

CASE 037-AT-22

SUPPLEMENTAL MEMORANDUM #1

MARCH 23, 2022

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

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

Location: Unincorporated Champaign County

Time Schedule for Development: As soon as possible

Prepared by: **Susan Burgstrom**, Senior Planner
John Hall, Zoning Administrator

STATUS

An email was received the day after the March 17th ZBA hearing for this case – see Attachment B.

P&Z Staff revised the Summary Finding of Fact to include a summary of all public comments received before and during the March 17, 2022 ZBA meeting for this case – see Attachment C.

ATTACHMENTS

- A Legal advertisement for Case 037-AT-22 dated March 2, 2022
- B Email from Mick & Mary Schumacher received March 18, 2022
- C Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 037-AT-22 dated March 31, 2022, with attachment:
 - Exhibit A: Proposed Amendment dated March 17, 2022

LEGAL PUBLICATION: WEDNESDAY, MARCH 2, 2022

CASE: 037-AT-22

NOTICE OF PUBLIC HEARING IN REGARD TO AN AMENDMENT TO THE TEXT OF THE CHAMPAIGN COUNTY ZONING ORDINANCE

CASE 037-AT-22

The Champaign County Zoning Administrator, 1776 East Washington Street, Urbana, has filed a petition to amend the text of the Champaign County Zoning Ordinance. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 East Washington Street, Urbana, IL.

A public hearing will be held **Thursday, March 17, 2022 at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, IL, at which time and place the Champaign County Zoning Board of Appeals will consider a petition for the following:

Amend the Champaign County Zoning Ordinance as follows:

1. Regarding Right to Farm Resolution 3425, add new paragraph 6.1.4 A.3. as follows:
 3. The owners of the subject property and the Applicant, its successors in interest, and all parties to the decommissioning plan and site reclamation plan hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.
2. Regarding WIND FARM TOWER height, amend Sections 6.1.4 C and D as follows:
 - A. Amend Section 6.1.4 C.1. and 2. as follows:
 1. Change the minimum required separation from 1,000 feet to 2.00 times the maximum allowed total WIND FARM TOWER HEIGHT between a WIND FARM TOWER and any PARTICIPATING DWELLING OR PRINCIPAL BUILDING.
 2. Change the minimum required separation from 1,000 feet to 2.40 times the maximum allowed total WIND FARM TOWER HEIGHT between a WIND FARM TOWER and any NON-PARTICIPATING DWELLING OR PRINCIPAL BUILDING.
 - B. Amend 6.1.4 D.5. as follows:
 5. Change the maximum WIND FARM TOWER HEIGHT from 500 feet to having no limit, subject to conformance to all FAA requirements including an FAA Determination of No Hazard with or without Conditions.
3. Regarding Aircraft Detection Lighting Systems (ADLS), revise paragraph 6.1.4 D.7. as follows:
 7. Require all WIND FARM TOWERS to use ADLS (aircraft detection lighting system) or equivalent system to reduce the impact of nighttime lighting on nearby residents, communities and migratory birds in accordance with the FAA Advisory circular: 70/7460-IL section 14.1.
4. Regarding the Agricultural Impact Mitigation Agreement, revise Section 6.1.4 as follows:
 - A. Add new Section 6.1.4R: Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture, as follows:

- (1) If provided by state law, the Applicant shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
 - (2) The Applicant shall bear full responsibility for coordinating any special conditions required in the SPECIAL USE Permit in order to ensure compliance with the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
 - (3) All requirements of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture shall become requirements of the COUNTY Board SPECIAL USE Permit.
 - (4) Champaign County shall have the right to enforce all requirements of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- B. Add new paragraph 6.1.4A.4 as follows:
All aboveground STRUCTURES and facilities shall be of a type and shall be located in a manner that is consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.4R.
- C. Revise Section 6.1.4E. to require conformance with the approved Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- D. Add new paragraph 6.1.4P.4.g. as follows:
Any financial assurance required per the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.4R. shall count towards the total financial assurance required for compliance with paragraph 6.1.1A.5.
- E. Add new paragraph 6.1.4S.1.d. as follows and re-letter subsequent paragraphs:
The Applicant shall include a copy of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture with the Zoning Use Permit Application to authorize construction.
5. Regarding WIND FARM fees, revise Section 9 as follows:
- A. Revise paragraph 9.3.1H. as follows:
Increase WIND FARM TOWER or BIG WIND TURBINE TOWER fee from \$4,500 to \$10,000.
 - B. Revise paragraph 9.3.3B.6. as follows:
Increase the County Board WIND FARM SPECIAL USE Permit from \$20,000 to \$34,000 and the per WIND FARM TURBINE TOWER from \$440 to \$760.

All persons interested are invited to attend said hearing and be heard. If you would like to submit comments or questions before the meeting, please call the P&Z Department at 217-384-3708 or email zoningdept@co.champaign.il.us no later than 4:30 pm the day of the meeting. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, MARCH 2, 2022, ONLY

Send bill and one copy to: Champaign County Planning and Zoning Dept.
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802
Phone: 384-3708

Our News Gazette account number is 99225860.

Susan Burgstrom

From: Stephanie N. Berry
Sent: Thursday, March 17, 2022 5:39 PM
To: Susan Burgstrom
Subject: FW: wind farm

RECEIVED

MAR 18 2022

CHAMPAIGN CO. P & Z DEPARTMENT

From: mschum5691@aol.com
Date: 3/17/22 5:37 PM (GMT-06:00)
To: zoningdept <zoningdept@co.champaign.il.us>
Subject: wind farm

It has been brought to our attention that a wind farm is being proposed just south of Sidney. My wife and I are land owners south of Sidney and have some concerns. I have concerns on the height of the towers, designed setbacks. Also setbacks from neighboring property owners. Please keep us informed of the proposed project.

Thank you
Mick & Mary Schumacher
Sidney, IL

P.S. Would also like to know the size of the project?
EMAIL. mschum5691@aol.com

DRAFT REVISED 03/31/22

037-AT-22

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

Final Determination: *{RECOMMEND ENACTMENT/RECOMMEND DENIAL}*

Date: *{March ~~17~~31, 2022}*

Petitioner: **Zoning Administrator**

Request: **Amend the Champaign County Zoning Ordinance as follows:**

1. **Regarding Right to Farm Resolution 3425, add new paragraph 6.1.4 A.3. as follows:**
 3. **The owners of the subject property and the Applicant, its successors in interest, and all parties to the decommissioning plan and site reclamation plan hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

2. **Regarding WIND FARM TOWER height, amend Sections 6.1.4 C and D as follows:**
 - A. **Amend 6.1.4C. 1. and 2. as follows:**
 1. **~~At least 1,000 feet~~ The minimum required separation from the exterior above-ground base of a WIND FARM TOWER to any PARTICIPATING DWELLING OR PRINCIPAL BUILDING shall be no less than 2.00 times the maximum allowed total WIND FARM TOWER HEIGHT provided that the noise level caused by the WIND FARM at the particular building complies with the applicable Illinois Pollution Control Board regulations.**

 2. **~~At least 1,200 feet~~ The minimum required separation from the exterior above-ground base of a WIND FARM TOWER to any existing NON-PARTICIPATING DWELLING OR PRINCIPAL BUILDING shall be no less than 2.40 times the maximum allowed total WIND FARM TOWER HEIGHT provided that the noise level caused by the WIND FARM at the particular building complies with the applicable Illinois Pollution Control Board regulations and provided that the separation distance meets or exceeds any separation recommendations of the manufacturer of the wind turbine used on the WIND FARM TOWER.**

B. Amend 6.1.4 D.5. as follows:

5. The total WIND FARM TOWER HEIGHT (measured to the tip of the highest rotor blade) ~~must be less than 500 feet shall be the specified in the application. A total WIND FARM TOWER HEIGHT of 500 feet or greater shall conform to all Federal Aviation Administration (FAA) requirements including an FAA Determination of No Hazard with or without Conditions.~~

3. Regarding Aircraft Detection Lighting Systems (ADLS), revise paragraph 6.1.4 D.7. as follows:

The WIND FARM shall comply with all applicable Federal Aviation Administration (FAA) requirements which shall be explained in the application. The minimum lighting requirement of the FAA shall not be exceeded except that all WIND FARM TOWERS are required to use ADLS (aircraft detection lighting system) or equivalent system to reduce the impact of nighttime lighting on nearby residents, communities and migratory birds in accordance with the FAA Advisory circular: 70/7460-IL section 14.1. shall be lighted and unless otherwise required by the FAA only red flashing lights shall be used at night and only the minimum number of such lights with the minimum intensity and the minimum number of flashes per minute (longest duration between flashes) allowed by FAA."

4. Regarding the Agricultural Impact Mitigation Agreement, revise Section 6.1.4 as follows:

A. Add new Section 6.1.4 R: Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as follows, and re-letter subsequent sections:

- (1) If provided by state law, the Applicant shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- (2) The Applicant shall bear full responsibility for coordinating any special conditions required in the SPECIAL USE Permit in order to ensure compliance with the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- (3) All requirements of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture shall become requirements of the COUNTY Board SPECIAL USE Permit.
- (4) Champaign County shall have the right to enforce all requirements of the signed Agricultural Impact

Mitigation Agreement with the Illinois Department of Agriculture.

- B. Add new paragraph 6.1.4 A.4. as follows:
All aboveground STRUCTURES and facilities shall be of a type and shall be located in a manner that is consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.4R.
 - C. Revise Section 6.1.4E. to require conformance with the approved Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
 - D. Add new paragraph 6.1.4 P.4.g. as follows:
Any financial assurance required per the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.4R. shall count towards the total financial assurance required for compliance with paragraph 6.1.1A.5.
 - E. Add new paragraph 6.1.4 S.1.d. as follows and re-letter subsequent paragraphs:
The Applicant shall include a copy of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture with the Zoning Use Permit Application to authorize construction.
5. Regarding WIND FARM fees, revise Section 9 as follows:
- A. Revise paragraph 9.3.1 H. as follows:
WIND FARM TOWER or BIG WIND TURBINE TOWER
~~\$4,500~~**10,000**
 - B. Revise paragraph 9.3.3 B.6. as follows:
County Board WIND FARM SPECIAL USE Permit
~~\$20,000~~**34,000** or ~~\$440~~**760** per WIND FARM TURBINE TOWER, whichever is greater

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FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 17~~31~~, 2022**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to revise requirements for wind farms in the Zoning Ordinance.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
 - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:...”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
 - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

REGARDING LRMP GOALS

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states that as follows:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 has 4 objectives and 4 policies. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 1.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed amendment ***WILL NOT IMPEDE*** the achievement of Goal 2.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives and no policies. Objective 3.1 is most relevant to the proposed text amendment. The proposed amendment will ***HELP ACHIEVE*** Goal 3 as follows:

- A. Objective 3.1 states, “Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.”

The proposed amendment will ***HELP ACHIEVE*** Objective 3.1 as follows:

- (1) The proposed text amendment will allow further development of WIND FARMS and WIND TOWERS, which will allow newer technologies to improve Champaign County’s business climate.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

Champaign County will protect the long-term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. Objectives 4.4, 4.5, 4.7, 4.8 and their policies do not appear to be relevant to the proposed text amendment. The proposed amendment will ***HELP ACHIEVE*** Goal 4 for the following reasons:

- A. Objective 4.1 states as follows: **“Champaign County will strive to minimize the fragmentation of the County’s agricultural land base and conserve farmland, generally applying more stringent development standards on *best prime farmland*.”**

The proposed amendment will ***HELP ACHIEVE*** Objective 4.1 for the following reasons:

- (1) The proposed amendment ***WILL NOT IMPEDE*** the achievement of Policies 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.7, 4.1.8, and 4.1.9.
- (2) Policy 4.1.1 states: **“Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.1.1 for the following reasons:

- a. The standard conditions for a WIND FARM TOWER are very restrictive and will ensure the following:
 - (a) Section 6.1.4 C. requires minimum separations between any WIND FARM TOWER and existing adjacent use to minimize issues of land use compatibility.
 - (b) No WIND FARM TOWER shall interfere with agricultural operations (see Objective 4.2).
 - (c) No WIND FARM TOWER shall be located at any location that is not well-suited for that WIND FARM TOWER (see Objective 4.3).
 - (d) Section 6.1.4 D. requires minimum standard conditions for any WIND FARM TOWER related to building codes, electrical components, maximum height, and warning signs.
 - (e) Section 6.1.4 I. establishes standard conditions to ensure that the allowable noise level created by a WIND FARM TOWER is consistent with the Illinois Pollution Control Board regulations that are the same for all rural land uses.
 - (f) Section 6.1.4 N. requires a WIND FARM to carry minimum liability insurance to protect landowners.
 - (g) Section 6.1.4 O. requires operational standard conditions intended to ensure that nuisance conditions are not allowed to exist at a WIND FARM.
 - (h) Section 6.1.4 P. requires any WIND FARM to have an approved Decommissioning and Site Reclamation Plan to ensure that funds will be available to remove a WIND FARM if the WIND FARM ever becomes non-functional.

- (3) Policy 4.1.6 states: **“Provided that the use, design, site and location are consistent with County policies regarding:**
 - i. Suitability of the site for the proposed use;**
 - ii. Adequacy of infrastructure and public services for the proposed use;**
 - iii. Minimizing conflict with agriculture;**
 - iv. Minimizing the conversion of farmland; and**
 - v. Minimizing the disturbance of natural areas; then**
 - a) **On best prime farmland, the County may authorize discretionary residential development subject to a limit on total acres converted which is generally proportionate to tract size and is based on the January 1, 1998 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right development)**

- not to exceed three acres plus three acres per each 40 acres (including any existing right-of-way), but not to exceed 12 acres in total; or**
- b) On best prime farmland, the County may authorize non-residential discretionary development; or**
 - c) The County may authorize discretionary review development on tracts consisting of other than best prime farmland.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.1.6 for the following reasons:

- a. The ZBA has recommended that the proposed amendment will **HELP ACHIEVE** Objective 4.3 regarding location at a suitable site and adequacy of infrastructure and public services.
 - b. The ZBA has recommended that the proposed amendment will **HELP ACHIEVE** Objective 4.2 regarding no interference with agricultural operations.
 - c. The proposed amendment will **HELP ACHIEVE** the County’s policies regarding minimizing the conversion of best prime farmland as follows:
 - (a) The only policy regarding conversion of best prime farmland by non-residential discretionary development is Policy 4.1.6b., which states, “On best prime farmland the County may authorize non-residential development.” Policy 4.1.6.b. has no limit on the conversion of best prime farmland for non-residential discretionary development and is merely a statement of fact and therefore, the proposed amendment does help achieve Policy 4.1.6b.
- B. Objective 4.2 is entitled “Development Conflicts with Agricultural Operations” and states, “Champaign County will require that each *discretionary review* development will not interfere with agricultural operations.”

The proposed amendment will **HELP ACHIEVE** Objective 4.2 because of the following:

- (1) **Policy 4.2.1 states, “The County may authorize a proposed business or other non-residential *discretionary review* development in a rural area if the proposed development supports agriculture or involves a product or service that is better provided in a *rural* area than in an urban area.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.1 for the following reasons:

- a. The Land Resource Management Plan (LRMP) provides no guidance regarding what products or services are better provided in a rural area and therefore that determination must be made in each zoning case.
- b. A WIND FARM TOWER **IS** a service better provided in a rural area as evidenced by the following:
 - (a) WIND FARM TOWERS do not require access to most utilities.

- (b) WIND FARM TOWERS are not compatible with principal structures within the minimum separation distance established by the Zoning Ordinance, which is currently at least 1,000 feet.
 - c. Even though a WIND FARM TOWER does not serve the surrounding agricultural uses directly, the land owner receives payment from the WIND FARM TOWER operator in excess of the value of a crop from that land.
- (2) **Policy 4.2.2 states, “The County may authorize *discretionary review* development in a rural area if the proposed development:**
- a) **is a type that does not negatively affect agricultural activities; or**
 - b) **is located and designed to minimize exposure to any negative affect caused by agricultural activities; and**
 - c) **will not interfere with agricultural activities or damage or negatively affect the operation of agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.2 for the following reasons:

- a. Section 6.1.4 E. details standard conditions to mitigate damage to farmland, including agricultural drainage tile and soil disturbance.
 - b. Proposed Section 6.1.4 R. requires that an applicant shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture, including the following:
 - (a) The Applicant shall bear full responsibility for coordinating any special conditions required in the SPECIAL USE Permit in order to ensure compliance with the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
 - (b) All requirements of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture shall become requirements of the County Board SPECIAL USE Permit.
 - (c) Champaign County shall have the right to enforce all requirements of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- (3) **Policy 4.2.3 states, “The County will require that each proposed discretionary development explicitly recognize and provide for the right of agricultural activities to continue on adjacent land.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.2.3 for the following reason:

- a. Proposed paragraph 6.1.4 A.3. creates a standard condition requiring compliance with the Right to Farm Resolution 3425.
- (4) **Policy 4.2.4 states, “To reduce the occurrence of agricultural land use and non-agricultural land use nuisance conflicts, the County will require that all**

discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary.”

The proposed amendment will *HELP ACHIEVE* Policy 4.2.4 for the following reason:

- a. Section 6.1.4 C. requires minimum separations from adjacent uses and structures as a standard condition.

- C. Objective 4.3 is entitled “Site Suitability for Discretionary Review Development” and states: “Champaign County will require that each discretionary review development is located on a suitable site.”

The proposed amendment will *HELP ACHIEVE* Objective 4.3 because of the following:

- (1) **Policy 4.3.1 states “On other than best prime farmland, the County may authorize a discretionary review development provided that the site with proposed improvements is suited overall for the proposed land use.”**

The proposed amendment will *HELP ACHIEVE* Policy 4.3.1 for the following reasons:

- a. See the discussion under Policy 4.3.2 regarding achievement of Policy 4.3.2. If the proposed amendment achieves Policy 4.3.2, it will also achieve Policy 4.3.1.

- (2) **Policy 4.3.2 states, “On best prime farmland, the County may authorize a discretionary review development provided the site with proposed improvements is well-suited overall for the proposed land use.**

The proposed amendment will *HELP ACHIEVE* Policy 4.3.2 for the following reasons:

- a. Because so much of Champaign County consists of best prime farmland soils, any development of a WIND FARM is likely to be on best prime farmland.
- b. Standard conditions for a WIND FARM will ensure that a WIND FARM shall not be approved on any location that is not well-suited as follows:
 - (a) Section 6.1.4 A.(2) identifies areas where a WIND FARM should not be located.
 - (b) Section 6.1.4 E. details standard conditions to mitigate damage to farmland including underground agricultural drainage tile.
 - (c) Section 6.1.4 J. requires and Endangered Species Consultation with the IDNR and IDNR recommendations will be included in the Agency Action Report submitted with the Special Use Permit Application.
 - (d) Section 6.1.4 K. requires consultation with the State Historic Preservation Officer of IDNR and IDNR recommendations will be

included in the Agency Action Report submitted with the Special Use Permit Application.

- (e) Section 6.1.4 L. requires that the WIND FARM shall be located, designed, constructed, and operated so as to avoid and, if necessary, mitigate impacts to wildlife.
 - (f) Section 6.1.4 M. requires that landscaping, awnings, or fencing shall be provided for any part of a WIND FARM where shadow flicker exceeds the standards established in the Zoning Ordinance.
 - (g) Proposed revision to paragraph 6.1.4 D.7. requires all WIND FARM TOWERS to use ADLS (aircraft detection lighting system) or equivalent system to reduce the impact of nighttime lighting on nearby residents, communities and migratory birds in accordance with the FAA Advisory circular: 70/7460-IL section 14.1.
- (3) **Policy 4.3.3 states, “The County may authorize a discretionary review development provided that existing public services are adequate to support to the proposed development effectively and safely without undue public expense.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.3 for the following reasons:

- a. Section 6.1.4 H. requires the applicant for any WIND FARM to submit a copy of the site plan to the relevant Fire Protection District and to cooperate with the Fire Protection District to develop the Fire Protection District’s emergency response plan for the proposed WIND FARM.

- (4) **Policy 4.3.4 states, “The County may authorize a discretionary review development provided that existing public infrastructure, together with proposed improvements, is adequate to support the proposed development effectively and safely without undue public expense.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.4 for the following reasons:

- a. Section 6.1.4 F. requires a Roadway Upgrade and Maintenance agreement with the relevant highway authority.

- (5) **Policy 4.3.5 states, “On best prime farmland, the County will authorize a business or other non-residential use only if:**
- a. **It also serves surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or**
 - b. **the use is otherwise appropriate in a rural area and the site is very well suited to it.”**

The proposed amendment will **HELP ACHIEVE** Policy 4.3.5 for the following reasons:

- a. As reviewed for Policy 4.2.1 in this Finding of Fact:

- (a) A WIND FARM **IS** a service better provided and therefore **IS** appropriate in a rural area.
- b. Regarding location of a WIND FARM on a less productive site, the following is reviewed under Policy 4.3.2 in this Finding of Fact:
 - (a) It is unlikely that a WIND FARM in Champaign County will be located on less than best prime farmland.

10. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 has 3 objectives and 15 policies. The proposed amendment is **NOT RELEVANT** to Goal 5 in general.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. Objectives 6.2, 6.3, and 6.4 are not relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** Goal 6 for the following reasons:

- A. Objective 6.1 states, “**Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.**” Objective 6.1 has four subsidiary policies; policy 6.1.3 is the only relevant policy, and it states the following:
 - (1) Policy 6.1.3 states, “**The County will seek to prevent nuisances created by light and glare and will endeavor to limit excessive night lighting, and to preserve clear views of the night sky throughout as much of the County as possible.**” The proposed amendment will **HELP ACHIEVE** Objective 6.1.3 as follows:
 - a. Section 6.1.2 A. of the Zoning Ordinance requires that any SPECIAL USE Permit with exterior lighting shall be required to minimize glare onto adjacent properties by the use of full-cutoff type lighting fixtures with maximum lamp wattages.
 - b. Proposed revision to paragraph 6.1.4 D.7. requires all WIND FARM TOWERS to use ADLS (aircraft detection lighting system) or equivalent system to reduce the impact of nighttime lighting on nearby residents, communities and migratory birds in accordance with the FAA Advisory circular: 70/7460-IL section 14.1.
 - c. Section 6.1.4 M. requires that landscaping, awnings, or fencing shall be provided for any part of a WIND FARM where shadow flicker exceeds the standards established in the Zoning Ordinance.

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed amendment is **NOT RELEVANT** to Goal 7 in general.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. The proposed amendment is **NOT RELEVANT** to Goal 8 in general.

14. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 9.

15. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 has 1 objective and 1 policy. The proposed amendment is **NOT RELEVANT** to Goal 10 in general.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is consistent with this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is consistent with this purpose.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public STREETS.

The proposed amendment is not directly related to this purpose.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

~~The proposed amendment is consistent with this purpose.~~

(1) The following is a summary of communications received prior to the March 17, 2022 ZBA public hearing for this case:

- a. In an email received March 16, 2022, Shannon Reel asked for clarification on several questions related to the proposed wind farm ordinance revisions. She expressed concerns about ensuring her entire property, not just her residence, would not be infringed upon by insufficient setback from turbines. She also mentioned noise, lights, vibrations, and ice shed. She would like a setback that is 6 times the total height for non-participatory property lines. She would like a moratorium of 18 months on special use wind farm applications in Champaign County.
- b. In an email received March 16, 2022, Jennifer Eisenmenger said that she is opposed to industrial wind farms. She said wind Farms are invasive to wild places, damaging to animals and humans, and require so much fossil fuel in the manufacturing, transportation, maintenance, and disposal that they actually do little to offset it's usage. She is against unlimited heights on wind turbines, and in favor of significantly increased setbacks from households. She asked that consideration be given to what happens (as illustrated in Douglas County) when wind farms go out of business, leaving counties and land owners with the health and safety issues that come with deteriorating turbines.
- c. In an email received March 17, 2022, Benjamin Rice said he is opposed to having no height restrictions and also to the setback being measured from his home and not his property line. He said his yard would be unenjoyable due to noise and it could be dangerous for his family.
- d. In an email received March 17, 2022, Heidi Leerkamp said she is opposed to all changes which increase the height allowed for wind turbines or lessen setbacks from non-participating property or dwellings. She said a wind farm project might be considered a win for economic development but would be a long term drain on the health and welfare of our county. She said these projects greatly impact their daily quality of life and enjoyment of their

home property. They negatively affect their ability to operate their family farm as well as the values of their home and farm properties. She mentioned negative impacts on area infrastructure and little benefit for local jobs related to the wind farms. She said that both physical and mental health are negatively impacted by living under and around moving structures of an unprecedented size. She expressed concern about decommissioning of the wind turbines. She asked that no more wind projects be approved in our area and no increases be made to the current wind turbine height limits, and no decreases to the turbine setback limits be made.

- e. In an email received March 17, 2022, Justin Leerkamp said that he is against any increase above the current height restriction on wind turbines. He said that further and larger setbacks from property lines, not just occupied dwellings would be welcome, but increases in height will only add to further problems for rural residences, and property values for rural homes. He expressed concern about the decommissioning of wind turbines. He said his biggest objections to increasing height is both noise and shadows from the blades, both during the day and from the lighting systems at night bouncing off the blades. He said he supports the use of new lighting systems that are activated when aircraft are near, but questions how effective this will be when areas south east of Willard airport are in the ILS path of its runways.
- f. In an email received March 17, 2022, David Happ said he supports adding the ADLS lighting requirements to the ordinance. He said he does not support increases to maximum height of the turbines. He said that Champaign County should change their ordinance to specify a separation distance of 3,250 feet from any residence, and one-half mile from any property line, and he does not think a property owner should be allowed to waive these requirements. He said that increasing the maximum tower height and supporting lower separation distances, is exactly the opposite of what people who have lived near windfarms in the past have asked for.
- g. In an email received March 17, 2022, Todd Horton said that there is insufficient concern to remedy shadow flicker in the Zoning Ordinance.
- h. In an email received March 17, 2022, Darrel and Regina Rice said it makes no sense to them to take ground in this part of the country out of production for a wind farm. They don't want to see it, hear it, farm around it, and they don't want it near their homes or on their land. They asked for reasonable height limits on the turbines, and to increase the setbacks beyond what is currently being considered.
- i. In an email received March 17, 2022, Donald Carter expressed concern about health impacts due to insufficient setbacks and noise from the turbines. He is concerned about decreased property values due to wind farms, infrastructure damage and harm to productivity of farm ground where turbines are located, and with ongoing maintenance of turbines as deterioration had been experienced in other nearby windfarms.

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- j. In an email received March 17, 2022, Cary and Pam Leerkamp said they have concerns about decreasing property values and asked that the ZBA consider the welfare of county residents.
- k. In an email received March 17, 2022, Traci Bosch had concerns about Carle hospital helicopter safety as they maneuver around turbines. She is concerned about her water supply, noise, rural infrastructure during and after construction of the turbines, and permanent scarring of the soil and roads due to turbine construction. She asked for consideration of rural taxpayers and decreasing property values.
- l. In an email received March 17, 2022, Brandon and Sarah Hastings said they are opposed to having no height restriction on wind turbines. They expressed concern about debris being thrown from turbines, health issues caused by turbines, potential impacts on internet service, reduced property values, damage to fields and drainage tile, and how fee revenues from turbine projects would be used by the County.
- m. In an email received March 17, 2022, Michelle and Scott Wiesbrook said they had concerns about traffic during wind farm construction, having an unlimited height for wind turbines, noise, flicker, vibration, constructing wind farms on productive farmland, and decommissioning the turbines.
- n. In an email received March 17, 2022, Lynn Rice said the proposed unlimited height and short setback restrictions being proposed at tonight's meeting should be denied. She mentioned adverse health and sleep effects due to proximity to wind turbines, and said they should have a maximum height of 500 feet and minimum setback of 1.25 miles from homes.
- o. In an email received March 17, 2022, Josh Kamerer asked what would be done to alleviate any broadband/internet service interruptions as many have school age children who depend on internet access.
- p. In an email received March 17, 2022, Steven Herriott said that wind turbines are a blight on our beautiful countryside. He said turbine companies should be held to standards of fixing the roads they destroy.
- q. In an email received March 17, 2022, Tiffany Byrne said she had concerns about health impacts due to proximity to wind turbines. She also mentioned impacts on wildlife and livestock. She asked that the height limit not exceed the current 500 feet and that homes should be at least 1.25 miles away from wind turbines.
- r. In an email received March 17, 2022, Adam Watson said that he is in complete opposition of changing the wind tower height limit to unlimited and changing the setbacks.
- s. In an email received March 17, 2022, Natalie Thomas said she had concerns about noise from the turbines, having sufficient setbacks from the

turbines, impacts on area communities, sleep deprivation and other health issues, travel safety and making sure roads are in good repair, decommissioning of wind turbines, impacts on wildlife, and public welfare.

- t. In an email received March 17, 2022, Jan Niccum said that she had concerns about decommissioning, road conditions, financial benefits to local communities from the wind farms, and reducing flicker and hum from the turbines.
- u. In an email received March 17, 2022, Aaron Fenter said he had concerns about unlimited height and insufficient setbacks from wind turbines. He said the zoning department has a responsibility to the many rural residents to not allow anything that would detract from their quality of life, their comfort in their homes or the value of their properties.
- v. In an email received March 17, 2022, Kate Boyer said she opposes wind farms, especially due to concerns with her health and that of her children. She said noise and flickering are major triggers for her seizures and for her children's autistic episodes, and living in the peaceful country has improved their health.
- w. In an email received March 17, 2022, Stephen Smith said he opposes putting a wind farm in the area. He expressed concerns about road conditions, damaged field tiles, the hazard of wind turbines to agricultural air applications of seeds and chemicals, noise, strobe effect/lighting, blade breakage, and traffic increases from turbine construction.
- x. In an email received March 17, 2022, Jennifer Miller, DVM, said she had concerns about the impacts of wind farms on livestock. She said that chronic stress may impact egg laying, rate of gain, milk production, fertility and stereotypies (cribbing and weaving). She said this can impact families raising the livestock. She asked for consideration of setback to property lines and not just to homes, and for noise levels below 39 decibels. She would like the height capped at 500 feet.

(2) The following is a summary of testimony received at the March 17, 2022 ZBA public hearing for this case:

- a. Stephen Smith stated that he is against putting wind farms in and has several concerns: roads being destroyed during wind farm construction and not being repaired after, broken drainage tiles that are not always repaired, the hazard of wind turbines to agricultural air applications of seeds and chemicals, noise, turbine blade breakage, shadow flicker, and ice/snow shed. He said the turbines should be set back farther and setback should be measured from the property line.
- b. William Boyer spoke on behalf of his mother, Kate Boyer. He said they have health concerns related to the wind turbines. She suffers from temporal lobe epilepsy, and several of her children are on the autism spectrum. One of the main reasons they purchased an isolated country

- house was to bring relief to their health. Noise and flickering lights are major triggers for both her epileptic seizures and her children's autistic episodes. She said moving to the peaceful country was such an amazing transformation of mental and physical health. She asked that the County not allow wind turbines in the area.
- c. Dirk Rice said that the setback for non-participating residences should be at least twice that of participating residences. He spoke in favor of the Aircraft Detection Lighting System. He recommended against the proposed setbacks and said the turbines need to be much farther away from residences.
- d. Sarah Hastings said she opposed the unlimited height restriction. She provided articles, one of which said that a 300-foot wind turbine could throw debris 1,200 feet. She said that another article stated that wind turbines can cause health issues and interfere with radio, TV, satellite and radar signals. She also expressed concern about decreased property values.
- e. Kirk Allen said he was with Edgar County Watchdogs, expressed concern about property rights, and how the Zoning Act in the Illinois County Code stipulates the “authority to regulate and restrict location and use of structures for the purpose of promoting the public health, safety, morals, comfort, general welfare, conserving the value of property throughout the County.” He suggested that the Board review Zoning Ordinances from Christian County and Edgar County.
- f. Brian Armstrong, Attorney with the firm of Luetkehans, Brady, Garner & Armstrong, said he was speaking on behalf of numerous people in the audience and some who could not attend the meeting. He expressed concerns about noise, the insufficient setbacks proposed, and how turbine height should have a limit. He provided eight exhibits for the Board. He provided data from noise analyses done by Dr. Paul Schomer, acoustician. He encouraged the Board to adopt a setback of no less than 3,250 feet from a wind turbine rather than a setback that is a function of turbine height.
- g. Ted Hartke communicated his personal experience with how turbine noise caused him and his family to move from a perfectly good home in Vermilion County. He recommended that Champaign County adopt a setback of no less than 3,250 feet from a wind turbine based on Dr. Schomer’s noise analyses. He said he supports a 500 foot limit on the turbine height.
- h. Darrell Rice said that it makes no sense to them to take ground in this part of the country out of production for a wind farm; they don't want to see it, hear it, farm around it, have it near their homes or on their land. He asked the Board to place reasonable height limits on turbines and increase the setbacks beyond what is being considered.
- i. Benjamin Rice said that he wants his family to be able to enjoy their entire seven acres of land. He expressed concerns about noise, safety from

- turbines breaking apart and throwing ice, and the height of the turbines. He asked for consideration of their rights and getting to enjoy peace and quiet in the country.
- j. Brad Shotton asked the Board to give them a voice in order to preserve the properties they have. He would like increased setbacks, a limit on the wind turbine height, and asked the Board not to accept the proposal before them. He expressed concern about noise, vibrations, and shadow flicker.
- k. Ed Decker said it would be totally irresponsible to give the wind turbine an unlimited height, and he would like the Board to keep it at the 500 feet height limit. He said he thinks the 3,250 feet has come up several times tonight for the setback, and he thinks that would be a reasonable setback, and he thinks that needs to be from each property line as well as each dwelling. He expressed concern about noise and property values.
- l. Kelly Vetter said that she thinks there is a conflict of interest that the wind company's engineer oversees the decommissioning estimates for the existing wind farm. She asked that Champaign County do what other counties have done, which is to make ordinances that prevent a wind farm from even coming in.
- m. Todd Horton said that he is really concerned that an incompatible land use would be something, that creates flickering lights coming through the windows of their homes. He said when it comes to shadow flicker, there is no standard for what an acceptable reduction of shadow flicker is, but they don't have anything in the current Zoning Ordinance that says anything is enforceable, other than the wind farm project developer provides a shadow flicker study, but it doesn't say the wind farm project developer has to follow the study. He said that he hopes the wind turbines are not allowed to be taller.
- n. Don Carter said that there is a company, NextEra Energy, that is planning a wind farm on 50,000 acres south of Philo, Sidney and Homer. He said the Board members are the residents' champions; the Board is the one that stands between the residents and people that many of the residents feel would ill-use that land out there. He asked the Board to take up their case, take up their cause by passing responsible aspects of this ordinance that is before them.
- o. Charlie Mitsdarfer said he is really worried about the height, and even more concerned about the setbacks. He said these are an eyesore, and he is worried about property values and mitigating existing land problems caused by wind farm construction. He said roads are in poor shape and there are broken field tiles, and the land will never be what it was before that construction. He said he has heard of issues with well water. He questioned the unlimited height proposed, and asked for a one-mile setback from turbines.

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- p. Justin Leerkamp said he farms in the Douglas County area adjacent to many of these windmills, and he feels that the setback multiplier is not large enough having worked under these 600 foot towers. He said if we do use a multiplier, to increase the height, it should not be linear, it should be exponential as the height increases. He said the purpose of that would be to reduce the shadow flicker. He said he really doesn't feel that the height increase is warranted at this time; he feels that the 500 foot limit has worked for this county. He said he is in favor of lighting mitigation.
- q. William Mitsdarfer said he hears people complain about the railroad a lot, or living next to a grain elevator. He said he understands that it's probably noisy and dirty or whatever, but that elevator or railroad were there before the house was or the town, so people knew that when they moved there. He said their homes are there now and there's no windmills. He saw no good in having windmills.
- r. Traci Bosch said she is just 3-3/4 miles from the Douglas County windmills. She said they sound like a constant blowtorch, and urged the Board to drive out to a windmill and listen before making any decisions. She said that the Board should talk to residents of northern Champaign County about what it is like when a turbine blows apart. She expressed concerns about road conditions, property values, and impacts on school and fire station revenues.
- s. Daniel Herriott asked the Board to consider Dekalb County's wind farm ordinance, which has a setback that is six times the turbine height and allows zero flicker on non-participating neighbors. He said the height limit should be kept at 500 feet.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected.

The proposed amendment is consistent with this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of LOT areas, and regulating and determining the area of open spaces within and surrounding BUILDINGS and STRUCTURES.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES.

The proposed amendment is consistent with this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide 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.

The proposed amendment is not directly related to this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform.

The proposed amendment is consistent with this purpose.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit USES, BUILDINGS, or STRUCTURES incompatible with the character of such DISTRICTS.

The proposed amendment is consistent with this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent 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.

The proposed amendment is not directly related to this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban USES.

The proposed amendment is consistent with this purpose.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development

of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is consistent with this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is consistent with this purpose.

17. The proposed text amendment **WILL** improve the text of the Zoning Ordinance because it **WILL** provide:
- A. A classification which allows WIND FARMS and WIND TOWERS to be developed while establishing minimum requirements that ensure the purposes of the Zoning Ordinance will be met.
 - B. A means to regulate an activity for which there is demonstrated demand.

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 17~~31~~, 2022**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance text amendment ***IS NECESSARY TO ACHIEVE*** the Land Resource Management Plan because:
 - A. The proposed Zoning Ordinance text amendment will ***HELP ACHIEVE*** LRMP Goals 3, 4 and 6.
 - B. The proposed Zoning Ordinance text amendment ***WILL NOT IMPEDE*** the achievement of LRMP Goals 1, 2 and 9.
 - C. The proposed Zoning Ordinance text amendment is ***NOT RELEVANT*** to LRMP Goals 5, 7, 8 and 10.
2. The proposed text amendment ***WILL*** improve the Zoning Ordinance because it will:
 - A. ***HELP ACHIEVE*** the purpose of the Zoning Ordinance (see Item 16).
 - B. ***IMPROVE*** the text of the Zoning Ordinance (see Item 17).

DOCUMENTS OF RECORD

1. Legal advertisement for Case 037-AT-22
2. Preliminary Memorandum for Case 037-AT-22, with attachments:
 - A Legal advertisement
 - B ELUC Memorandum dated December 27, 2021
 - Exhibit A: Proposed Amendment dated December 27, 2021
 - C Land Resource Management Plan (LRMP) Goals & Objectives
(available on ZBA meetings website)
 - D Preliminary Finding of Fact, Summary Finding of Fact, and Final Determination for Case 037-AT-22 dated March 17, 2022, with attachment:
 - Exhibit A: Proposed Amendment dated March 17, 2022
3. Emails received prior to March 17, 2022 ZBA meeting:
 - A Received from Shannon Reel on March 16, 2022
 - B Received from Jennifer Eisenmenger on March 16, 2022
 - C Received from Benjamin Rice on March 17, 2022
 - D Received from Heidi Leerkamp on March 17, 2022
 - E Received from Justin Leerkamp on March 17, 2022
 - F Received from David Happ on March 17, 2022
 - G Received from Todd Horton on March 17, 2022
 - H Received from Darrel & Regina Rice on March 17, 2022
 - I Received from Donald Carter on March 17, 2022
 - J Received from Cary and Pam Leerkamp on March 17, 2022
 - K Received from Traci Bosch on March 17, 2022
 - L Received from Brandon and Sarah Hastings on March 17, 2022
 - M Received from Michelle & Scott Wiesbrook on March 17, 2022
 - N Received from Lynn Rice on March 17, 2022
 - O Received from Kim Decker on March 17, 2022
 - P Received from Steven Herriott on March 17, 2022
 - Q Received from Tiffany Byrne on March 17, 2022
 - R Received from Adam Watson on March 17, 2022
 - S Received from Natalie Thomas on March 17, 2022
 - T Received from Jan Niccum on March 17, 2022
 - U Received from Aaron Fenter on March 17, 2022
 - V Received from Kate Boyer on March 17, 2022
 - W Received from Stephen Smith on March 17, 2022
 - X Received from Jennifer Miller on March 17, 2022
4. Exhibits received at ZBA meeting from Brian Armstrong, Attorney with Luetkehans, Brady, Garner & Armstrong LLC:
 - 1 Wind Turbine Noise & Health Study: Summary of Results
 - 2 Health Effects from Wind Turbine Low Frequency Noise & Infrasound
 - 3 A Review of an Acoustic Testing Program of Cape Bridgewater Wind Farm
 - 4 McLean County ZBA meeting transcript from January 24, 2018

- 5 A Cooperative Measurement Survey and Analysis of Low Frequency and Infrasound at the Shirley Wind Farm in Brown County, Wisconsin
- 6 Proposed Minimum Siting Distances for Livingston County Wind Farms
- 7 Alta Farm Wind Project II, LLC, DeWitt County, Illinois, Property Value Impact Analysis
- 8 Wind Turbine Noise: Effects on Human Health presentation at Christian County ZBA, June 23, 2020

5. Email received from Mick & Mary Schumacher on March 18, 2022

6. Supplemental Memorandum #1 dated March 23, 2022, with attachments:

A Legal advertisement for Case 037-AT-22 dated March 2, 2022

B Email from Mick & Mary Schumacher received March 18, 2022

C Revised Finding of Fact, Summary Finding of Fact, and Final Determination for Case 037-AT-22 dated March 31, 2022, with attachment:

- Exhibit A: Proposed Amendment dated March 17, 2022

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FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County recommends that:

The Zoning Ordinance Amendment requested in **Case 037-AT-22** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

PROPOSED AMENDMENT DATED MARCH 17, 2022

1. **Regarding Right to Farm Resolution 3425, add new paragraph 6.1.4 A.3. as follows:**
 3. The owners of the subject property and the Applicant, its successors in interest, and all parties to the decommissioning plan and site reclamation plan hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.

2. **Regarding WIND FARM TOWER height, amend Sections 6.1.4 C and D as follows:**
 - A. Amend 6.1.4C. 1. and 2. as follows:
 1. ~~At least 1,000 feet~~ The minimum required separation from the exterior above-ground base of a WIND FARM TOWER to any PARTICIPATING DWELLING OR PRINCIPAL BUILDING shall be no less than 2.00 times the maximum allowed total WIND FARM TOWER HEIGHT provided that the noise level caused by the WIND FARM at the particular building complies with the applicable Illinois Pollution Control Board regulations.
 2. ~~At least 1,200 feet~~ The minimum required separation from the exterior above-ground base of a WIND FARM TOWER to any existing NON-PARTICIPATING DWELLING OR PRINCIPAL BUILDING shall be no less than 2.40 times the maximum allowed total WIND FARM TOWER HEIGHT provided that the noise level caused by the WIND FARM at the particular building complies with the applicable Illinois Pollution Control Board regulations and provided that the separation distance meets or exceeds any separation recommendations of the manufacturer of the wind turbine used on the WIND FARM TOWER.
 - B. Amend 6.1.4 D.5. as follows:
 5. The total WIND FARM TOWER HEIGHT (measured to the tip of the highest rotor blade) ~~must be less than 500 feet shall be the specified in the application. A total WIND FARM TOWER HEIGHT of 500 feet or greater shall conform to all Federal Aviation Administration (FAA) requirements including an FAA Determination of No Hazard with or without Conditions.~~

3. **Regarding Aircraft Detection Lighting Systems (ADLS), revise paragraph 6.1.4D.7. as follows:**

The WIND FARM shall comply with all applicable Federal Aviation Administration (FAA) requirements which shall be explained in the application. The minimum lighting requirement of the FAA shall not be exceeded except that all WIND FARM TOWERS are required to use ADLS (aircraft detection lighting system) or equivalent system to reduce the impact of nighttime lighting on nearby residents, communities and migratory birds in accordance with the FAA Advisory circular: 70/7460-IL section 14.1. shall be lighted and unless otherwise required by the FAA only red flashing lights shall be used at night and only the minimum number of such lights with the minimum intensity and the minimum number of flashes per minute (longest duration between flashes) allowed by FAA."

4. **Regarding the Agricultural Impact Mitigation Agreement, revise Section 6.1.4 as follows:**
- A. Add new Section 6.1.4R: Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as follows, and re-letter subsequent sections:
- (1) If provided by state law, the Applicant shall enter into an Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
 - (2) The Applicant shall bear full responsibility for coordinating any special conditions required in the SPECIAL USE Permit in order to ensure compliance with the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
 - (3) All requirements of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture shall become requirements of the COUNTY Board SPECIAL USE Permit.
 - (4) Champaign County shall have the right to enforce all requirements of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture.
- B. Add new paragraph 6.1.4A.4. as follows:
All aboveground STRUCTURES and facilities shall be of a type and shall be located in a manner that is consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.4R.
- C. Revise 6.1.4E.1. as follows:
All underground wiring or cabling for the WIND FARM shall be at a minimum depth of 4 feet below grade or deeper if required to maintain a minimum one foot of clearance between the wire or cable and any agricultural drainage tile or a lesser depth if so authorized by the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.4R.
- D. Revise paragraph 6.1.4E.2.h. as follows:
Permanent tile repairs shall be made within 14 days of the tile damage provided that weather and soil conditions are suitable or a temporary tile repair shall be made. Immediate temporary repair shall also be required if water is flowing through any damaged tile line. Temporary repairs are not needed if the tile lines are dry and water is not flowing in the tile provided the permanent repairs can be made within 14 days of the damage. All permanent and temporary tile repairs shall be made as detailed in the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.4R. and shall not be waived or modified except as authorized in the SPECIAL USE Permit.
- E. Revise paragraph 6.1.4E.3. as follows:
All soil conservation practices (such as terraces, grassed waterways, etc.) that are damaged by WIND FARM construction and/or decommissioning shall be restored by the applicant to the pre-WIND FARM construction condition in a manner consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.4R.

- F. Add new paragraph 6.1.4E.4.e. as follows:
All topsoil shall be placed in a manner consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.4R.
- G. Add new paragraph 6.1.4E.5.c. as follows:
All mitigation of soil compaction and rutting shall be consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.4R.
- H. Add new paragraph 6.1.4E.6.c. as follows:
All land leveling shall be consistent with the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.4R.
- I. Add new paragraph 6.1.4P.4.g. as follows:
Any financial assurance required per the Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture as required by paragraph 6.1.4R. shall count towards the total financial assurance required for compliance with paragraph 6.1.1A.5.
- J. Add new paragraph 6.1.4S.1.d. as follows and re-letter subsequent paragraphs:
The Applicant shall include a copy of the signed Agricultural Impact Mitigation Agreement with the Illinois Department of Agriculture with the Zoning Use Permit Application to authorize construction.

5. Regarding WIND FARM fees, revise Section 9 as follows:

- A. Revise paragraph 9.3.1H. as follows:
WIND FARM TOWER or BIG WIND TURBINE TOWER.....~~\$4,500~~10,000
- B. Revise paragraph 9.3.3B.6. as follows:
County Board WIND FARM SPECIAL USE Permit~~\$20,000~~34,000
or ~~\$440~~760 per WIND FARM TURBINE TOWER, whichever is greater