a. The requested Special Use Permit **{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { DOES / DOES NOT }** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit **{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { DOES / DOES NOT }** preserves the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to **{ CONFORM / NOT CONFORM }** to all relevant County ordinances and codes.
 - b. The Special Use **{ WILL / WILL NOT }** be compatible with adjacent uses.
 - c. Public safety will be **{ ADEQUATE / INADEQUATE }**.
 - d. *(Note: The Board may include other relevant considerations as necessary or desirable in each case.)*

4. The requested Special Use Permit **{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { IS / IS NOT }** in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit **{ IS / IS NOT }** necessary for the public convenience at this location.
 - c. The requested Special Use Permit **{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN }** is so designed, located, and proposed to be operated so that it **{ WILL / WILL NOT }** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
 - d. The requested Special Use Permit **{ SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN } { DOES / DOES NOT }** preserves the essential character of the DISTRICT in which it is located.
 - e. *(Note: The Board may include other relevant considerations as necessary or desirable in each case.)*

5. The requested Special Use **{ IS / IS NOT }** an existing nonconforming use.
6. **{ NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW: }**

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 9.1.11B. *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case 645-S-09 is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners **Robert and Barbara Gerdes** to authorize the construction and use of a “Restricted Landing Area” as a Special Use in the AG-1 Agriculture Zoning District.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITION(S)}

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

SIGNED:

Doug Bluhm, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

6/11/09

AS APPROVED JULY 16, 2009

ZBA

1 Mr. Hall stated no, unless the Board has some specific direction. He said that staff has many things that they
2 can investigate prior to the next hearing regarding this case.

3
4 Mr. Bluhm requested a continuance date.

5
6 Mr. Hall stated that the case could be continued to the June 25th meeting although it does not allow staff
7 ample time for preparation. He said that he would recommend continuing this case to the July 16th meeting.

8
9 Mr. Thorsland moved, seconded by Ms. Capel to continue Case 634-AT-98, Part B, to the July 16,
10 2009, meeting. The motion carried by voice vote.

11
12 **6. New Public Hearings**

13
14 **Case 645-S-09 Petitioner: Robert and Barbara Gerdes Request: Authorize the construction and use**
15 **of a "Restricted Landing Area" as a Special Use in the AG-1, Agriculture Zoning District. Location:**
16 **An approximately 83 acre tract that is approximately the West Half of the Southwest Quarter of**
17 **Section 33 of Ayers Township and commonly known as the farm at 52 CR 2700E, Broadlands.**

18
19 Mr. Bluhm informed the audience that this is an Administrative Case and as such the County allows anyone
20 the opportunity to cross examine any witness. He said that at the proper time he will ask for a show of hands
21 for those who would like to cross examine and each person will be called upon. He requested that anyone
22 called to cross examine go to the cross examination microphone to ask any questions. He said that those
23 who desire to cross examine are not required to sign the witness register but are requested to clearly state
24 their name before asking any questions. He noted that no new testimony is to be given during the cross
25 examination. He said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are exempt
26 from cross examination.

27
28 Mr. Hall distributed a two page handout with a color aerial photo and a black and white copy on the back.
29 He said that the color aerial photograph illustrates the imaginary surfaces which are the safety elements

1 related to the proposed RLA. He said that these are requirements of I.D.O.T. and the F.A.A. He said that
2 super-imposed on the color aerial are the wind farm 3500 feet separation that the recent wind farm
3 amendment requires in regards to an RLA and the black and white copy has indicated the basic non-
4 RLA/wind farm separations. He said that this is an area where staff anticipates a wind farm although to date
5 we have not received an application and frankly he has not seen a diagram of parcels in this area that are
6 interested in a wind farm. He noted that this location is between Broadlands and Allerton and he needs to
7 verify whether Broadlands and Allerton have their own zoning and if they do this property falls in an area
8 where the County cannot regulate wind farms. He said that staff knew that the proposed RLA was close to
9 the Broadlands ETJ and just tonight he was talking to the petitioners and they reminded him that Allerton is
10 only one-and-one half mile away from the subject property also which makes this a unique location
11 particularly in light of the recently approved amendment.

12
13 Mr. Hall stated that also distributed at tonight's meeting were the Restrictions on Use that apply to Restricted
14 Landing Areas which are the IDOT rules which are also part of the County's *Zoning Ordinance*. He said that
15 again, staff anticipates a wind farm being proposed in this area but there has been none proposed yet
16 therefore it remains to be seen how the criteria related to the convenience for public necessity should be
17 evaluated. He said that this case is not ready for final action tonight.

18
19 Mr. Bluhm asked the Board if there were any questions for Mr. Hall and there were none.

20
21 Mr. Bluhm called Mr. Jed Gerdes to testify.

22
23 Mr. Jed Gerdes, who resides at 1448 CR 2700E, Ogden stated that he and his parents farm together therefore
24 he is assisting them with this request. He said this is a little hard for him tonight because there are
25 neighbors, landowners and relatives in the audience tonight. He said that having a runway for a restricted
26 landing area or grass strip is not entered into lightly because if there is anything a farmer hates to do is mow
27 grass all of the time. He said that this is not something that they really wanted to do but in light of the
28 runway strip that they were using, which belonged to Steve Riggins and was just a few miles away and has
29 been plowed up and planted in crop for agricultural purposes has been lost for the area therefore they need to

1 re-establish a landing strip so that they can continue the practices that they have been doing. He said that
2 they are moving a landing strip and not creating a new one and the old landing strip was in the same turbine
3 zone therefore it is not like there is a net effect where they would be taking out turbines. He said that the big
4 reason why they need aerial application is because of rye grass and he is one of the only people in Central
5 Illinois who has been working with it. He said that Mike Plummer from the University of Illinois has been
6 promoting this because it is one of the best ways that we are going to preserve our Champaign County farm
7 ground. He said that he purchased a farm a few miles away from his parent's in Vermillion County which
8 had some rolling ground on it and when he first farmed it he produced 117 bushel corn from it so he decided
9 that he had to make some changes. He said that with fertilizer and lime applications the yields got a little bit
10 better but not really great so he decided to plant rye grass. He said that rye grass is similar to what people
11 would plant in the yard and is an annual variety. He said that around August 1 when the corn and beans are
12 beginning to turn the seed is flown on and when it receives a good one-inch rain it starts growing and by the
13 time that he harvests his corn he has a really good stand of rye grass which is a great erosion preventer and
14 his fields had zero rutting. He said that with this he has also experienced some pretty substantial yield boosts
15 for some pretty thin Vermillion County ground and his corn fields have averaged around 200 bushels to the
16 acre and up to 74 bushels for beans. He said that there are not a lot of people who do this because it is a trial
17 and error sort of thing but he is working with the National Rye Grass Association from Oregon and they
18 have had some real good success. He said that in comparison to the windmills a lot of the operations till all
19 of their soil for the most part and no-till some of their beans but it is all about carbon-sequestration and every
20 time you go till the soil you are releasing carbon into the atmosphere therefore the act of no-tilling the
21 ground actually gains a start to sequester at the rate of 1300 kilograms per year. He said that if you take a
22 tillage field to a no-tillage field you could sequester enough carbon that an entire home would use on a coal
23 fired totally electric operation for every 100 acres. He said that when you add rye grass to that it almost
24 doubles that because you have a crop growing all year long rather than just when the corn starts to dry out
25 therefore sequestering a lot of carbon and helping out the environment in the exact same way that the wind
26 turbines are helping the environment.

27

28 Mr. Gerdes stated that no matter how many wind turbines are going to be put up in Champaign County you
29 can only go up to 20% for your electricity and the rest has to be from coal because of the voltage fluctuations

1 and there has to be some sort of steady power supply underneath. He said that there are challenges with rye
2 grass because it is very bulky and spreading it at even a light rate only 70 acres is all an aircraft can hold and
3 if urea is mixed in with it they can only spread 35 acres per load which makes it hard if the aircraft has a long
4 way to fly to each field when loaded. He said that spreading the seed has to be done very early in the
5 morning when the wind is very still therefore spreading is done by 9:00 a.m. He said that he has been
6 working with this for several years and has had very good luck with this application but there is a lot to learn
7 although it is one of the few conservation practices that we have going on that has the possibility of
8 sequestering carbon, protecting our Champaign County soils and also improving yields. He said that it is
9 hard to believe but by November 1st after he pattern tilled the rye grass field he had roots that were over 40
10 inches deep.

11

12 Mr. Gerdes stated that they raise good quality seed beans therefore they must spray fungicides and he could
13 easily save \$5 to \$10 dollars per acre in providing a landing area for the plane and when you multiply that
14 savings to thousands of acres that is a lot of money therefore providing a financial incentive. He said that
15 this savings will assist in the cost of setting this ground aside and maintaining it for the landing strip. He
16 said that he spoke to Dale Rust, Flight Safety Coordinator for IDOT Aeronautics Division and he indicated
17 that Champaign County has lost a majority of their RLA's in the last 15 years. Mr. Gerdes stated that there
18 used to be approximately 20 and now there are only 7 left and none of those are within his area of the County
19 and there are none in northeastern Douglas County or northwestern Edgar or Vermillion County. He said
20 that there is one somewhere on the Vermillion/Edgar County line but it is several miles from them and not
21 within their farming area therefore creating a void for their needs. He said that most of the restricted landing
22 areas that exist are for private use and he was hoping that any area farmers who would like to work with his
23 pilot will utilize their RLA. He said that we shouldn't pit wind turbines against conservation agriculture
24 because we are working for the same goal and there has to be a little room for everyone.

25

26 Mr. Gerdes illustrated on a map the specific location of the restricted landing area in reference to the location
27 of Broadlands and Allerton and noted that this is a good location for the RLA because the extra-territorial
28 jurisdiction of both municipalities overlap at this location. He said that it is his understanding that there is a
29 proposed wind farm for his area but Horizon has not applied for any permits to date. He said that he and his

1 family are landowners and this is the home base to their operation and this is the where they need their RLA
2 and he hopes that they are not penalized for a wind farm that only may happen in the future. He said that Mr.
3 Dale Rusk indicated that staff could call him with any questions regarding the proposed RLA in regard to
4 lighting, parking, etc.

5
6 Mr. Gerdes stated that he hopes everyone realizes that the proposed RLA is not about wind turbines but
7 about him being able to do the farming practice that they have been doing for quite some time and further
8 their studies on it and hopefully transport it to all of his ground.

9
10 Mr. Bluhm asked the Board if there were any questions for Mr. Gerdes and there were none.

11
12 Mr. Bluhm asked if staff had any questions for Mr. Gerdes.

13
14 Mr. Hall asked Mr. Gerdes if he could characterize where most of his farming operation is located in relation
15 to the subject property.

16
17 Mr. Gerdes stated that he and his partner, Charles Goodall, farm in six different counties and the bulk of his
18 farming area is in the Broadlands, Allerton and Sidell area and encompasses approximately 2500 acres.

19
20 Mr. Hall stated that it is fair to say that he does not live where he farms.

21
22 Mr. Gerdes stated no. He said that he moved into his grandmother's home near Ogden.

23
24 Mr. Hall asked Mr. Gerdes if his spray applicator would be loading more than just rye grass and urea at this
25 location.

26
27 Mr. Gerdes stated that it is possible that his spray applicator would load fungicides and he could install a
28 loading pad if required. He said according to current regulations his applicator does not need to have a
29 loading pad as long as he has permanent chemical storage at their main facility.

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Mr. Hall stated that Mr. Gerdes' applicator does not have an ownership interest in the RLA but is just a service that Mr. Gerdes is providing for his applicator.

Mr. Gerdes stated that Mr. Hall was correct. He said that he needs the RLA for the rye grass and input costs and is available for any other pilot to use as well. He said that he wants to benefit his neighbors as well because we are all in this together.

Mr. Hall asked Mr. Gerdes if he would be interested in placing the RLA more centrally on his land rather than butting up against the property of the neighbor. He asked Mr. Gerdes if the neighbor to the east of the subject property was a neighbor.

Mr. Gerdes stated that the neighbors on all sides are good friends and relatives. He said that he abuts land owned by Eagco, Inc. in five different locations with large acreages. He said that Eagco, Inc. is interested in housing the large windmills on their ground although personally he is not interested therefore issues will arise where he will have to deal with their existence. He said that currently the proposed windmills from Horizon are just rumored at this point but within their proposal there will be huge amounts of acreage and area and his land is just one small portion of that massive area that they want to take into account therefore it is appears to be a pretty miniscule problem.

Mr. Bluhm asked the audience if anyone desired to cross examine Mr. Gerdes.

Mr. Carl Smith, who resides at 214 CR 2700E, Allerton asked Mr. Gerdes how many acres of rye grass he plants currently and does he anticipate expanding that acreage.

Mr. Gerdes stated that it is a range between 200 and 400 acres and he is hoping to increase that acreage substantially over the years.

Mr. Dwight Farber, who resides at 131 N. Williamsburg, Bloomington asked Mr. Gerdes if the landing strip

1 was not approved and was not located in the proposed area where would he load the plane and how would he
2 get his seed applied.
3
4 Mr. Gerdes stated that it would basically limit them to doing nothing more than 100 acres because it takes
5 too long for the applicator to fly back and forth each time when he has other customers to serve.
6
7 Mr. Bluhm asked the audience if anyone else had any questions for Mr. Gerdes and there were none.
8
9 Mr. Bluhm called Mr. Paul Cole to testify.
10
11 Mr. Paul Cole, Attorney representing Hester L. Miles and Robert and Barbara Miller which are adjacent
12 landowners to the west of the proposed RLA, stated that the red oval which is indicated on the color aerial
13 appears to be the zone within which wind turbines are not permitted. He said that he assumes that this zone
14 is per the County's *Zoning Ordinance* and not federal or IDOT. He said that he assumes from reading the
15 memorandum that Douglas County does not have a zoning ordinance.
16
17 Mr. Hall stated that Douglas County does not have a zoning ordinance.
18
19 Mr. Cole asked Mr. Hall if the absence of a zoning ordinance means that there would not be any restrictions
20 on wind turbines which are located south of the Champaign County line.
21
22 Mr. Hall stated that he does not know but he would hope that there would be some restrictions.
23
24 Mr. Cole stated that it may be somebody will place a tower within this oval which cannot be prevented
25 anyway. He said that the issue here is not whether turbines might be built and compete with the legitimate
26 interest of a restricted landing area but the real question is what the law is when it comes to determining that
27 an RLA may be permitted. He said that the section of the *Ordinance*, Section 9.1.11, appearing in staff's
28 materials indicates that a special use permit shall not be granted unless the public hearing record and written
29 application demonstrate the five required sub-sections. He said that the first requirement which must be

1 demonstrated is that the special use is necessary for the public convenience at that location. He said that the
2 following sub-sections described conditions after the special use is determined necessary that it can be done
3 in a way that is not disruptive to the district. He asked what does it mean necessary for the public
4 convenience because Item #7.B. of the Preliminary Draft Finding of Fact indicates that the proposed RLA is
5 intended for private use and Item 9.B.3(c) indicates that RLA's are required to be private use only. He said
6 that he could imagine some private uses which might somehow be necessary for the public convenience but
7 asked what would those uses be and why would they need to be within this specific location. He said that he
8 does not know anything about costs or farming applications but aerial applications can also be done by
9 helicopter therefore is a landing strip necessary. He asked if there is something special about this location,
10 assuming that it is necessary, that justifies it. He said that Mr. Gerdes has indicated that there are other
11 places where he has property and it is assumed that the RLA could be put in that location. He said that it has
12 not been shown that the RLA is for the public's convenience and the idea of sequestering carbon in grass is a
13 good green idea that perhaps addresses global warming and may be an issue which is in conflict with the
14 question of how we develop sufficient alternate, clean sources of power that the public really does need. He
15 said that this is not a contest between wind farms and an RLA but is a question if there is anything on record
16 that indicates that this use is necessary at this location to serve the public convenience.

17

18 Mr. Bluhm asked the Board if there were any questions for Mr. Cole.

19

20 Ms. Capel asked Mr. Cole if the landowners whom he represents are interested in having wind turbines
21 placed on their property.

22

23 Mr. Cole stated that if it were possible to place a wind turbine on their property then they would like to have
24 that opportunity.

25

26 Mr. Bluhm asked the Board if there were any additional questions for Mr. Cole and there were none.

27

28 Mr. Cole stated that it is one thing to say that we are here to protect the landowner's possible economic
29 interest and of course that is one of the motivating factors, but that doesn't effect the argument of what does

1 the law require.

2

3 Mr. Bluhm asked if staff had any questions for Mr. Cole and there were none.

4

5 Mr. Bluhm called Ms. Teresa Hageman to testify.

6

7 Ms. Teresa Hageman declined to testify at this time.

8

9 Mr. Bluhm called Mr. John Richard Reed to testify.

10

11 Mr. Bluhm called Mr. John Richard Reed, who resides at 18 Stonegate, Charleston stated that he is co-owner
12 of Reed's Fly-On Farming and has been based out of the Coles County Memorial Airport for 33 years. He
13 said that he did not plan on making a presentation tonight but with some of the information that he has heard
14 he is going to attempt to make one. He said that it appears that this is coming down to a competition
15 between wind turbines and the RLA which is unfortunate in an agricultural area. He said that when Mr.
16 Gerdes first approached him with his proposed RLA he felt that it was a great idea because they had just lost
17 the use of one. He said that normally he flies out of Mattoon but he can also fly out of Danville and Tuscola
18 but there are no other places in the middle of those hard surface airports that he can use. He said rye grass is
19 a difficult crop to apply and time is of the essence and so being able to load close is imperative. He said that
20 to respond to Mr. Cole's comment regarding rye grass application with a helicopter, there is not a single
21 helicopter in the State of Illinois that can do that. He said that his business has tripled in the last few years
22 and he plans to use the RLA in the spring for application of fungicides on corn and soybeans. He said that
23 he is very familiar with the Illinois Containment Laws administered by the Illinois Department of
24 Agriculture and in 1998 he has helped write those regulations which took effect in 1990. He said that the
25 real issue is what we are seeing happening all over the state and currently Horizon has shown interest in this
26 area although to date it is only conjecture and speculation. He said that there is not a square inch in the State
27 of Illinois that is not being looked at for a wind turbine by a wind turbine company. He said that as President
28 of the Illinois Agricultural Aviation Association he represents the aerial applicators in Illinois as a liaison to
29 the wind developers and he is working closely with the Wind for Illinois Association which is based in

1 Bloomington. He said that the Wind for Illinois Association represents all of the wind developers in the
2 State of Illinois to develop a best practices protocol to allow aerial application and wind turbines to co-exist
3 in the best manner possible. He said that he spends 10 to 15 hours a week on the phone and the computer
4 talking to the various companies such as Horizon, Eco-energy and Norvitas and what they are hoping for is
5 to come up with something that will allow renewable energy resources without affecting the continued
6 productivity of some of the best farm ground in the world. He said that discussion regarding the strategic
7 placement of turbines which would allow the maximum amount of aerial application of the affected acreage
8 is taking place. He said that there might be a company which wants to build wind turbines in this area but
9 just because they are researching it does not mean that it is actually going to happen. He said that there are
10 wind projects that are at a dead stand still in certain parts of Illinois because it is interfering with the
11 productivity of prime agricultural ground. He said that it is his opinion that there are too many maybes in
12 this situation in regard to the wind farm and the proposed landing area could be utilized by other landowners
13 in the area right now. He said that in twenty years there maybe a turbine that cannot be placed in this area
14 because of the RLA but it should not be brought into the equation at this time because no one can look into a
15 crystal ball and know the effect.

16
17 Mr. Reed said that he has known Mr. Dale Rust, Flight Safety Coordinator for IDOT Division of
18 Aeronautics, for twenty-five years and he asked Mr. Rust if the proposed project meets all of the
19 qualifications for an RLA in the State of Illinois and did he foresee any problems or issues. He said that Mr.
20 Rust stated that the proposed project meets all of the qualifications. Mr. Reed stated that over the past ten
21 years the existing RLAs are disappearing and interesting enough over the past two years there have been
22 more and more applications for RLAs across the state primarily for the reasons given by Mr. Gerdes. He
23 said that the potential for Asian Rust moving into the State of Illinois is a very good possibility and the
24 number of acres that would have to be covered in a short period of time is mind boggling. He said that as
25 more landing strips are being proposed his association is working with wind farm developers to place wind
26 turbines as to not to interfere, any more than necessary, with the aerial application of farm ground.

27
28 Mr. Bluhm asked the Board if there were any questions for Mr. Reed and there were none.

29

1

1 Mr. Bluhm asked if staff had any questions for Mr. Reed.

2
3 Mr. Hall asked Mr. Reed if this location would pose any safety concerns in establishing an RLA there if the
4 County didn't have the 3500 feet separation distance requirement from wind turbines towers relative to the
5 RLA and the only separation that applied was a typical separation for wind farms.

6
7 Mr. Reed stated yes. He said that generally when you come in to land at a landing area you are parallel to the
8 runway on one side or the other and you are flying the length at 500 to 800 feet high so that you can make a
9 turn to face and another one to come in and land. He said that this procedure clears the area to make sure
10 that there isn't anything in the area, a child on a bicycle, another plane, etc. on the runway and that is the
11 reason for the expanded area and students are taught to keep at least one-quarter mile away from the runway
12 that they are getting ready to land upon. He said that some of the items that they are reviewing during
13 discussion with the wind farm developers in placement of the turbines are at least a 3500 feet circle around
14 the strips.

15
16 Mr. Bluhm asked the audience if anyone had any questions for Mr. Reed.

17
18 Mr. Paul Cole asked Mr. Reed if the RLA means that there will be air traffic directly over the property of
19 other owners to the west.

20
21 Mr. Reed stated yes.

22
23 Mr. Cole stated that he is assuming that Mr. Rust was not referring to the *Champaign County Zoning*
24 *Ordinance* when he indicated that the proposed RLA meets all requirements.

25
26 Mr. Reed stated that Mr. Rust was only speaking in terms of the requirements set by the State of Illinois.

27
28 Mr. Cole stated that those requirements are shown in blue on the aerial photograph.

1 Mr. Bluhm asked the audience if there were any additional questions for Mr. Reed and there were none.

2

3 Mr. Bluhm called Mr. Carl Smith to testify.

4

5 Mr. Carl Smith, who resides at 214 CR 2700E, Allerton stated that he does have an Allerton address but he
6 lives in Champaign County. He said that he and his brother are the tenants of the farm that is located
7 directly on the east side of the proposed landing area and he has a letter from the landowner. He said that
8 they are also the tenants of the farm ground that is located directly south of that same tenant farm. He said
9 that the owner of the parcel located in Douglas County was not notified of this case but is the sister of the
10 tenant farm located in Champaign County which is directly east of the proposed RLA. Mr. Smith read and
11 submitted the following letter from Carole Smith Horst, who resides at 1314 Aspen Street, Broomfield, CO.:

12

13 My name is Carole Smith Horst and I received notice on May 22, 2009, at 4 p.m. of a hearing
14 concerning property next to my property (East Half of the S.W. Quarter of Section 33, Township 17 North,
15 Range 14 West of the 2nd Principal Meridian in Champaign County, Illinois – 80 acres). This letter is for my
16 nephews/tenant (Carl and Vic Smith) and Horizon Wind Farms to speak on my behalf against the placement
17 of this landing strip for planes. I have had a signed contract for the Horizon Wind Farms to locate a turbine
18 on my property for some time. I am in total agreement that renewable, clean wind power is a good solution
19 for the United States, State of Illinois, and Champaign County's power needs. I believe the use of power
20 plants using coal-burning or atomic energy is less desirable answer to the future needs of our country. If this
21 airstrip is approved, I feel my tenants, myself and heirs should be reimbursed for loss of income from the
22 wind farm. Our family has been farming in Champaign County for four generations and will be heading into
23 our fifth. I desire to continue bringing good benefits to Champaign County and Heritage School District
24 from our success as farmers. I see all of us working in partnership to try to improve quality of life in the
25 United States.

26

27 Mr. Smith stated that he, Ms. Horst and her sister own considerable property within the area and have
28 negotiated and signed contracts with Horizon and have had for several months long before Mr. Gerdes'
29 landing strip was proposed. He said that in fact that an air strip to service agriculture is a good idea and Mr.

1 Reed has sprayed thousands of his acres over several years and has done a good job but to the best of Mr.
2 Smith's knowledge Mr. Reed has always serviced them out of his Mattoon location. Mr. Smith said that his
3 farm near Jamaica is much closer to Danville but Mr. Reed still services him from his location in Mattoon and
4 has done it very timely therefore in terms of distance there may be a lesser charge but he has never asked him
5 because it has never been a concern. He said that in terms of seeding the grass he understands and agrees
6 with Mr. Gerdes that loading the plane could be more costly but he presumes that other air strips are or could
7 be available and with some of the other property that Gerdes' own it isn't likely that the applicators will tell
8 them where to put an air strip. He said that he lives directly north of the proposed air strip in the next section
9 to the north and his wife owns and operates a daycare/pre-school and she runs summer camps and the
10 spreading of grass seed does not concern him but the application of pesticides and fungicides in an area
11 where young children are present does. He said that he does not know if there would be much of an attempt
12 to apply pesticides and fungicides from that location but if it is a possibility then he is concerned. He said
13 that the setback that is proposed would prohibit both of his landlords from having a wind turbine placed
14 upon them because of the requirements to be away from the adjacent landowners to the east. He said that he
15 respects everyone's opinion in desiring this land strip and there may be a concern or need for it but he does
16 believe that the towns or cities around Champaign, Danville, Mattoon or Paris probably could satisfy that
17 need as well.

18
19 Mr. Bluhm asked the Board if there were any questions for Mr. Smith and there were none.

20
21 Mr. Bluhm asked if staff had any questions for Mr. Smith and there were none.

22
23 Mr. Bluhm asked the audience if anyone in the audience had questions for Mr. Smith.

24
25 Mr. Jed Gerdes stated that he understands Ms. Horst's request to be reimbursed for the loss of possible
26 income by the installation of a wind turbine but on the flip side if the landing strip is not approved we will be
27 paying more for their herbicides and fungicides and could experience a loss in yields and wind turbines,
28 according to the University of Illinois, do decrease yields on non-participating fields.

29

1 Mr. Bluhm informed Mr. Gerdes that he must ask specific question to Mr. Smith in regard to his testimony.

2

3 Mr. Gerdes stated that with all of the factors combined someone will come out on the losing end one way or
4 the other because most of the ground farmed by the Smith's is within the wind turbine area so this is just one
5 field out of all of their acreage. He asked Mr. Smith if his landowner losing their possibility of gaining
6 income from the wind turbine mitigates his losing the thousands of dollars required to have their fungicide
7 sprayed and application of the rye grass. He said that it appears that the loss is pretty equal.

8

9 Mr. Smith stated that he appreciates both opinions and there is not a clear cut solution to this matter but his
10 thought is that his landlord had everything in effect with Horizon before the RLA was proposed.

11

12 Mr. Gerdes stated that Horizon has not applied for any special permits to date.

13

14 Mr. Smith stated that contracts have been signed and money has traded hands.

15

16 Mr. Bluhm asked the audience if there were any additional questions for Mr. Smith and there were none.

17

18 Mr. Bluhm asked if anyone else in the audience would like to present testimony regarding this case and there
19 was no one.

20

21 Mr. Bluhm closed the witness register.

22

23 Ms. Capel stated that the Preliminary Memorandum dated June 11, 2009, indicates that Mr. Gerdes owns
24 other property therefore she asked Mr. Gerdes if there was a different property that he owns that would be
25 appropriate for this use.

26

27 Mr. Gerdes stated that the other properties are not within the close distance that the subject property is in
28 relationship to the bulk of the ground. He said that he lives near Interstate 74 on his grandmother's farm and
29 he does farm a few acres around his home but when his father retires his sister will inherit a majority of his

1 ground up there and he will end up with less and less acreage in that area and more near the subject property.
2 He asked the Board if they would like to go out and mow and maintain five acres that is fifteen miles from
3 your house somewhere and deliver the seed therefore it makes better since to have the landing strip in a
4 location which is closer to the base operation.

5
6 Ms. Capel asked Mr. Gerdes if his partner agreed.

7
8 Mr. Gerdes stated that his partner, Charles Goodall, is located within the wind turbine area near Sidell which
9 is also next to the farm where he applies the rye grass.

10
11 Ms. Capel stated that an RLA would have less of an impact on his neighbors.

12
13 Mr. Gerdes stated that it is possible but there is a financial obligation in creating an RLA and he hasn't
14 approached Mr. Goodall about such because it is his operation. He said that when you partner with someone
15 and assist them in harvesting but he does not control or gain any income from Mr. Goodall's land. Mr.
16 Gerdes stated that Mr. Goodall's tracts are long and skinny and approximately one-quarter mile wide and so
17 side to side they have the same effect.

18
19 Mr. Bluhm asked the Board and staff if there were any additional comments concerning this case.

20
21 Mr. Bluhm asked Mr. Hall whether it is a *Zoning Ordinance* requirement that an RLA must be for private
22 use only or a State of Illinois requirement that is placed on RLAs.

23
24 Mr. Hall stated that the relevant regulations regarding use are in the handout from IDOT and the County just
25 enforces the IDOT regulations on RLA use. He read the restrictions on use from Section 14. Table A. and
26 noted that the agricultural operations that have been described appear to be absolutely allowed.

27
28 Mr. Bluhm stated that when the Board is discussing private use they need to refer to Table A.
29

1 Mr. Hall stated yes. He said that staff will want to excerpt relevant testimony from the minutes and Mr.
2 Gerdes provided a lot of testimony at tonight's hearing regarding the characteristics that make this location
3 good in his mind and that testimony needs to be reflected as accurately as possible in the minutes. He said
4 that Mr. Reed's testimony was also very helpful and at this point staff's main task will be to provide a set of
5 minutes for review. He said that he would like Mr. Gerdes to provide a more accurate site plan because there
6 are some features, more than just the landing area that should be indicated on the site plan if for no other
7 reason than to make sure that he is aware of these features. He said that the primary surface should be
8 indicated on the site plan although the runway clear zone does not need to be but there is some work that
9 needs to be done on the site plan to make it more accurately represent what he is asking the County to
10 approve.

11
12 Mr. Bluhm asked Mr. Hall if the 4:1 side transition slope relates to obstruction level and not ground level.

13
14 Mr. Hall stated yes.

15
16 Mr. Bluhm stated that his theory is that an elevated runway is needed to keep the water off it and then his
17 concern is that an elevated runway would change the natural water flow or a berm should be required.

18
19 Mr. Reed stated that the 4:1 side transition is indicating that if there is a tree, building or pole then the
20 runway has to be 4:1 away from it.

21
22 Mr. Bluhm asked Mr. Reed, in a building sense, that he wants an elevated runway so that the water runs off
23 and doesn't sit on the runway.

24
25 Mr. Reed asked Mr. Bluhm if he desires the runway to be crowned and water channel water to the side.

26
27 Mr. Bluhm stated no.

28
29 Mr. Reed stated that nothing is ever perfect and flat.

1

2 Mr. Bluhm stated no, but if three feet of dirt is required to build the runway up a little bit to make a crown so
3 that the water runs off the Illinois Drainage Law has been violated because the natural flow of the water
4 cannot be changed between properties.

5

6 Mr. Gerdes stated that the field is pattern tiled therefore there is no water standing anywhere on the property
7 and most of the restricted landing areas are not elevated on a grass field.

8

9 Mr. Bluhm asked Mr. Gerdes if he is planning on using the land as it is.

10

11 Ms. Capel asked Mr. Hall if the 4:1 transition should be indicated on the revised site plan.

12

13 Mr. Hall stated that the things that are required by the *Champaign County Zoning Ordinance* to be on the
14 property should be shown on the site plan.

15

16 Mr. Bluhm asked the Board if there were any other questions or comments for Mr. Hall or Mr. Gerdes.

17

18 Mr. Bluhm requested a continuance date.

19

20 Mr. Hall asked Mr. Knight if staff has received any information from either case shown on the docket for the
21 July 30, 2009, public hearing.

22

23 Mr. Knight stated no.

24

25 Mr. Hall stated that the Board would be free to continue this case to July 30, 2009, which is the first possible
26 date that would be available.

27

28 **Mr. Thorsland moved, seconded by Mr. Courson to continue Case 645-S-09, Robert and Barbara**
29 **Gerdes to the July 30, 2009, public hearing. The motion carried by voice vote.**