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4 **MINUTES OF REGULAR MEETING**

6 **Champaign County Environment** **DATE:** **October 14, 2008**
7 **& Land Use Committee** **TIME:** **7:00 p.m.**
8 **Champaign County Brookens** **PLACE:** **Lyle Shields Meeting Room**
9 **Administrative Center** **Brookens Administrative Center**
10 **Urbana, IL 61802** **1776 E. Washington Street**
11 **Urbana, IL 61802**

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15 **MEMBERS PRESENT:** Jan Anderson, Matthew Gladney, Brad Jones, Alan Kurtz, Ralph
16 Langenheim, Steve Moser, Jon Schroeder (VC), Barbara Wysocki (C)

17
18 **OTHER COUNTY**
19 **BOARD MEMBERS**

20 **PRESENT:** Pius Wiebel (County Board Chair)

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22
23 **MEMBERS ABSENT:** Chris Doenitz

24
25 **STAFF PRESENT:** John Hall, Leroy Holliday, J.R. Knight, Susan Chavarria (Regional Planning
26 Commission)

27
28 **OTHERS PRESENT:** Wayne Busboom, Patty Busboom

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32 **1. Call to Order, Roll Call**

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34 The meeting was called to order at 7:04 p.m. The roll was called and a quorum declared present.

35
36 **2. Approval of Agenda**

37
38 **Mr. Kurtz moved, seconded by Mr. Gladney to approve the agenda as submitted. The motion carried**
39 **by voice vote.**

40
41 **3. Approval of Minutes:**

42 **A. Closed Session: September 20, 2007 & November 13, 2007**

43
44 **Mr. Langenheim moved, seconded by Mr. Gladney to approve the September 20, 2007 and November**
45 **13, 2007 closed session minutes as submitted and to keep the minutes closed. The motion carried by**
46 **voice vote.**

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48 **B. Open Session: September 08, 2008**

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Mr. Gladney moved, seconded by Mr. Kurtz to approve the September 08, 2008 minutes.

Ms. Anderson stated that the September 08, 2008 minutes indicate that she was both present and absent at the meeting. She clarified that she was absent from this meeting.

Mr. Moser stated that the September 08, 2008 minutes also indicate that he was present and absent at the meeting. He clarified that he was also absent from the meeting.

Ms. Wysocki stated that Ms. Melin is also indicated as both present and absent from the meeting. She said that Ms. Melin has submitted her resignation from the County Board and is no longer a member of ELUC. She noted that staff will amend the minutes to reflect these changes.

The motion carried by voice vote.

4. Correspondence

A. Letter from the Kaskaskia Watershed Association regarding Localized Water Retention

Ms. Wysocki recommended that the Committee authorize Mr. Hall to respond to the letter from the Kaskaskia Watershed Association addressing the issue of localized water retention and pointing out what Champaign County already does in this particular regard.

Mr. Langenheim moved, seconded by Ms. Anderson to authorize Mr. Hall to respond to the letter from the Kaskaskia Watershed Association. The motion carried by voice vote.

5. Public Participation

None

6. Updates:

A. *Champaign County Land Resource Management Plan*

Ms. Chavarria stated that they are still in Stage 2 of the Champaign County Land Resource Management Plan. She said that Stage 2 is taking a little bit longer than originally anticipated on the project calendar because the Steering Committee is doing a very thorough job of going through the goals, objectives and policies in relation to land use in the county. She said that originally it was anticipated that this phase would be done by August or September of this calendar year but it is now anticipated that it will be done by December or January, 2009. She said that the next LRMP meeting is November 13, 2008, at 7:30 a.m. in the John Dimit Meeting Room and the steering committee will be asked to attend additional meetings between November and January in order to keep this project on schedule. She said that the steering committee has been invited to supply input on the policies by October 31st that may help the project move forward more productively.

1 **B. Champaign County Hazard Mitigation Plan**

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3 Ms. Chavarria stated that the Champaign County Hazard Mitigation Plan is in Stage 2, Risk Assessment
4 Stage. She said that the committee has just received a draft of the Risk Assessment project and staff is
5 seeking comments on that draft.
6

7 **C. Proposed Intergovernmental Agreement regarding development pursuant**
8 **to municipal annexation that is more than one-and-one half miles from the**
9 **municipality and House Bill 2518**

10
11 **D. Senate Bill 2022**

12
13 Mr. Hall stated that there is no new information regarding Agenda Items #6.C. or #6.D. at this time. He said
14 that at this point there is no reason to continue these items on the ELUC agenda.
15

16 **7. Recreation and Entertainment License: Egyptian Collectors Association, Inc.**
17 **Hunting and Trade Show. Location: Champaign County Fair Grounds, 903 N.**
18 **Coler, Urbana. October 18-19, 2008**

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20 **8. Recreation and Entertainment License: Gordyville, LLC. Rodeo Location: 2205**
21 **CR 3000N, Gifford. October 31 thru November 1-2, 2008.**

22
23 **Mr. Moser moved, seconded by Mr. Schroeder to approve the Recreation and Entertainment Licenses**
24 **for the Egyptian Collectors Association, Inc. and Gordyville, LLC. The motion carried by voice vote.**
25

26 **9. Zoning Case 583-AT-07: Zoning Administrator Request: Amend the Zoning Ordinance**
27 **to establish “pipeline impact radius” and restrict certain development within a pipeline**
28 **impact radius.**

29
30 Mr. Hall stated that the memorandum dated October 9, 2008, points out that the amendment recommended
31 by the ZBA does not achieve everything that the Committee requested at the March 8, 2007, meeting. He
32 said that the recommended amendment does not prohibit “by-right” lots or dwellings from the pipeline
33 impact radius but it does require that a written notice by the Zoning Administrator be given for “by-right”
34 development and that a point of contact for the pipeline operator be provided to the applicant. He said that
35 this was based on the evidence at the public hearing from not just concerned land owners but from
36 concerned pipeline operators. He said that the pipeline operators were concerned that something that strong
37 might actually make it more difficult to acquire easements in the future for necessary pipelines. He said that
38 given the strong opposition that was expressed from some parts of the county and given that there are
39 already a lot of residences within the pipeline impact radius he revised the request to what is presented to the
40 Committee for recommendation tonight. He said that this recommended amendment also does not prohibit
41 lots created in a Rural Residential Overlay Zoning District from being partially located in a pipeline impact
42 radius. He said that it does require that the landowner has to have ample buildable area outside of the
43 impact radius and it prohibits anything from being constructed in the impact radius except for driveways.

1 He said that this goes back to a concern raised by an attorney during the public hearing. He said that the
2 attorney made the argument to the ZBA and the State’s Attorney that if new streets will be allowed to be
3 built in the pipeline impact radius then new driveways must also be allowed. Mr. Hall said that this change
4 is based on the direction from the State’s Attorney and that was the direction that the ZBA followed.
5

6 Mr. Hall said that the amendment that is in front of the Committee tonight adds significant new requirements
7 in the *Zoning Ordinance*. He said that folks that desire to do RRO’s in the near future will know exactly
8 what they need to do but no ill will is created on the parts of the folks who buy a lot and come to the office
9 to obtain a permit. He said that during this visit the new owner will discover that there is a pipeline impact
10 radius on their land and they will understand what that means therefore possibly revising their lot or if it is
11 big enough they will know where to build safely. He said that the amendment does do a lot in regards to
12 land use compatibility although it does not do everything that the Committee originally requested.
13

14 Mr. Hall stated that from a staff level he is comfortable with what the ZBA has recommended but it is the
15 Committee’s call whether to recommend this text amendment to the County Board or send it back to the
16 ZBA.
17

18 Mr. Hall noted that text amendments normally stay at ELUC for one month to allow comment from any
19 municipality or township who wants to oppose it. He said that it would be good to make a motion indicating
20 that the Committee would like to forward this to the County Board but not until November.
21

22 **Mr. Moser moved, seconded by Mr. Schroeder to recommend approval of Case 583-AT-07, but to**
23 **hold the text amendment for one month at ELUC to allow municipalities and townships to formally**
24 **comment.**
25

26 Mr. Wiebel asked Mr. Hall if he had a “by-right” lot that is affected by the “pipeline impact radius” could he
27 build on the part of the lot that is not affected.
28

29 Mr. Hall stated that if the lot is a “by-right” lot and the entire lot is located within the “pipeline impact
30 radius” he could build where ever he wanted to except for within the actual easement. He said that for the
31 interstate pipelines the easement is generally located 50 feet on either side however for the high pressure gas
32 pipelines there is a lot of debate as to how wide those easements are but generally they are also 50 feet wide.
33

34 Ms. Anderson asked Mr. Hall if even though people are made aware of the existence of the pipelines, could
35 they sue the County if an incidence occurred.
36

37 Mr. Hall stated that they could initiate a lawsuit but there is no risk to the County and in fact this amendment
38 would put the County in a better position then the current *Ordinance*.
39

40 **The motion carried by voice vote.**
41

42 **10. Zoning Case 630-AM-08: Wingfield Distributors, LLC and Dean Wingfield, President**
43 **and Wayne Busboom. Request: Amend the Zoning Map to change the zoning district**

10-14-08

AS APPROVED 11-10-08

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1 designation from the AGT-1, Agriculture Zoning District to the B-1, Rural Trade
2 Center Zoning District. Location: An approximately 2.6 acre portion of a 30 acre tract
3 in the North Half of the Northeast Quarter of the Southeast Quarter of Section 22 of
4 Somer Township and commonly known as the farm shed at the Southwest corner of
5 intersection CR 2050N and CR 1600E.
6

7 **Mr. Schroeder moved, seconded by Mr. Moser to recommend approval of Zoning Case 630-AM-08:**
8 **Wingfield Distributors, LLC and Dean Wingfield, President and Wayne Busboom.**
9

10 Mr. Wiebel asked Mr. Hall how much land is proposed for rezoning.
11

12 Mr. Hall stated 2.6 acres.
13

14 Mr. Wiebel asked if generally the current use on the property is for agricultural use, including the tool shed.
15
16

17 Mr. Hall stated yes.
18

19 Mr. Wiebel asked Mr. Hall if Mr. Wingfield would be using the tool shed as part of the business.
20

21 Mr. Hall stated that Mr. Wingfield does intend to build an addition and use both sheds for the business.
22

23 **The motion carried by voice vote.**
24
25

26 **11. *Champaign County Zoning Ordinance requirements for wind turbine developments***
27

28 Mr. Hall stated that since the last meeting staff has reviewed 11 other county zoning ordinances and have
29 gotten familiar with their requirements for wind farms. He said that staff has finally realized that Ford
30 County does have zoning and they adopted the *Model Ordinance* requirements that this staff proposed last
31 month at ELUC. He said that the Committee has received another copy of that *Model Ordinance* at
32 tonight's meeting because as staff was looking through the other county ordinances we were not just looking
33 at just the wind farm requirements but how they regulate rural development in general. He said that of the
34 nine counties that have adopted specific requirements for wind farms, four of them require the minimum lot
35 size in a rural district to be 40 acres. He said that the key components of the wind farm *Model Ordinance*
36 that ensures land use compatibility in the rural area are (1) the required separation of 1,000 feet between a
37 wind turbine tower and primary structures (such as dwellings) and (2) the required separation between a
38 wind turbine tower and the perimeter of the development which is required to be a minimum of 1.1 times the
39 height of the tower. He said that the maximum height is 499 feet so this separation is a maximum of 549
40 feet. He said that if you have a county that allows ongoing residential development of any extent around a
41 wind farm there could be a tower that could fall close to residence within that 1,000 foot barrier. He said
42 that if there is an adjacent property owner who only has 10 or 15 acres and their entire acreage is within that
43 1,000 foot buffer there could be a problem because that person could say that their entire property is within

1 what would otherwise be a 1,000 foot buffer and their property is now worth less than it was before the wind
2 farm was built.

3
4 Mr. Hall stated that of the nine counties that were reviewed Sangamon County is the only one that has done
5 this thing rationally and Sangamon is the most logical because they require 1,200 feet between a wind tower
6 and the property line which ensures that any future dwelling on adjacent non-participating properties will be
7 provided with a greater separation than participating dwellings. He said that another thing about the
8 Sangamon County approach is that their minimum lot size is 40 acres so it is inconceivable that someone on
9 a 40 acre lot could not build outside of the 1,000 foot barrier. He said that in Champaign County if someone
10 has 40 acres they could create 4 lots and if most of the 40 acres ends up being less than 1,000 feet from a
11 wind turbine then there could be a problem with that landowner saying that the County has affected the
12 value of their land. He said that staff has become familiar with 11 counties and did not find any county that
13 had a good system of these setbacks that Champaign County could copy. He said that something less than
14 what Sangamon County requires could be adequate but the question is how much less because the larger this
15 buffer becomes the more difficult it will be to establish a wind farm and he believes that wind farms are
16 generally compatible in a rural area but it is only possible if you identify the proper separation between
17 adjacent dwellings and the wind turbines and to date he has not been able to do that.

18
19 Mr. Hall stated that it is unknown what the base was for establishment of the 1,000 foot barrier was. He said
20 that he would like to contact the authors of the *Model Ordinance* to see what they were thinking of when
21 they recommended a 1,000 foot buffer. He said that when you are in a rural area in Illinois a quarter mile
22 away there could be a 2,500 unit animal operation established on any day and you or the County Board
23 would have nothing to say about it. He said that clearly in a rural area the expectation of nothing happening
24 doesn't extend one quarter mile away from where you live and plenty of things can happen within that
25 distance. He said that the question is how close could it be to you if it is just a 500 foot tall wind turbine and
26 does it need it be 1,000 feet away from your property. He said that if the Committee believes that 1,000
27 feet is a reasonable expectation then we need to create a set of buffers that will result in that. He said that if
28 much of this land that would be within 1,000 feet will always be farm land then the separation distance
29 would not need to be 1,000 feet.

30
31 Mr. Hall stated that during review of the 11 ordinances, staff identified about 13 other things that should be
32 included in the amendment to the Zoning Ordinance, included as Attachment A of the October 14, 2008,
33 memorandum. He said that in addition to reviewing the ordinances staff has also reviewed as many actual
34 findings for wind farms that staff could get copies of because almost every county after they have added the
35 necessary requirements to their ordinance they still end up adding special conditions when approving a wind
36 farm. He said that staff wishes that they had a specific recommendation for the Committee at tonight's
37 meeting but they do not although he is pretty confident that they will have next month. He said that last
38 month he explained that staff was trying to settle on whether recommending just a County Board Special
39 Use Permit or a Special Use Permit and Map Amendment approach but frankly getting these separation
40 distances established is more important than a map amendment.

41
42 Mr. Hall reported that, to date, no applications have been received for the establishment of a wind farm in
43 Champaign County.

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2 Mr. Langenheim asked Mr. Hall if the Chicago Legal Clinic, Inc. is related to any trade association or
3 environmental group.
4
5 Mr. Hall stated that he does not know but he can investigate that issue.
6
7 Mr. Gladney asked Mr. Hall if he was aware of where the U of I will be placing their wind turbine.
8
9 Mr. Hall stated that the rumored wind turbine will be placed on ground owned by the University of Illinois
10 therefore they can build it wherever they want on that ground. He said that the last information that he heard
11 was that the wind turbine would be located on the old south farms site on Windsor Road east of First Street.
12
13 Mr. Moser stated that the only place they could put it is on Curtis Road west of Ridge Road.
14
15 Mr. Kurtz asked Mr. Hall if the U of I has set out any perimeters regarding wind turbines.
16
17 Mr. Hall stated that the last he heard the U of I is only proposing to do two wind turbines and they are more
18 for demonstration rather than significant power generators.
19
20 Mr. Wiebel asked if the U of I could put these turbines anywhere they want to on their land.
21
22 Mr. Hall stated that the land is zoned AG-2 but anything that is state owned is exempt from zoning. He said
23 that the U of I would be willing to go through a public hearing but what would be the use if they are not
24 subject to any specific requirements.
25
26 Mr. Kurtz asked Mr. Hall if the U of I will be constructing the wind turbines themselves or have they
27 contracted with a company that staff could contact to discuss wind turbines.
28
29 Mr. Hall stated that the U of I will have to contract with a wind turbine builder. He said that he can contact
30 the U of I to see if they have contracted with a specific company to date.
31
32 Mr. Moser asked Mr. Hall if staff is leaning more towards a plain Special Use Permit for wind turbine
33 construction or a County Board Special Use Permit.
34
35 Mr. Hall stated that at this point it has to be County Board Special Use Permit but the question is whether a
36 map amendment should accompany the County Board Special Use Permit. He said that there are only a
37 couple of other uses which have a 1,000 foot separation requirement from adjacent dwellings and some
38 would say that such a use must be really bad if it has to be 1,000 feet from adjacent dwellings therefore the
39 zoning should be something other than AG-1. He said that a wind farm is such an unusual thing that it
40 cannot be looked at like everything else and he is hoping that this will be nothing more than a County Board
41 Special Use Permit. He said that another thing that the *Model Ordinance* is conspicuously silent on is what
42 kind of approvals are reasonable for a wind farm and that is another thing that staff wants to investigate.
43

1 Mr. Moser stated that Mr. Brad Uken, Champaign County Farm Bureau Manager has had a lot of experience
2 with Bureau County during his term as the Bureau County Farm Bureau Manager therefore he would like to
3 hear how Bureau County handled this issue.
4

5 Mr. Brad Uken, Champaign County Farm Bureau Manager stated that the Illinois Clean Energy Community
6 Foundation funded the *Model Ordinance*. He said that Bureau County went through an extensive hearing
7 process at the ZBA with over 80 some hours of testimony and after a few speakers the testimony became
8 very repetitive. He said that from the landowner's standpoint it appears that there are some great benefits to
9 that landowner but from a probability standpoint there are a number of ordinances out there for staff review
10 and the Farm Bureau has an opinion on which ones are fair and covers the details that must be addressed.
11

12 Mr. Moser asked Mr. Uken if Bureau County required Special Use Permits on the wind turbine
13 development.
14

15 Mr. Uken stated yes. He said that one Special Use Permit was issued for the entire wind farm and it was not
16 individualized. He said that he did speak to his counterpart in McLean County and they too required one
17 Special Use Permit for the entire project.
18

19 Mr. Moser asked if Bureau and McLean County required bond money.
20

21 Mr. Uken stated that bond money was required for decommissioning which is a very common practice in
22 every ordinance.
23

24 Ms. Wysocki stated that the second page of the *Model Ordinance* clearly indicates that the *Model Ordinance*
25 was drafted by The Chicago Environmental Law Clinic and Baker & McKenzie and funded by The Illinois
26 Clean Energy Community Foundation.
27

28 Mr. Moser asked Mr. Uken if he had been contacted by anyone from the area south of Sidney or the
29 Compromise area regarding a wind farm.
30

31 Mr. Uken stated that in October 2007, he attended a meeting at Kennedy's at Stone Creek and the banquet
32 room was filled with landowners from Champaign, Vermilion, Douglas and Edgar counties to hear an initial
33 presentation from the same company that constructed the McLean County wind farm project. He said that
34 this initial meeting was to obtain signed leases for test towers and they obtained those leases. He said that it
35 is his understanding that some of those test towers have been constructed but he cannot confirm whether
36 they are located in Champaign, Douglas or Vermilion counties. He said that at this meeting they did walk
37 through a list of requirements that they would need to follow to get such a project started and it appeared
38 that there was a lot of interest by landowners. He said that the company was also offering payment to
39 adjacent landowners therefore if someone had a property that was not going to house a wind tower next to a
40 property that would house a wind tower they would get a payment. He said that he does not know what the
41 dollar amount was or how far they were proposing to go with this "good neighbor" policy but they were
42 proposing offers to those adjacent landowners.
43

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- 1 Mr. Moser asked Mr. Uken if they were proposing the project on the moraine south of Broadlands or more
2 north west.
3
- 4 Mr. Uken stated that they discussed the moraine south of Broadlands. He said that they were looking at
5 thousands of acres for this project.
6
- 7 Mr. Hall stated that he had Bureau County on his list of contacts and as he contacted Livingston, LaSalle
8 and Woodford counties they indicated that their ordinance was based on Bureau County therefore it
9 appeared that there was no need to contact them.
10
- 11 Mr. Moser asked Mr. Uken if he is aware what the taxes are for the wind towers.
12
- 13 Mr. Uken stated he does not know a specific number and part of the controversy when these wind towers
14 were proposed in Illinois was that there was no standardized assessment process for them. He said that only
15 a couple of years ago did Illinois pass a state wide assessment process therefore there is no question how the
16 assessor will handle that because it is already established in state statute.
17
- 18 Ms. Wysocki stated that it appears that the Committee would like to have staff draft an ordinance regarding
19 wind farm development.
20
- 21 Mr. Moser stated that just in case someone would come to the County requesting such a development he
22 would like to have an ordinance to regulate it.
23
- 24 Mr. Kurtz asked if there are any wind turbines in County currently.
25
- 26 Mr. Uken stated that there are no wind turbines within Champaign County currently but the company did
27 desire to place test towers in the Broadlands, Sidney area. He said that he cannot confirm whether any of
28 those test towers were placed in Champaign County.
29
- 30 Mr. Moser stated that if the test towers were placed south of Broadlands then they would be in Douglas
31 County.
32
- 33 Mr. Langenheim asked Mr. Uken to explain the purpose of the test tower.
34
- 35 Mr. Uken stated that the test tower measures and records the consistency and velocity of the wind at that
36 specific location. He said that another important factor is the proximity of a high voltage line which can
37 handle the energy generated by a wind farm.
38
- 39 Mr. Schroeder stated that we need to move forward on a draft ordinance to assure Champaign County's
40 inclusion in a proposed wind farm.
41
- 42 **The consensus of the Committee was to have staff continue drafting a text amendment to the *Zoning***
43 ***Ordinance* regarding the siting of a wind farm.**

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12. Monthly Report (June, July, August, September, 2008)

No discussion occurred.

13. Closed Session pursuant to 5 ILCS 120/2 (c) 1 to consider the employment, compensation, discipline, performance or dismissal of an employee.

Mr. Jones moved, seconded by Mr. Langenheim to move in to Closed Session pursuant to 5 ILCS 120/2 (c) 1 to consider the employment, compensation, discipline, performance or dismissal of an employee and further moved that the Recording Secretary remain present.

The roll was called:

Anderson-yes	Doenitz-absent	Gladney-yes
Jones-yes	Langenheim-yes	Kurtz-yes
Moser-yes	Schroeder-yes	Wysocki-yes

The Closed Session was called to order at: 7:51 p.m.

The Closed Session was adjourned at 8:06 p.m.

14. Other Business

Ms. Wysocki informed the Committee that a Mahomet Aquifer Consortium Meeting will be held on Thursday, October 15, 2008 at 10:00 a.m. at the Illinois Water Survey, Champaign.

15. Determination of Items to be placed on the County Board Consent Agenda

The consensus of the Committee was to place Item #10 on the County Board Consent Agenda.

16. Adjournment

The meeting adjourned at 8:06 p.m.

Respectfully submitted,

Secretary to the Environment and Land Use Committee

DRAFT SUBJECT TO APPROVAL DRAFT ELUC 10-10-01