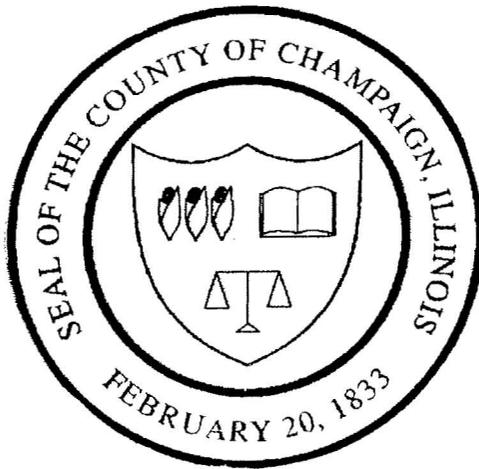


***Environment
& Land Use Committee
Agenda***

May 11, 2009



7:00 p.m.

***Lyle Shields Meeting Room
(Meeting Room 1)
Brookens Administrative Center
1776 East Washington, Urbana, IL 61802
(217) 384-3708***

AGENDA

Champaign County Environment & Land Use Committee

Date: *May 11, 2009*

Time: *7:00 p.m.*

Place: *Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington St.
Urbana, Illinois*

Members:

*Carol Ammons, Jan Anderson, Chris Doenitz
Brad Jones, Alan Kurtz (VC), Ralph Langenheim,
Steve Moser, Jon Schroeder, Barbara Wysocki (C)*

Phone: *(217) 384-3708*

AGENDA

Old Business shown in Italics

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (April 13, 2009) 1 thru 33
4. Correspondence
 A. Letter from the Champaign County Farm Bureau received May 5, 2009 34
5. Chair's Report
6. Public Participation
7. Recreation and Entertainment License: Eastern Illinois A.B.A.T.E., Inc., for live bands, camping, bike rodeo. June 5 and 6, 2009. 35 thru 44
8. Updates:
 A. *Champaign County Land Resource Management Plan*
 B. *Champaign County Hazard Mitigation Plan*
 C. *House Bill 2518 (regarding Chatham decision)*
9. Case 634-AT-08 Petitioner: Zoning Administrator 45 thru 87
 Request: Amend the Champaign County Zoning Ordinance as follows:
 A. Authorize the County Board to approve Special Use Permits (SUP) and to change the requirements for development of wind turbine developments (wind farms) to a County Board Special Use Permit (CBSUP) and a rezoning to the new Wind Farm Overlay Zoning District (WFO).

CHAMPAIGN COUNTY
ENVIRONMENT AND LAND USE AGENDA
MAY 11, 2009
PAGE 2

10. **Monthly Reports (October-December, 2008 and January-April, 2009)**
(to be distributed at meeting)
11. **Determination of Items to be placed on the County Board Consent Agenda**
12. **Adjournment**

1 following: Mr. Langenheim noted that according to a U.S. Geological Survey evaluation of wind energy
2 resources, the best areas in Illinois are mapped as "marginal." Also, the moraine ridge between Leroy and
3 Bloomington is mapped as falling within the "best of Illinois" area.
4

5 Mr. Langenheim stated that Page 19, Line 41 of the February 9, 2009, minutes should be revised as follows: Mr.
6 Langenheim stated that there are two entities, Springfield Power and Light and the coop group that Rantoul
7 belongs to, and if you compare the rates and service of those entities to the other private entities it will be found
8 that the rates are comparable but significantly lower.
9

10 Mr. Schroeder noted that the February 9, 2009, minutes should be corrected to indicate that Tom Berns was
11 present at the meeting rather the Tom Barns.
12

13 Ms. Wysocki requested that the original motion be revised to indicate approval of the minutes as amended.
14

15 Ms. Ammons and Ms. Anderson agreed.
16

17 **The motion carried by voice vote.**
18

19 **Mr. Langenheim moved, seconded by Mr. Kurtz to approve the Closed Session: October 14, 2008,**
20 **minutes as submitted. The motion carried by voice vote.**
21

22 **4. Correspondence:**
23

- 24 **A. Ameren Illinois Utilities: Champaign Manufactured Gas Plant Environmental Project**
- 25 **Open House.**
- 26 **B. Public Notice of Hazardous Waste Permitting**
- 27 **C. RPC: Legislation Affecting Enterprise Zones and TIF Districts-SB0043/HB0063**
- 28 **D. Champaign County Computer & Electronics Recycling Event**
29

30 **Mr. Langenheim moved, seconded by Ms. Ammons to accept and place on file the correspondence**
31 **included in Item #4, A-D. The motion carried by voice vote.**
32

33 **5. Chair's Report**
34

35 **None**
36

37 **6. Public Participation**
38

39 Ms. Wysocki informed the audience that the Committee will devote no more than one hour to public
40 participation. She noted that five minutes is the normal allotted time for each speaker but since there are only a
41 few people on the attendance record that have indicated that they desire to speak five minutes may be too
42 restrictive. She requested that testimony not be repeated but could contain new information or perspective.

1 perspective.

2

3 Ms. Wysocki called Jed Gerdes.

4

5 Mr. Jed Gerdes, who resides at 1448 CR 2700E, Ogden stated that he has land that is involved in the proposed
6 wind project area down in southern Champaign County. He encouraged the Committee to maintain the 1,500
7 foot setback from non-participating dwellings or from the entire property line. He said that the basis for his
8 request is the noise level and the fact that the non-participating landowners have no way to negotiate with the
9 wind companies like the participants do. He said that the wind towers take up such a larger area than what the
10 actual physical wind mill does. He said that Horizon Energy indicated that, without any obstructions, the closest
11 distance that the wind mills could be placed together is 1,700 feet and one-mile from one road to the next. He
12 said that 2,500 feet one direction and almost 900 feet another direction is what each wind mill requires and
13 without the proper setback from the non-participating dwellings the wind companies will be able to leap frog
14 over property and be able to use their wind power without compensation. He said that the wind companies do
15 not like signing up 40 acres or even smaller patches, and there are a lot of people in the County that own those
16 small patches, therefore the wind company would use those landowner's wind power and not offer them a
17 contract for that use. He said that the setbacks need to be kept a substantial distance from the property line,
18 1,500 feet, because the County would not allow Lowe's to use the neighboring business' parking lot or allow
19 Wal-Mart to ship its water on down the river without constructing a reservoir to release it at the proper rate. He
20 said that the wind companies should be treated with the same set of standards and if they need the area they have
21 the free will to purchase it by going to the landowner with an offer to convince them to go along with the
22 program. He said that from the documentation that he has received it appears that almost everyone is on board
23 therefore it shouldn't be a big deal for the very few who do not wish to participate but just decreasing the
24 setbacks would give cause for a lot of complaints and hardships down the road for everyone. He encouraged the
25 Committee to keep the setbacks at 1,500 feet from the property line because the person who owns 40 acres
26 should be able to build anywhere on their property that they desire and not be restricted by wind mills that are
27 too close to their property line. He said that they should not be forced to move their home 500 feet in one
28 direction to get away from the noise and all the other aspects of being close to a wind mill. He said that it is the
29 landowner's land, they own it, they were there first and the wind companies do not have the right of eminent
30 domain because they are a private enterprise and they should not over-rule the existing landowner's rights.

32

33 Ms. Wysocki called Ms. Sherry Schildt.

34

35 Ms. Sherry Schildt, who resides at 398 CR 2500N, Mahomet requested that the Committee require that the map
36 amendment be placed back in to the Zoning Ordinance. She said that it does not make any sense if someone is
37 required to request rezoning in the AG-2 zoning district to site a gas station, beauty shop or barber shop because
38 the impact of those three things is almost nothing in comparison to a wind farm. She said that a couple of days
39 ago she was driving down Springfield Avenue and she was amazed at how large the building was that replaced
40 Burnham City Hospital, which is 18 stories high. She said that, in being very generous with her calculations of
41 12 feet for each story, an 18 story building is 216 feet tall. She said that the wind mills in McLean County are
42 398 feet tall and the wind mills that are proposed in our county are proposed to be 498 feet tall and each of those

1 proposed to be 498 feet tall and each of those many wind mills will be turning and turning which will make
 2 them impossible to ignore. She said that because the impact is so great, not only on adjacent landowners but for
 3 people who live miles around the wind farm, that people should have the right to weigh in and be able to make a
 4 higher standard than just a special use permit. She said that her family lives in the Manlove Gas Storage Field
 5 area and it is already an area of risk and they feel that placing 30 wind turbines or more in the Manlove Gas
 6 Storage Field and reducing the setbacks from the pipelines, as proposed in the memorandum, is asking for
 7 trouble because it is just risk added to risk and they should not be allowed in the gas field. She said that she
 8 agrees with Mr. Gerdes in regard to the setbacks and was dismayed that someone wanted to reduce the 1,500
 9 feet. She said that there is no scientific evidence proving that a 1,000 foot setback is adequate and the
 10 Woodford County Conservation Planning and Zoning Committee, which she assumes is similar to ELUC, has
 11 filed a petition to increase their setbacks from 750 feet to 1,800 feet. She said that she is not sure what the
 12 outcome of that request will be but they apparently believe that a lower setback is inadequate.

14
 15 Ms. Schildt read a portion of an article from an organization that has compiled a list of all of the different
 16 countries in Europe who have a lot more experience with wind farms than Champaign County has. She said that
 17 in Denmark wind mills must be situated at a minimum distance of four times their height away from any
 18 habitation therefore if the wind mill was 400 feet tall then the distance would be a minimum of 1,600 feet and
 19 beyond that they also require compensation for lost property values from the owners of the wind mills. She said
 20 that Germany applies their setbacks according to noise level protection of the area and for quiet regions, which
 21 she would assume would be rural setting, they require 3,281 feet to 4,921 feet from a dwelling. She supplied
 22 Mr. Hall with a copy of the article.

23
 24 Ms. Wysocki called Mr. Tim Polz.

25
 26 Mr. Tim Polz, Project Manager for Midwest Energy, LLC stated that they are one of the several companies that
 27 are looking at potentially siting a wind energy project in Champaign County and he appreciates the opportunity
 28 to address the Committee tonight. He said that his company has several projects throughout the Midwest, two in
 29 operation in Illinois and another in construction, one in Nebraska, Wisconsin and Eastern Iowa and he would say
 30 that probably in at least half of those projects there are pipelines running through the project. He said that all of
 31 the counties either have basically no setbacks to underground pipelines or they have a setback of 1.1 times the
 32 height of the turbine to the underground pipeline. He said that the 1.1 times the height of the turbine is generally
 33 the standard that Midwest Energy, LLC tries to follow therefore he would suggest that the Committee think
 34 about amending the *Ordinance* as suggested by the staff so that turbines can be placed 1.1 times the turbine
 35 height to an underground pipeline. He said that much has been made of the Manlove Gas Storage Area in
 36 Newcomb Township and by no means is Midwest Energy, LLC making light of those concerns although the
 37 pipelines that are running in and out of that facility are no different than other pipelines that they have worked
 38 with in the past. He said that at one of the ZBA meetings he was asked what the pounds per square inch (PSI) of
 39 the natural gas running through the pipelines that they have worked around was at and at that time he did not
 40 have an answer. He said that he did have a conversation with an engineer from Alliance Pipeline who owns a
 41 36-inch natural gas, high-pressure gas main which runs through the middle of their Big Sky Wind Farm near
 42 Ohio, Illinois, and he was told that the pressure running through that line is 1,740 PSI. He said that he then had

1 told that the pressure running through that line is 1,740 PSI. He said that he then had a conversation with Mr.
 2 Hall who informed him that the PSI of the gas lines that run in and out of the Manlove Gas Storage Field is
 3 1,700 PSI. Mr. Polz stated that he does understand that there is a particular sensitivity to the gas storage area
 4 and it is important to note that they and other developers throughout the country have worked around similar
 5 pipelines and the setbacks in those instances have never been greater than 1.1 times the height of the turbine.

7
 8 Mr. Polz stated that in addition to the setbacks from pipelines being lessened he would also suggest an
 9 opportunity to provide a private waiver for the other aspects of the gas storage facility, provided that they do not
 10 violate any other sections of the *Ordinance*. He said that in regard to setbacks to non-participating dwellings he
 11 certainly understands the desire to make sure that folks who decide not to participate in the project are impacted
 12 as little as possible. He said that they have seen setbacks from as little as 750 feet, which they believe is too
 13 little, to 1,300 feet which is three times the total turbine height. He said that they believe that a setback of 1,200
 14 feet is a setback that will work for non-participating dwellings. He said that if a 1,200 foot setback from a non-
 15 participating dwelling is required a developer also has to meet the Illinois Pollution Control Board's sound
 16 standards. He encouraged the Committee to suggest amending the *Ordinance* so that the setbacks to non-
 17 participating dwellings are 1,200 feet. He said that the one problem that he has with the proposed amendment is
 18 that it comes up with a completely separate sound standard of 40 decibels that qualifies the 1,200 feet. He
 19 suggested that the Illinois Pollution Control Board's standards be applicable throughout the *Ordinance* instead
 20 of having the separate 40 decibel limit because he believes that the Illinois Pollution Control Board's standards
 21 are amongst the strictest around. He said that there are both night-time and day-time standards and since the
 22 wind companies cannot control what sound the turbine emits during the night or the day they have to comply to
 23 the stricter night-time standards. He said that the Illinois Pollution Control Board also monitors sound levels at
 24 eight different octave pitches. He suggested again that the Illinois Pollution Control Board standards be allowed
 25 to dictate throughout the *Ordinance* rather than having a separate 40 decibel limit.

27
 28 Mr. Polz noted that he is a graduate of the University of Illinois and received his under-graduate degree there.
 29 He said that he is excited about the prospect of doing a wind energy project in Champaign County and he
 30 applauds the efforts of John Hall and his staff, the Zoning Board of Appeals and this Committee in taking on the
 31 task of adopting a wind energy ordinance that will be basically fair to everyone. He said that wind energy
 32 projects bring with them a lot of good as well as some of the things that people believe are less than desirable
 33 impacts. He said that the wind farm will bring economic opportunity and job growth within the County. He
 34 said that their equity partner, Edison Mission Energy, has a very strong relationship with the unions in the areas
 35 in Illinois and will continue to work with the unions to make sure that they bring a quality and diverse group of
 36 individuals and contractors to work on the construction of these facilities.

37
 38 Ms. Wysocki called Mr. Stan Jenkins.

39
 40 Mr. Stan Jenkins, Champaign County Supervisor of Assessments stated that he was asked to attend tonight's
 41 meeting to present data regarding assessment information and what the wind farms would be generating in
 42 regard to tax dollars. He said that each unit will probably generate about \$1400 in taxes for the County and this

1 this is based upon a cost new of \$600,000. He said that he spoke to the McLean County Supervisor of
2 Assessments and their office indicated that the assessment is set by the state based upon the capacity of the
3 turbines. He said that McLean County mostly has 1.63 mega-watt units and those assessed values, depending on
4 the footprint of the road because the little bit of road difference will affect the assessment, is roughly \$95,000 to
5 \$100,000 in assessed value which would generate approximately \$1,400 tax dollars per unit. He said that if
6 there are 175 potential wind energy turbines proposed for the County then roughly \$250,000 per year would be
7 generated for the County per year. He said that if this is in an enterprise zone then the school districts will get
8 their tax dollars out of the project but the County may not get theirs and the other taxing bodies may not get their
9 dollars out of it either whether the enterprise zone is in place at the time that construction begins or whether it
10 can be put in place retroactively. He said that another major consideration is that the current legislation expires
11 in 2011 and what happens after that is unknown. He said that he did speak with the Superintendent of Schools
12 because someone had stated at a ZBA meeting that they had researched the tax assessment law because the
13 testimony that she was hearing regarding tax revenue to schools does not happen and the tax code, as written, is
14 a tax offset to property taxes and the only way that schools get an increase in money is if the local assessor raises
15 the property taxes in the area. Mr. Jenkins stated that local assessors do not raise property taxes they only raise
16 assessments. He said that after reading the minutes of that ZBA meeting he contacted the Superintendent of
17 Ridgeview School District in McLean County and he indicated that they have 161 wind units in their school
18 district and those 161 units generated an increase in revenue of \$1.32 million dollars for their school district. He
19 said that because of the way that the school funding formula works they lost about \$300,000 from the state but
20 they had a net gain of approximately \$900,000 and most school districts would take that all day long. He said
21 that it doesn't appear that the schools are going to suffer to greatly from this and it doesn't appear to him that
22 they are not going to see an increase in revenue because of this project. He said that the devices can be
23 depreciated and depending on the formula used for depreciation they could depreciate at a rate of 4% per year
24 but it can only get down to 30% of the original cost basis. He said that the three things that might need further
25 investigation are the enterprise zone issue, the depreciation rate and the fact that the current laws expire in 2011.

27
28 Mr. Kurtz requested that the Committee suspend the rules so that questions can be directed to Mr. Jenkins.

29
30 Ms. Wysocki informed Mr. Kurtz that he could make that motion.

31
32 **Mr. Kurtz moved, seconded by Mr. Langenheim to suspend the rules to allow Committee members to**
33 **direct questions to Mr. Jenkins for discussion. The motion carried by voice vote.**

34
35 Mr. Kurtz thanked Mr. Jenkins for attending tonight's meeting. He asked Mr. Jenkins to give the Committee an
36 idea of the total amount of dollars involved with the wind turbines.

37
38 Mr. Jenkins stated that the Superintendent of Schools of Ridgeview School District indicated that he viewed
39 each unit is like a \$600,000 home being built at roughly \$98,000 to \$100,000 worth of assessed value which
40 generate approximately \$7,000 per unit, depending upon the tax rate. He said that if there are 175 units county-
41 wide then we could be talking about \$1.2 million dollars.

1 Mr. Moser asked if the numbers that he was originally given for Prairieview-Ogden and Heritage School
2 Districts are still accurate.

3
4 Mr. Jenkins stated that he is not sure.

5
6 Mr. Moser stated that he was told that each unit would generate \$13,000.

7
8 Mr. Jenkins stated that with the cumulative tax rate of those two areas \$13,000 per unit could be accurate.

9
10 Mr. Langenheim stated that everyone knows that the wind blows free across our plain just like it does in
11 Oklahoma but only the school districts which sit on a moraine will benefit from this project.

12
13 Mr. Jenkins stated no. He said that depending upon whether this is an enterprise zone or not all of the taxing
14 bodies will benefit by this project, not just the school district.

15
16 Mr. Langenheim stated that a school district that is in the flat land and does not house any wind mills will not
17 receive any benefit from the project.

18
19 Mr. Jenkins stated that this is true but it is no more or less so than if a factory moves in down the street and one
20 school district benefits by its placement versus another therefore if a school district does not house a wind mill
21 then they will not see an increase in revenue.

22
23 Ms. Wysocki called Mr. John Doster.

24
25 Mr. John Doster, Representative for Invenegy stated that they desire to develop a project that will go from
26 Vermillion County and all the way through Champaign County. He said that they currently have a project in
27 LaSalle County where they have completed Phase I and are in preparation to begin Phase II and within the Phase
28 II project a pipeline is being constructed therefore they frequently co-exist with pipelines during their projects.
29 He said that it makes sense to have the 1,200 foot setback from non-participating property owners based upon
30 the fact that they are held to the Illinois Pollution Control Board standards and those standards will dictate the
31 placement of the units. He said that he cannot speak specifically about the tax revenues but he believes that the
32 tax dollars generated are closer to \$9,000 to \$12,000 per unit.

33
34 Ms. Wysocki stated that this concludes the names on the attendance record which indicated that they desired to
35 speak. She asked if anyone else desired to speak at this time and there was no one.

36
37 Ms. Wysocki closed the public participation portion of the meeting.

38
39
40 7. Updates:

41 A. *Champaign County Land Resource Management Plan*

42

1 Ms. Susan Monte, Associate Planner for the Regional Planning Commission stated that the next meeting for the
 2 Land Resource Management Plan is Thursday, April 16, 2009, and will probably be the last meeting prior to
 3 planting season. She said that they have made their way through many of the policies and they are currently on
 4 the last three groups which consist of transportation, natural resources and energy. She said that they are still in
 5 the policy review portion of the project and after the planting season they will resume and hopefully continue
 6 that review and complete it in as little time as possible and continue towards the land resource map.

8
 9
 10 **B. Champaign County Hazard Mitigation Plan**
 11

12 Ms. Monte stated that they have begun the final stage of the plan development which is the implementation and
 13 maintenance provisions for the plan. She said that they are identifying methods and a schedule to monitor,
 14 evaluate and update the plan and are in the process of preparing a final draft for review. She said that at the May
 15 11, 2009, ELUC meeting they hope to have either coincident with or before or after the ELUC meeting a public
 16 meeting where they review the content of the plan.

17
 18 **C. House Bill 0466 (regarding Chatham decision)**
 19

20 Mr. John Hall stated that House Bill 0466 is the County's bill which deals with the *Chatham* decision and that
 21 bill passed out of the House on March 31, 2009, and it is now in the Senate. He said that House Bill 0466 has
 22 been referred to the Assignments Committee and we have received an e-mail from Senator Frerichs and he
 23 indicated that he believes that the bill will pass. Mr. Hall said that there is a similar bill that Representative Poe
 24 had introduced to the House and it was passed and forwarded to the Senate. He said that Senator Frerichs
 25 believes that it is less likely that Representative Poe's bill will be passed but he does believe that Champaign
 26 County has a very good chance of having their bill passed this year.

27
 28 Ms. Wysocki stated that she inadvertently forgot to mention that a written statement had been received from the
 29 Champaign County Soil and Water Conservation District. She said that copies of the written statement have
 30 been distributed to the Committee.

31
 32 **8. Case 634-AT-08 Petitioner: Zoning Administrator Request: Amend the Champaign County**
 33 **Zoning Ordinance as follows: A. Authorize the County Board to approve Special Use Permits (SUP) and**
 34 **to change the requirements for development of wind turbine developments (wind farms) to a County**
 35 **Board Special Use Permit (CBSUP) and a rezoning to the new Wind Farm Overlay District (WFO).**

37
 38 **Mr. Kurtz moved, seconded by Mr. Doenitz to recommend approval of Case 634-AT-08, Part A: Zoning**
 39 **Administrator.**

40
 41 Mr. Kurtz stated that it is his estimation that this is one of the most important pieces of legislation that the
 42 County Board has worked on in the last ten years. He said that this is new technology that is being used
 43 throughout the state as a clean, safe alternative renewable energy that brings financial stability to almost every

1 every county that has implemented wind farm development. He said that we have a unique opportunity to gain
2 revenue without raising taxes. He said that the amount of dollars concerning this opportunity is immense and
3 could very possibly put us on financial stability over the next 20 to 30 years.

4
5 **Mr. Kurtz moved, seconded by Mr. Moser to change the minimum separation distance to a non-**
6 **participating dwelling to 1,200 feet (paragraph 6.1.4.C.2).**

7
8 Ms. Ammons stated that she read the provided materials and she noticed that the separation distance for most of
9 the projects was 1,200 feet therefore why a 1,500 foot separation for Champaign County.

10
11 Mr. Hall stated that he disagrees with the statements made by the wind farm developers. He said that the Illinois
12 Pollution Control Board regulations cap the maximum noise at 48 decibels and if the standard is reduced to
13 1,200 feet, regardless of the number of wind turbines that are within the proximity of a dwelling, the noise level
14 could be increased from something that is less than 30 decibels to 48 decibels, which is 18 decibels, and an
15 increase of 10 decibels is perceived as doubling the noise. He said that we will receive a lot of complaints from
16 non-participating landowners about the increase in noise and in fact we will receive complaints from non-
17 participating landowners with a 1,500 feet separation because they are still going to get, at times, a doubling of
18 the noise level. He said that in the discussion at the ZBA they decided that this was a reasonable increase but
19 nothing more than that and he is not sure if other counties even considered noise level when they set their
20 separation standards and the *Model Ordinance* does not discuss noise in regards to separation and only gives a
21 dimension. He said that Livingston County requires three times the turbine height which would result in more
22 than 1,300 feet and even at that, in some instances, would result in more than doubling the noise that those
23 existing rural residents are going to experience.

24
25 Ms. Wysocki asked Mr. Hall if it is common to have the same distance from turbine to turbine regardless of
26 where the turbine is placed.

27
28 Mr. Hall stated that, as far as he knows, no one regulates the spacing between the turbines.

29
30 Ms. Wysocki asked Mr. Hall if the setback is the same regardless of where the position of the turbine is located.

31
32
33 Mr. Hall stated that generally they will have one set standard for separation to a non-participating dwelling and
34 some will have a different separation standard to participating dwellings. He said that there are some counties
35 that do not distinguish between a non-participating and participating dwelling.

36
37 Ms. Wysocki stated that within a given wind farm area there is not one setback if a turbine is placed within a
38 certain area and another setback if it is located some place else.

39
40 Mr. Hall stated that such a standard would be up to the County but he would suppose that if there was reason
41 that would justify such then it could be possible. He said that these are just special use permit special conditions
42 therefore they can be waived in any case or for any individual turbine, if the justification is there.

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Ms. Wysocki asked Mr. Hall if it is conceivable that when individuals seeking permits are received that there could be extenuating circumstances that determine one setback in one case and another setback some place else.

Mr. Hall stated that he is anticipating that this might happen and the County is going to have to be very careful during its review to assure consistency. He said that the County must be consistent while respecting the peculiarities that may be attached to any given situation.

Mr. Langenheim stated that staff, ZBA and other countries where there has been wind power for a long time have distance requirements which are comparable to 1,500 feet or more and cutting below that should not be done.

Mr. Kurtz asked Mr. Hall if the non-participating landowners could waive the 1,500 foot separation if they negotiated with the wind companies.

Mr. Hall stated that the amendment which is before the Committee tonight allows such a waiver.

Mr. Moser stated that he farms ground in Ford County that another wind company is offering an option upon and the owner of the farm would like to know how many wind turbines could be placed on a 240 acre farm. He said that the farm consists of a square 160 acres and an 80 which runs in an "L" shape next to the 160 acres and there is a house right on the quarter line of the 160 acres. He requested that one of the wind farm representatives indicate how many turbines could be placed on that farm in Ford County.

Mr. Doster stated that he is not familiar with the Ford County Ordinance nor is he familiar with the parcel. He said that if generally a 240 acre parcel with no existing home, factoring in a 1,200 foot separation distance from a non-participating property line, could house one 1.65 to 2.3 mega-watt turbine per 80 to 100 acres. He said that when homes are thrown in to the mix and setbacks are considered the numbers will go down significantly but obviously the larger the setbacks the fewer number of turbines.

Mr. Moser stated that the 240 acres had an existing homestead but it has since been sold off and he is assuming that they are considering a 1,200 foot setback.

Mr. Doster stated that it is difficult for him to envision this property in his head and the only figure that he can really offer is one turbine per 80 to 100 acres.

Mr. Jones asked Mr. Hall if any of the developers have indicated that they will not develop in Champaign County if we require a 1,500 foot setback.

Mr. Hall stated that the developers have not indicated such to him but it has been reported that the developers have indicated such to County Board members.

1 Ms. Wysocki asked Mr. Doster if the setback requirement is the deal breaker.
2
3 Mr. Doster stated that the setback requirement is not the deal breaker but it will significantly impact how many
4 wind turbines can be located in a particular wind project area. He said that two-thirds of their proposed project
5 is located in Vermillion County and one-third is located in Champaign County. He said that the setbacks in
6 Vermillion County are 1,000 feet from a dwelling and it is a much less expensive permitting process because
7 they do not have zoning. He said that as a developer they will be looking at the cost to build, the efficiency and
8 the wind resource across their project area and any time that another 100 feet is added it takes out area where a
9 turbine can be located within a good wind resource area. He said that it could significantly reduce the actual
10 location where they could place turbines in their targeted area therefore encouraging them to place more in
11 Vermillion County. He said that they would like to place more wind turbines in a good wind resource area but if
12 some of those locations are not available then they will have to go where those locations are available.

14
15 Mr. Polz stated that he agrees with Mr. Doster. He said that as Champaign County increases their setback
16 requirements they will be decreasing their turbine density. He said that spreading the turbines out would create
17 fewer turbines over the same amount of area which will add to the infrastructure costs, cabling, roads, etc. He
18 said that increased setbacks will impact the economics of the project but whether it is a deal killer or not will
19 have to be weighed out for each individual project. He said that their project is similar to Invenergy's project in
20 that they are operating in two different counties. He said that two-thirds of their project is located in Piatt
21 County and one-third is located in Champaign County and by increasing the setbacks Champaign County will be
22 reducing their turbine density and increasing infrastructure costs and eliminating turbine sites.

24
25 Mr. Hall stated that staff looked at one representative rural area where three of the wind farms have been
26 proposed in Champaign County and counted up the total number of homes, and the total number of miles of
27 streets within that area to give us a ratio of how many homes per mile would be affected by the project. He said
28 that staff determined that one home per 1/2 mile would be affected which seemed like a very low density of
29 dwellings and it is not apparent to him how a density like this will be a big problem in regards to these
30 separations. He said that because the wind farms are so unique they cannot be analyzed until the wind farm
31 developers can tell staff where they are going to put the turbines and the developers cannot indicate such until
32 they get far into the project.

33
34 Mr. Moser asked Mr. Hall if the representative rural area was in Compromise Township.

35
36 Mr. Hall stated yes.

37
38 Mr. Moser asked Mr. Hall if staff looked at the rural area around Broadlands, Ayers Township, or in Newcomb
39 Township.

40
41 Mr. Hall stated no.
42

1 Mr. Langenheim stated that increasing the setback will indeed impact the efficiency and possibility of the wind
2 farm but the purpose of the setback is to protect the householder in the enjoyment and existence of their
3 property. He reminded the Committee that they are to represent the people and not the wind mills.
4

5 Mr. Moser stated that we do not know what the mix is between someone who has purchased a building site off
6 of a farm or whether there is an owner operator living on those farms or whether it is a rental unit and it would
7 make a big difference if we had that number. He said that he is not familiar with Newcomb Township but in
8 Compromise, Ayers and Raymond townships it is not likely that those homes are not owned by someone who
9 doesn't have some attachment to the rest of the real estate that it sits on.
10

11 Mr. Langenheim stated that Mr. Moser's later statement is beside the point because the Committee is to consider
12 the impact of a wind tower on someone living in a house and it doesn't matter whether they are the
13 owner/operator of a farm, a summer house or rental they are all people.
14

15 Ms. Ammons stated that the responsibility of this Committee is to recommend an ordinance that protects the
16 interests of Champaign County and allow for the development of wind farms. She said that based on the
17 provided information she felt that the 1,500 foot separation would be a reasonable setback from non-
18 participating dwellings but of course she is not a developer nor does she live in the rural community. She asked
19 if there was a way that they Committee could amend the *Ordinance* so that the non-participating landowners
20 would have a 1,500 foot separation and the participating landowners would have 1,200 foot separation.

22
23 Mr. Hall stated that the Ordinance that is before the Committee recommends a 1,500 foot separation from non-
24 participating dwellings and only a 1,000 foot separation from participating dwellings and to date no one has
25 disagreed with the 1,000 foot separation.
26

27 Mr. Kurtz called the question.
28

29 Ms. Wysocki stated that the question has been called.
30

31 Ms. Wysocki requested that the clerk call the roll.
32

33 The roll was called:
34

35	Anderson-no	Doenitz-yes	Ammons-no
36	Jones-yes	Langenheim-no	Kurtz-yes
37	Moser-yes	Schroeder-yes	Wysocki-no

38
39 **The motion carried.**
40

41 **Mr. Kurtz moved, seconded by Mr. Moser to change the minimum separation distance for pipelines to 1.1**
42 **times overall height from the exterior above ground base of a wind farm tower.**

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Ms. Ammons requested an explanation of the motion.

Mr. Kurtz stated that the developers have stated that they will not put turbines in the Manlove Gas Storage Field but they may put turbines where the pipelines run outside of the storage field. He said that a 1,200 foot separation is not something that any of the developers have seen before during previous projects. He said that the developers have worked with the gas pipeline companies whom have allowed them to place the turbine 1.1 times the height of the turbine from the pipeline. He said that if the turbine is 500 feet tall to the tip of the blade the separation from the pipeline would be 1.1 times that height.

Mr. Hall stated that he does not know if anyone else has underground injection well heads like Champaign County has but this motion would allow the placement of a wind turbine within 1.1 times the total height of a gas injection well head and frankly he hopes the Committee does not allow such. He said that Attachment C of the April 7, 2009, Memorandum separates the distance to pipelines out from the distance to well heads. He said that the well head is above ground and can be hit by flying debris while the pipeline is underground and cannot be hit and it seems unlikely to be disturbed.

Mr. Kurtz asked if the motion could be changed.

Mr. Hall stated that the Committee could incorporate Attachment C, Page 44 of the April 7, 2009, memorandum. He said that Attachment C reduces the 1,200 foot separation to the gas pipeline or hazardous liquid pipeline or to any easement for an underground water main or the water main to 1.1 times the total wind farm tower height. He said that Attachment C retains the 1,200 foot separation to any well head or above ground fixture that is accessory to a gas pipeline.

Mr. Langenheim proposed that anywhere that the word pipeline appears it should be preceded by the word "underground" and Item B, which refers to any above ground fixtures should be removed because anything that is above the ground could be hit by flying debris.

Ms. Wysocki requested a clarification from the State's Attorney as to if the Committee could adopt Item #6.1.4.C.7. from Attachment C into the special use permit.

Ms. Papavasiliou stated yes.

Mr. Knott asked if there is any data to back up the separation distance because without any solid data he feels like he is flying by the seat of his pants. He said that there is no expert present to convince him of one way or another.

Mr. Langenheim stated that his undergraduate degree is in geological engineering including taking courses in petroleum production, petroleum planning and the engineering aspect of the oil business and he has had experience as working as a consultant in the oil fields of Illinois within the last couple of decades. He is a member of the American Association of Petroleum Geologists and he reads the trade journals which indicate

1 what is going on currently in the oil business and he does have some experience on this topic therefore he is
2 telling this Committee that we do not want to have above ground well heads or fittings along pipelines exposed
3 to random acts of violence.
4

5 Mr. Knott stated that he respects Mr. Langenheim's credentials but he does not see one thing which should lean
6 him one way or another. He said that he would like to see some factual information. He said that he has been
7 on *Google* all night and almost all of the noise issues have been the main focus and have found very few issues
8 or studies in this country regarding this issue.
9

10 Mr. Langenheim stated that this is because the United States is just now getting wind turbines therefore the noise
11 information will be from other countries that have had wind turbines for some time.
12

13 Mr. Moser stated that he would withdraw his second if Mr. Langenheim desires to amend the original motion.
14

15
16 Ms. Wysocki stated that the Committee needs to practice correct parliamentary procedure and back up a little.
17 She asked the Committee if they desire to remove Item #6.1.4.C.9 of the Finding of Fact (Page 75 of the Packet)
18 and replace it with Item #6.1.4C.7 from Attachment C(Page 44 of the Packet).
19

20 Mr. Kurtz asked Mr. Hall to clarify the statement in Item #6.1.4C.7 which discusses the submission of a private
21 waiver but omits the owner of a gas pipeline.
22

23 Mr. Hall stated that he did not intentionally leave out that entity.
24

25 Mr. Kurtz asked Mr. Hall who could sign that waiver reducing the separation distance.
26

27 Mr. Hall stated that the owner of the pipeline would sign that waiver. He reminded Mr. Kurtz that Item #7 is
28 only in regard to underground pipelines not above ground.
29

30 Mr. Kurtz stated that in other words the separation would be 1.1 times the total height of the turbine from an
31 underground pipeline.
32

33 Mr. Hall stated that going back to Mr. Langenheim's comments we do not specifically specify in our definition
34 of pipeline that it has to be underground and thank goodness there are no above ground pipelines that he is aware
35 of.
36

37 Mr. Kurtz stated that if we are not talking about above ground pipelines then the 1.1 times the total height of the
38 turbine should be fine.
39

40 Ms. Wysocki stated that if this is a substitute motion then it needs to be placed on the table with a second.
41

42 Mr. Kurtz stated that his intention is to use Item #6.1.4C.7 (Page 44 of the Packet) stated as such that it's all

1 underground.

2
3 Mr. Hall stated that everything included as Attachment C (Page 44 of the Packet) is intended to go as a unit.
4 He said that Item #7 goes with Item #9.

5
6 Mr. Kurtz asked if the two can be separated.

7
8 Mr. Hall stated that the Committee can do anything that it wants but the motion needs to be specific.

9
10 **Mr. Kurtz withdrew his original motion.**

11
12 **Mr. Kurtz moved, seconded by Ms. Anderson to remove Paragraph 6.1.4C.9(b)(Page 76 of the Packet)**
13 **and amend Paragraph 6.1.4C.7(Page 75 of the Packet) with the text included in Paragraph 6.1.4.C.7**
14 **(Attachment C, Page 44 of the Packet).**

15
16 Mr. Hall stated that this motion removes any greater separation for above ground fixtures related to the
17 pipelines.

18
19 Mr. Schroeder stated that he is somewhat confused. He asked Mr. Kurtz if it is his intention to amend the
20 Ordinance so that anything associated with the underground pipeline is 1.1 times the height of the turbine.

21
22 Mr. Kurtz stated yes.

23
24 Mr. Schroeder asked Mr. Kurtz if he will address the above ground fixtures associated with the pipeline.

25
26 Mr. Kurtz stated that currently he wants to make sure that the underground pipelines are 1.1 times the height
27 of the turbine.

28
29 Mr. Schroeder asked Mr. Kurtz if his motion is to only amend Paragraph 6.1.4C.7(Page 75 of the Packet)
30 with the text included in Paragraph 6.1.4.C.7 (Attachment C, Page 44 of the Packet).

31
32 Mr. Kurtz stated yes and he will address 6.1.4.C.9 shortly.

33
34 Ms. Wysocki requested that the clerk call the roll.

35
36 The roll was called:

37			
38	Anderson-yes	Doenitz-yes	Ammons-yes
39	Jones-yes	Langenheim-yes	Kurtz-yes
40	Moser-yes	Schroeder-yes	Wysocki-yes
41			

42 **The motion carried.**

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Mr. Kurtz stated that he shares Mr. Langenheim’s concern regarding the safety of the above ground facilities associated with the underground pipeline. He said that a 1,200 foot separation is the recommended distance from the wind turbine to a well head but he would like to propose a compromise and recommend an 800 foot separation distance.

Mr. Kurtz moved, seconded by Mr. Doenitz to amend the minimum separation distance for above ground pipeline fixtures including gas injection wellheads to 800 feet.

Mr. Langenheim stated that an 800 foot separation is not acceptable.

Mr. Kurtz asked Mr. Langenheim to recommend an acceptable separation distance.

Mr. Langenheim stated that he will trust the recommendation by staff and the ZBA. He said that the ZBA drew upon a great deal of information during their deliberation and much of it was from people who have had a lot of experience with wind turbines therefore he is willing to agree with their recommendation of 1,200 feet.

Mr. Kurtz asked Mr. Hall if it was staff or the ZBA that recommended a 1,200 foot separation.

Mr. Hall stated that staff proposed a 1,200 foot separation to the ZBA and they accepted it. He said that he is not aware of any wind farm developer who has complained about the 1,200 foot separation to any above ground fixtures.

Ms. Wysocki asked Mr. Polz if he would complain about such a separation.

Mr. Polz stated that he would suggest that the capability of obtaining a private waiver be added. He said that he has a 25 page document that his company has with another pipeline company within another project and that document outlines how they want his company to cross with equipment or install underground cable. He said that the pipeline company dictates to his company as to what is and is not safe. He said that the pipeline impact radius could also be used as a minimum separation distance from the well heads.

Mr. Hall stated that adding a waiver would solely leave it up to the wind farm developer and the pipeline company and the County would have to accept that waiver.

Mr. Polz stated that the County has already dictated the distance for other land use, such as the pipeline impact radius. He said that the County already has a restriction on how close other land uses can be to the above ground well heads.

Mr. Hall stated that the pipeline impact radius associate with the well heads which are located in the Manlove Gas Storage Field is less than 1.1 times the height of the turbine.

1 Mr. Polz stated that other land uses could be less than 1.1 times the height of the turbine.
2
3 Mr. Hall stated yes.
4
5 Mr. Polz stated that up to that distance it would be up to the pipeline company to dictate how close a safe
6 distance would be to their well head, for each particular use. He said that the pipeline company does have the
7 lease over the property and nothing can be done on the property without their approval. He said that typically
8 his company defers to the expertise of the pipeline company when it comes to what is safe within the vicinity of
9 their well heads.
10
11 Mr. Kurtz stated he believes that it would be reasonable to add a private waiver if the pipeline company does not
12 want its assets or resources to be destroyed. He said that he will amend his original motion to allow a private
13 waiver which would give both parties the opportunity to negotiate a safe distance.
14
15 Mr. Hall stated that the following text could be added to Paragraph 6.1.4.C.9: This separation may be reduced
16 upon submission of a private waiver signed by the owner of said electrical transmission line or communication
17 tower or the relevant public street maintenance jurisdiction. The private waiver must specify the agreed
18 minimum separation. He said that Item #9.A and #9.B should be deleted.
19
20 Ms. Wysocki asked Mr. Doenitz if he agreed to the amended motion.
21
22 Mr. Doenitz stated yes.
23
24 Ms. Anderson asked if there were more well heads in the County other than just this one in the Manlove Gas
25 Storage Field.
26
27 Mr. Hall stated yes.
28
29 Mr. Langenheim asked if the safe distance between the turbine and the well head will be negotiated between the
30 wind farm developer and the owner of the pipeline without any standards set by the County.
31
32 Mr. Hall stated yes, although when it gets down to the minimum of the pipeline impact radius the County could
33 always require that distance as a standard condition.
34
35 Mr. Langenheim stated that the ZBA and staff agreed upon a 1,200 foot separation distance.
36
37 Mr. Hall stated yes.
38
39 Mr. Langenheim asked Mr. Hall how this separation distance was derived.
40
41 Mr. Hall stated that when this issue was raised at the public hearing people were arguing for something greater
42 than 1,600 feet, simply based upon newspaper articles and news reports regarding the debris field from these

1 from these catastrophic turbine disasters. He said that a 1,600 foot separation appeared extreme therefore if a
2 home could be within 1,200 feet then perhaps a well head could be within 1,200 feet from a turbine and as he
3 recalls he and Mr. Polz discussed this issue outside of the public hearing and agreed upon 1,200 feet. He said
4 that he does not recall the waiver being discussed at that time but perhaps Tim did recommend it and he
5 overlooked it at that time.

6
7 Mr. Langenheim stated that the 1,200 foot separation was really part of a compromise.

8
9 Mr. Hall stated yes because there is no data available.

10
11 Mr. Polz stated that the 1,200 foot separation distance would be the default distance therefore if a pipeline
12 company did not want to grant a waiver because it was too dangerous the default distance would be followed.
13 He said that the wind companies are basically letting the pipeline companies dictate what is considered safe and
14 what is not safe because no one knows their facilities better than they do. He said that 1,200 feet seems
15 reasonable as the default unless the pipeline company tells the wind company that there is no concern on their
16 part if a turbine was sited within 1,000 feet.

17
18 Mr. Langenheim asked where the 1,600 foot separation distance came from.

19
20 Mr. Hall stated that the 1,600 foot separation distance came from news reports of wind turbine accidents.

21
22 Mr. Langenheim stated that those news reports are facts from the field.

23
24 Mr. Hall stated that no one knows what is actual news on the web or just numbers on the web.

25
26 Mr. Langenheim stated that he is not so much concerned about the pipeline company and the wind farm
27 company but the effects on the people in the area therefore he is not comfortable with the possibility of one of
28 the wind turbines toppling off one of the well heads and the contents within the gas storage field being set off
29 like a roman candle.

30
31 Ms. Wysocki asked Mr. Polz and Mr. Doster if they have had any previous locations like in Champaign County
32 which involved a gas field.

33
34 Mr. Polz stated that they have not had a location where there is a cluster of injection sites like that in the
35 Manlove Gas Storage Area. He said that they do have a high pressure 36-inch gas main running through one of
36 their projects and it does have above ground appurtenances along the way.

37
38 Ms. Wysocki asked Mr. Polz what the setback was for those appurtenances.

39
40 Mr. Polz stated that the setback is 1.1 times the height of the turbine.

41
42 Mr. Kurtz called the question.

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Ms. Wysocki requested that the clerk call the roll.

Mr. Hall read the motion as follows:

Mr. Kurtz moved, seconded by Mr. Doenitz to adopt Paragraph 6.1.4.C.9., deleting Subparagraphs (a) and (d) with the addition of the following text: This separation may be reduced upon submission of a private waiver signed by the owner of said electrical transmission line or communication tower or the relevant public street maintenance jurisdiction. The private waiver must specify the agreed minimum separation.

The roll was called:

Anderson-yes	Doenitz-yes	Ammons-yes
Jones-yes	Langenheim-no	Kurtz-yes
Moser-yes	Schroeder-yes	Wysocki-yes

The motion carried.

Mr. Kurtz stated that he would Paragraph 6.1.4.I.6 written to the Illinois Pollution Control Board’s standards applying to all noise regulations.

Mr. Hall stated that this is how Paragraph 6.1.4.I.6 is written. He said that Page 85 of the mailing Packet, Paragraph 6.1.4.I. only references the Illinois Pollution Control Board’s regulations. He said that this amendment has also only referenced the Illinois Pollution Control Board’s regulations and the only time that 40 decibels was proposed was in Attachment B. and that was defeated earlier therefore it is not mentioned anywhere in the proposed amendment.

Mr. Moser stated that he would like to address Paragraph 6.1.4.E.5 on Page 79 of the Mailing Packet. He said that the soil will be ripped at least 18 inches deep and this is a decision that the owner of the property should make with the developer and it is not the business of the County. He said that he does not know how the County will ever enforce such mitigation.

Ms. Wysocki asked Mr. Moser if it is his intention to have Item 6.1.4.E.5. (1), (2) and (3) deleted.

Mr. Moser stated yes.

Mr. Moser moved, seconded by Mr. Doenitz to delete specific standards for mitigation of soil compaction included in Paragraph 6.1.4.E.5.(b)(1), (2), and (3).

Ms. Wysocki requested discussion.

Ms. Anderson asked if the farmers would be okay without this requirement.

1

2 Mr. Moser stated that the farmers are smart enough to know their farm as to whether they have to rip it out once,
3 twice or three times. He said that the farmers will not have the equipment to do so because you would have to
4 have a heck of a tractor and not a very big chisel plow to get down 18-inches in rutted ground. He said that he
5 can speak from experience because he took over a farm that Wandells had rented for trees for 7 years and they
6 had to rip the land five different times to fill in the tree holes and then had to do it again in the fall.

8

9 Mr. Hall stated that the idea of 6.1.4.E.5 was just as a backstop just in case it wasn't included in the lease but if
10 subparagraphs 1-3 are not needed then all of 5 should be deleted.

11

12 Mr. Langenheim asked Mr. Moser if his purpose is to remove the specific requirements for which the land is to
13 be restored or if he is removing the requirement for the land to be restored.

14

15 Mr. Moser stated that the land will restore itself because it will freeze and thaw but it will have to be ripped
16 more than once within two different seasons.

17

18 Mr. Langenheim asked Mr. Moser if he would allow the operator to walk off and leave it without restoring it.

20

21 Mr. Moser stated that this is an issue that the landowner can negotiate with the wind company.

22

23 Mr. Langenheim stated that the general statement that the land shall be restored to a tillable condition should be
24 included.

25

26 Ms. Wysocki stated that such language is included in the decommissioning requirement.

27

28 Mr. Hall stated that the decommissioning requirement is a totally different topic.

29

30 Mr. Weibel stated that perhaps, like Mr. Moser indicated, the agreement to restore the soil compaction should be
31 up to the landowner and the wind company.

32

33 Ms. Ammons asked Mr. Hall if during his review of other county's wind ordinances were there mitigation of
34 soil compaction requirements.

35

36 Mr. Hall stated that no other ordinance speaks about soil mitigation nor do they discuss repair of drainage tile, or
37 electrical cable being placed deep enough to prevent them from being ripped up to the surface by farm
38 equipment or restoration of terraces. He said that no other ordinances are concerned with farmland mitigation at
39 all.

40

41 Mr. Langenheim asked Mr. Moser if Subparagraph 6.1.4.E.5(b) read as follows: Unless specifically provided for
42 otherwise in the wind farm lease, the applicant shall mitigate soil compaction and rutting for all areas of

1 farmland that were traversed with vehicles and construction equipment or where topsoil is replaced in open
2 trenches and leave that up to negotiation with the landowners. He said that Items (1), (2) and (3) could be
3 deleted.

4
5 Mr. Moser stated that he would not have a problem with Mr. Langenheim’s substitute language for
6 Subparagraph 6.1.4.E.5(b).

7
8 Mr. Doenitz agreed.

9
10 Mr. Hall stated that as the Champaign County Administrator he would urge the Committee not to place
11 statements that do not establish clear requirements in the *Ordinance*. He said that substitute motion does not
12 establish any requirement on anyone and it does not belong in the *Ordinance*.

13
14 Mr. Moser stated that he will agree with Mr. Hall and recommended that all of Subparagraph 6.1.4.E.5 be
15 deleted.

16
17 Mr. Doenitz agreed.

18
19 Ms. Wysocki restated the motion as follows: **Unless specifically provided for otherwise in the wind farm
20 lease, the applicant shall mitigate soil compaction and rutting for all areas of farmland that were
21 traversed with vehicles and construction equipment or where topsoil is replaced in open trenches and
22 delete Items (1), (2) and (3).**

23
24 Ms. Wysocki requested that the clerk call the roll.

25
26 The roll was called:

27			
28	Anderson-no	Doenitz-yes	Ammons-no
29	Jones-yes	Langenheim-yes	Kurtz-yes
30	Moser-yes	Schroeder-no	Wysocki-no

31
32 **The motion carried.**

33
34 **Mr. Langenheim moved to reinstitute the wind farm overlay district.**

35
36 **The motion failed by the lack of a second.**

37
38 Mr. Doenitz asked Mr. Hall to indicate where decommissioning is addressed.

39
40 Mr. Hall stated that 6.1.4.Q. (Page 90 of the mailing packet) addresses decommissioning. He said that the real
41 meat of decommissioning is included in the *Zoning Ordinance* under the Reclamation Agreement therefore not
42 very much needed to be added in regards to wind farms.

1
2 Mr. Nudo stated that he is concerned about the funding of the decommissioning. He said that in today's world
3 an Irrevocable Letter of Credit isn't worth as much as it was a long time ago. He said that Mr. Uken, Manager
4 for the Champaign County Farm Bureau, has provided information about other counties that funded the
5 decommissioning either up front or partially along the way as opposed to an Irrevocable Letter of Credit. He
6 said that we could have an Irrevocable Letter of Credit over a 12 year period for the amount and 1/12th of the
7 amount be taken in cash and then reduce the Irrevocable Letter of Credit each year until finally after year 12 it is
8 satisfied. He said that his concern is if we are sure that we have the funding at the point and time when the
9 decommissioning is necessary so that we do not have an obsolete piece of equipment that is no longer efficient
10 in what it should be doing. He said that Mr. Uken provided the ZBA examples of how the decommissioning is
11 processed in other counties. He said that he is confused about the arbitrary number of 150% because it does not
12 take into consideration of inflation of the 25 years and decommissioning could be 300% at that time. He said
13 that he believes that more assistance is needed from the developers and some creative financing to assure that
14 the County has the money in hand at the point and time that it is required.

15
16 Mr. Kurtz asked if this issue could be addressed separately rather than within this ordinance.

17
18 Mr. Hall stated that it will need to be addressed before there is a wind farm application submitted.

19
20 Mr. Nudo asked Mr. Kurtz why the County would want to delay this issue.

21
22 Mr. Moser stated that he spoke with the wind farm developer in Ford County and he asked him who would pay
23 for the decommissioning and he indicated that in 25 years they will probably tear down the old towers and use
24 the same base for a more efficient system. He said that these turbines are not going to be here for 25 years and
25 then go away.

26
27 Ms. Wysocki asked the two developers if their companies had been involved in any decommissioning to date.

29
30 Mr. Doster stated no but they will normally have a certified engineering firm calculate a cost estimate of what
31 the decommissioning would be at the present time and down the road.

32
33 Ms. Wysocki asked Mr. Doster if his company, assuming that it is still solvent in 25 years, will pay for the full
34 decommissioning.

35
36 Mr. Doster stated that his company will make sure that the funds are available for the full decommissioning.

37
38 Mr. Polz stated that the owner of the company is the responsible owner of the lease agreement, if they are
39 solvent, to decommission the project with their own funds therefore if someone owns and operates a facility the
40 decommissioning plan must guide how they must do the decommissioning but the funding of it would be done
41 by the owner of the facility, unless they are not solvent. He said that most of the decommissioning plans and
42 reclamation agreements that they have done have been based on a Letter of Credit but if the County wants to

1 County wants to leave its options open then they could say a security could be posted by a mutually acceptable
2 agreement between the applicant and the County.

3
4 Mr. Nudo stated that Mr. Polz indicated twice if the wind company is solvent therefore that is where the
5 Irrevocable Letter of Credit means less than the paper it is printed on.

6
7 Mr. Polz stated that this is what the Irrevocable Letter of Credit is in place for therefore the Letter Of Credit is
8 in the County's hands with a financial institution. He said that the Letter of Credit will still be around even if
9 the company is not. He said that in a lot of the decommissioning plans that they have done the county has the
10 ability on either a yearly basis or some other time frame to switch financial institutions.

11
12 Mr. Nudo stated that today he actually had a conversation with a financial person from Chicago and he indicated
13 that in light of the financial times a Letter of Credit must be backed by collateral at a bank held in escrow. He
14 said that it isn't just the wind company that the County has to be concerned with being solvent in 25 years but
15 the financial institution that holds the Letter of Credit in escrow.

16
17 Mr. Polz stated that he agrees with Mr. Nudo but most of the Reclamation Agreements and Letters of Credit are
18 set up so that they are renewed annually and some are renewed more frequently. He said that if the financial
19 institution is in trouble the County can step in and basically require the Letter of Credit be posted with a
20 different financial institution.

21
22 Mr. Nudo stated that this issue is beyond the scope of expertise of the people in this room and expert financial
23 advice is needed. He said that the arbitrary number of 150% is a number that he is not sure is valid. He said that
24 he has a cell phone that is two years old and is already obsolete and this energy technology will also become
25 obsolete in time and then there will be a 500 foot turbine on someone's property. He said that if Mr. Moser's
26 source is correct then a more efficient turbine will replace the obsolete version but if his source is wrong the
27 County will have a plan in place to remove the structures. He suggested that the County have an Irrevocable
28 Letter of Credit with a cash substitution for the first 12 years over a 12 year period, which is one-half the life of
29 the term of the lease, and replace one-twelfth of the Irrevocable Letter of Credit over the 12 years. He said that
30 he has a level of confidence that the technology will stay before the 25 year lease expires and then each year the
31 Letter of Credit could be reduced by the amount paid in cash placed into escrow. He said that he is not sure
32 what the amount should be required for the Irrevocable Letter of Credit but if engineers could come up with a
33 number with inflation then that is the way to do it.

34
35 Mr. Schroeder stated that he shares Mr. Nudo's concerns and would like to see the engineer's cost estimate in
36 writing.

37
38 Mr. Kurtz stated that he also shares Mr. Nudo's concerns and wondered if there was a way to approve this part
39 of the *Ordinance*, since this has to be held at ELUC for 30 days to allow municipal protest, and have an engineer
40 submit those numbers at the May ELUC meeting for review and recommendation. He said that this will allow
41 time for the Committee to consider Mr. Nudo's recommendation and make a decision whether to add it to the
42 *Ordinance* in May.

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Mr. Hall stated that the Committee could amend the Reclamation Agreement requirements that are in the *Ordinance* already with a stiffer set as indicated in 6.1.4.Q. He said that he is not clear as to what engineer the County would get to provide such information.

Mr. Kurtz stated that if someone has that type of expertise that could tell the County what it is going to cost in 25 years what it is going to cost to decommission one of these turbines.

Ms. Wysocki asked Mr. Kurtz where someone would get such expertise.

Mr. Kurtz stated that there are some wind farms in California that have already started replacement or decommissioning.

Mr. Hall stated that perhaps every year or every two years the value of the Irrevocable Letter of Credit should be renewed and updated pegged to some cost index because no one is going to be able to tell the County what it is going to cost in 25 years but everyone could tell you what it costs every two years to update it. He said that some ordinances do require this route and he has not added this route because it is a burden that the County will have to do every two years.

Mr. Moser asked if Mr. Uken could explain where he obtained his numbers.

Mr. Uken, Manager for the Champaign County Farm Bureau, stated that the information that he submitted to Mr. Nudo is from Bureau County which is where Invenergy is developing a project. He said that he spoke with Ms. Kris Donarski, Bureau County Zoning Administrator, and she indicated that they negotiated a figure with the wind company up-front, prior to the development, prior to the issuing of the building permit, a set number. Ms. Donarski stated that they had an engineer which talks about the cost of decommissioning, the cost of removing the underground cables, concrete, etc, and taking down the towers. She said that the figures are agreed upon in advance and in some cases that money was put into an escrow account as cash, no line of credit, put into an account with an amount that was agreed upon with the wind company. Mr. Uken stated that he asked Ms. Donarski if she had ever had a wind company turn down and walk away from development in Bureau County due to the requirement of the decommissioning agreement and she indicated no. Mr. Uken stated that perhaps with Mr. Polz's company, in certain instances, it was different as to what they did with their company.

Mr. Moser asked Mr. Uken if he could obtain a copy of the Bureau County's report so that Champaign County does not have to pay someone else to duplicate it.

Mr. Uken stated that he does have the name of the engineering firm that completed the cost estimate and a sample of what they have done and the rough calculations that were used for removing underground cables, concrete, etc. He said that he does not have this information with him tonight but he could provide it to staff.

1 Mr. Kurtz asked Mr. Hall if up-front negotiations for decommissioning, prior to the issuance of a Special Use
2 Permit, could be inserted into the *Ordinance*.
3
4 Mr. Weibel stated that a motion could be made to have the information prepared but it cannot be placed into the
5 *Ordinance* at tonight's meeting.
6
7 Mr. Moser stated that if there is going to be a Irrevocable Letter of Credit with someone then why can't it be
8 between the landowner and the wind company and leave the County out of it.
9
10 Mr. Hall stated that the County is the beneficiary of the Letter of Credit.
11
12 Mr. Moser stated that he has a farm that he rents from the University of Illinois and he has to give them a Letter
13 of Credit which indicates that the bank will guarantee the other half of that check if he can't write it for cash
14 rent. He said that this is an individual agreement for anyone who farms for the University of Illinois.

16
17 Mr. Hall stated that in this instance the County wants to be in control of the Letter of Credit if there needs to be
18 reclamation. He said that staff can come back at the next meeting with the changes that are based on what was
19 done in Bureau County but it is still not clear how Bureau County makes sure that they have adequate funds in
20 25 years.
21
22 Mr. Knott stated that the internet indicates that Bureau County Board unanimously passed a 1.7 million dollar
23 decommissioning plan with Big Sky wind developers which breaks down to approximately \$31,000 per turbine.

25
26 Mr. Polz stated that his company has built projects in Bureau County with a total of four permitted in that
27 county. He said that the first project that they completed, the Crescent Ridge Project, in 2000 was initially
28 required to post security in the form of cash escrow but the County later relented because it was a huge sticking
29 point with their equity partner and they decided to allow an Irrevocable Letter of Credit. He said that every
30 project that they have done since have all included Irrevocable Letters of Credit. He said that there was a
31 decommissioning plan negotiated with the county which had engineering estimates for a per turbine basis. He
32 said that in other counties the decommissioning agreement and the amount of security that is posted and the
33 method by which it is posted are negotiated between the county and the developer prior to the issuance of a
34 building permit. He said that it is done either two ways, either as a requirement of the Special Use Permit; or a
35 stipulation to the Special Use Permit therefore requiring that it has to be negotiated and security posted in a form
36 that is mutually acceptable by the county and the developer prior to the issuance of the building permit. He said
37 that why the latter approach tends to be better for everyone is because the project is much further along in its
38 development at that point and there are fewer variables at that point and the engineers can give a more accurate
39 estimate of what it will cost to decommission. He suggested that the Committee structure the *Ordinance* in
40 such a way that the decommissioning plan can be negotiated between the county and developer prior to the
41 issuance of a building permit and whatever form of security that the county will require from the developer will
42 be decided at that point.

1
2 Mr. Kurtz asked if this needs to be stipulated in the *Ordinance* or as part of the Special Use Permit.

3
4 Mr. Hall stated that his advice is that the dollar amount and the formal agreement must be done at the public
5 hearing but the County does not need the actual Letter of Credit until there is a request for a building permit. He
6 said that these things cannot be negotiated outside of a public hearing.

7
8 Mr. Hall stated that he has been reviewing the fee section, included on Page 96 of the mailing packet, and he
9 believes that staff has overlooked something in its presentation to the ZBA. He requested that when the
10 Committee considers the fee for a County Board Wind Farm Special Use Permit that they establish a minimum
11 amount of \$10-\$20,000 for small wind farms, ten wind turbines, in which would give \$4400 dollars which
12 would not begin to touch the cost of reviewing that small wind farm. He said that Livingston County has a
13 minimum of \$20,000 and adds \$1,000 per turbine which would be fantastic but might be seen as excessive for
14 very small wind farms. He said that Subparagraph 6.1.4.9.3.3.B.6 should be revised to indicate "not less than
15XX dollars".

16
17 Mr. Kurtz asked Mr. Hall if he is referring to private turbines.

18
19 Mr. Hall stated no he is referring to a wind farm. He said that the minimum fee for a Wind Farm County Board
20 Special Use Permit, if it is a very small number of turbines, requires more than \$440 per turbine. He said that
21 with more than 50 turbines he is comfortable with the \$440 per turbine.

22
23 **Ms. Ammons moved, seconded by Mr. Langenheim to amend Subparagraph 6.1.4.9.3.3B.6 to indicate a**
24 **fee of \$440 dollars per wind turbine for a wind farm consisting of more than 50 wind farm turbine towers**
25 **but not less than \$20,000 for a wind farm consisting of 50 or less wind farm turbine towers.**

26
27 Ms. Busey suggested that it would be easier to state the motion as follows: **The County Board Wind Farm**
28 **Special Use Permit is \$20,000 per farm or \$440 per wind turbine tower, whichever is greater.**

29
30 Ms. Ammons and Mr. Langenheim agreed to Ms. Busey's recommendation.

31
32 **The amended motion carried by voice vote.**

33
34 **Mr. Schroeder moved, seconded by Mr. Doenitz to eliminate Paragraph 6.1.4.N. (Pages 88-89 of the**
35 **mailing packet) which is in regard to Standard Conditions for Visual Impact Assessment.**

36
37 Mr. Schroeder stated that there is always something being built therefore the landscape of the Midwest is
38 changing and this is just part of it. He said that he has a real problem with trying to determine the visual impact
39 assessment and believes that it will be very hard to accomplish. He said that he just came from Wisconsin and
40 he saw wind turbines all of the way down but it got to the point where he didn't even notice them. He said that
41 he does not mean to sound heartless but this is just a change in the landscape in the Midwest and our area is part
42 of it and if we are going to continue to require electricity then we need to figure out how to generate this kind of

1 out how to generate this kind of energy.

2
3 Ms. Wysocki requested that the clerk call the roll.

4
5 The roll was called:

7	Anderson-yes	Doenitz-yes	Ammons-no
8	Jones-yes	Langenheim-no	Kurtz-yes
9	Moser-yes	Schroeder-yes	Wysocki-yes

10
11 **The motion carried.**

12
13 Mr. Schroeder stated that he has a concern regarding Paragraph 6.1.4.R. regarding the Complaint Hotline. He
14 said that he has a feeling that staff will receive phone calls on every phone in the office therefore will there be a
15 special "800" number be set aside for this hotline.

16
17 Mr. Hall stated that this is requirement on the developer and the County will not be doing this although he is
18 sure that staff will be receiving calls too.

19
20 Ms. Wysocki stated that when she attended the McLean County Wind Farm Tour she noticed that the wind
21 turbines had a sign that had an "800" number on them.

22
23 Mr. Schroeder asked if this is the case is there a way to route those phone calls without taking up staff time.

24
25 Mr. Hall stated that there is no staff time that will be taken up for this issue.

26
27 Mr. Schroeder stated that people will call the Planning and Zoning office.

28
29 Mr. Hall stated that his gut feeling is that if a special message is placed in the automated office message
30 regarding the wind towers and refers to the "800" number no one will call it. He said that no one will call that
31 number until they reach a live human being to talk to about their complaint.

32
33 Mr. Schroeder stated that this is why he is concerned because a live human being is what they will find in the
34 zoning office.

35
36 Mr. Kurtz asked if the Complaint Hotline is a reality in some of the other areas, such as Bureau County.

37
38 Mr. Polz and Mr. Doster indicated that both companies have complaint hotlines setup.

39
40 Ms. Wysocki asked Mr. Polz and Mr. Doster how many calls are received.

41
42 Mr. Polz and Mr. Doster were unable to answer Ms. Wysocki's question because they are not in the office

1 enough to know.

2
3 Mr. Schroeder asked Mr. Polz and Mr. Doster if their hotlines are answered by an automated message or by a
4 live human being.

5
6 Mr. Polz and Mr. Doster stated that during regular business hours the hotline is answered by a live person.

7
8 Ms. Wysocki asked the Committee if there were any further concerns.

9
10 Mr. Weibel stated that he had a few concerns regarding 6.1.4.M. regarding Shadow Flicker. He asked Mr. Hall
11 if the public street and the public road are interchangeable.

12
13 Mr. Hall stated yes.

14
15 Mr. Weibel stated that 6.1.4.M.2.(b) indicates that no public street shall be subjected to shadow flicker. He
16 requested clarification because he does not understand how the shadow flicker can be avoided on the road during
17 certain times of the day.

18
19 Mr. Hall stated that perhaps this can't be done but that issue was not raised during the public hearing and this
20 text has been in the *Ordinance* since the beginning.

21
22 Mr. Weibel asked the developers if they have had to deal with shadow flicker.

23
24 Mr. Polz stated that typically they conduct a study and they do not have any wind farms that do not deal with
25 some sort of shadow flicker and if there is a minimal threshold where it is more in one location than another then
26 they will try to stay away from that location.

27
28 Mr. Weibel asked if they identify areas that will be impacted by shadow flicker.

29
30 Mr. Polz stated that do model simulations based on the location of the turbines. He said that one hour per year
31 seems to be a very low impact.

32
33 Mr. Doster stated that most standards that he has seen has included a minimum threshold that cannot be
34 exceeded and cannot be subjected to existing, occupied dwellings but does not include roads. He said that he
35 obviously did not review this portion of the *Ordinance* closely enough but typically it is not measured at a road
36 location.

37
38 Mr. Kurtz asked if Subparagraph 6.1.4.M.2.(a) is in regard to participating and non-participating dwellings and
39 if so is that possible.

40
41 Mr. Hall stated that he does not know if it is possible.

1 Mr. Kurtz stated that he does not understand how we could require such because it is going to happen at some
2 point because it is normal for a wind turbine therefore if it happens to touch a participating dwelling, someone
3 who has a lease with the wind company, they will be told that they cannot have the turbine due to the shadow
4 flicker on their land.

5
6 Mr. Hall stated yes.

7
8 Mr. Kurtz stated that this is not acceptable.

9
10 **Mr. Kurtz moved, seconded by Mr. Doenitz to delete Standard Conditions for Shadow Flicker**
11 **(Paragraph 6.1.4.M).**

12
13 Mr. Hall stated that Subparagraph 6.1.4.M.2(a) and (b) could be deleted and leave Subparagraph 6.1.4.M.1 so
14 that there is some requirement for shadow flicker.

15
16 Mr. Kurtz stated no.

17
18 Mr. Doenitz asked Mr. Hall to explain the requirement since there is nothing to base it on.

19
20 Mr. Hall stated that he did not say that he has nothing to base the requirement upon but most dwelling residents
21 are very sensitive to shadow flicker therefore staff proposed that no existing dwellings shall be subjected to
22 shadow flicker.

23
24 Mr. Doenitz asked if the sun is fully in the west, prior to setting, how far is the shadow flicker.

25
26 Mr. Hall stated that he does not know because he does not know how to design a wind farm.

27
28 Mr. Doenitz stated that perhaps we should ask those who do know.

29
30 Mr. Hall stated that those who do have had two months to review this *Ordinance* and they have not raised an
31 issue with shadow flicker.

32
33 Ms. Ammons stated that one of the gentlemen did indicate that they did conduct a study therefore Paragraph
34 6.1.4.M. is requiring the applicant to submit the results of a study on potential shadow flicker. She said that the
35 motion on the table would remove any requirement of any study whatsoever in regards to this issue.

36
37 Ms. Anderson stated that there were comments made during the public hearing regarding shadow flicker.

38
39 Ms. Wysocki asked if it would make more sense to define the term “dwelling” as to being occupied or a chicken
40 house, etc.

41
42 Mr. Weibel stated that he believes that Subparagraph 6.1.4.M.2(b) should be deleted but this is a big concern for

1 for people who currently live in the area.

2
3 Ms. Wysocki stated that it would be interesting to know if there is any correlation between shadow flickers on
4 roads and accidents.

5
6 Mr. Langenheim asked if anyone could explain what exactly occurs during shadow flicker.

7
8 Ms. Wysocki stated that it is much like the shadow cast by a ceiling fan and she finds it to be very distracting.

10
11 Ms. Ammons stated that she would like to recommend the following substitute motion:

12
13 **Ms. Ammons moved, seconded by Ms. Anderson to maintain Paragraph 6.1.4.M.1 and 2(a) and delete**
14 **Subparagraph 6.1.4.M.2(b).**

15
16 Mr. Kurtz stated that again if we keep Subparagraph 6.1.4.M.2(a) we are still talking about any dwelling of any
17 type therefore the County will be telling a farmer who has a lease with a wind farm developer that he cannot
18 have a wind turbine on his property if the turbine creates shadow flicker on his residence. He stressed that there
19 is no compromise with this requirement and he does not agree with it.

20
21 Mr. Ammons asked Mr. Hall if the conditions for shadow flicker take into consideration other residences that
22 live within the area of the wind turbine and not just the owner of the property for which the wind turbine will be
23 located. She asked if there was a way to adjust Subparagraph 6.1.4.M.2(a).

24
25 Mr. Hall stated that the Committee could include a provision for a private waiver so that whoever it is could
26 waive that requirement. He said that Subparagraph 6.1.4.M.2(a) could be revised as follows: Existing dwellings
27 shall not be subjected to shadow flicker. This requirement may be reduced upon the submission of a private
28 waiver signed by the owner of the property.

29
30 Mr. Kurtz asked Mr. Hall if he is talking about a participating or non-participating dwelling.

31
32 Mr. Hall stated that he is talking about both.

33
34 Mr. Kurtz stated that a non-participating farmer who has shadow flicker on his home for 25 minutes a year could
35 indicate that due to the small amount of shadow flicker that occurs on his house he will not allow a wind turbine
36 to be located in the area.

37
38 Mr. Hall stated yes.

39
40 Mr. Kurtz stated no.

41
42 Mr. Jones stated that the shadow flicker requirement is really to protect the non-participating landowner. He said

1 said that if you are a participating landowner they probably don't care if there is shadow flicker produced and
2 they can sign a waiver stating such but Ms. Ammons is trying to protect the non-participating landowner.

3
4 Mr. Weibel stated that Mr. Kurtz has indicated that this is a black line issue and it isn't. He said that if shadow
5 flicker is produced then the wind company will have to relocate the turbine to a different location on the
6 landowner's property where it does not create shadow flicker on an existing dwelling and it is a great possibility
7 that this can be done with little effort.

8
9 Mr. Kurtz stated that the wind companies have made a plan as to where the turbines are desired therefore if three
10 wind turbines create shadow flicker upon existing dwellings then those three turbines will require relocation
11 which could change the whole plan.

12
13 Mr. Langenheim stated that he finds it hard to believe that the shadow flicker would only be an issue for 25
14 minutes out of the year or even an hour.

15
16 Mr. Nudo stated that he agrees with Mr. Langenheim. He said that a 500 foot turbine can cast a long shadow
17 which will cause two problems: 1. the developer's ability to maximize what they can put on a property; and 2.
18 the owner's ability to gain income off of the property. He said that the key is that the dwelling must be an
19 inhabitable dwelling. He said that the non-participating dwelling is just as important as a participating dwelling
20 but it has to be an inhabitable dwelling otherwise you are really hamstringing the developer in locating at
21 different locations. He said that Mr. Kurtz stated that the developers are aware of where the turbines need to be
22 placed to maximize the wind speed therefore when we require such a standard we are really placing restraints on
23 the project. He noted that the key word is "inhabitable."

24
25 Mr. Weibel stated that perhaps the key word is "maintained" for a residence.

26
27 Ms. Wysocki stated that there is a substitute motion on the floor as follows: **Ms. Ammons moved, seconded by**
28 **Ms. Anderson to maintain Paragraph 6.1.4.M.1 and 2(a) and delete Subparagraph 6.1.4.M.2(b).**

29
30 Ms. Wysocki requested that the clerk call the roll.

31
32 The roll was called:

33			
34	Anderson-yes	Doenitz-no	Ammons-yes
35	Jones-no	Langenheim-yes	Kurtz-no
36	Moser-no	Schroeder-no	Wysocki-yes
37			

38 **The motion failed.**

39
40 Ms. Wysocki stated that the Committee will now vote on the original motion which was as follows: **Mr. Kurtz**
41 **moved, seconded by Mr. Doenitz to delete Standard Conditions for Shadow Flicker (Paragraph 6.1.4.M).**

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Ms. Wysocki requested that the clerk call the roll.

The roll was called:

Anderson-no	Doenitz-yes	Ammons-no
Jones-no	Langenheim-no	Kurtz-yes
Moser-yes	Schroeder-yes	Wysocki-no

The motion failed.

Ms. Wysocki stated that Case 634-AT-08, will be held at ELUC for one month.

Ms. Wysocki stated that the Committee must address the original motion to recommend approval of Zoning Case 634-AT-08. She read the original motion as follows:

Mr. Kurtz moved, seconded by Mr. Doenitz to recommend approval of Case 634-AT-08, Part A: Zoning Administrator.

Ms. Wysocki requested that the clerk call the roll.

The roll was called.

Anderson-yes	Doenitz-yes	Ammons-yes
Jones-no	Langenheim-no	Kurtz-yes
Moser-no	Schroeder-no	Wysocki-yes

The motion carried.

9. Monthly Reports (October thru December, 2008 and January, February and March, 2009)

None

10. Other Business

None

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

None

12. Adjournment

1
2 **Ms. Ammons moved, seconded by Ms. Anderson to adjourn the April 13, 2009, ELUC meeting. The**
3 **motion carried by voice vote.**

4
5 The meeting adjourned at 9:58 p.m.

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9
Respectfully submitted,

Secretary to the Environment and Land Use Committee

eluc\minutes\minutes.fm



Champaign County Farm Bureau

801 N Country Fair Drive ♦ Suite A ♦ P.O. Box 3098 ♦ Champaign, IL 61826-3098
Phone: (217) 352-5235 ♦ Fax: (217) 352-8768

Bradley Uken, Manager

www.ccfarmbureau.com

RECEIVED

MAY 05 2009

CHAMPAIGN CO. P & Z DEPARTMENT

Barbara Wysocki
108 W. Holmes
Urbana, IL 61801

Dear Barbara,

The Champaign County Farm Bureau Board of Directors recently discussed several countywide issues that are being considered by you as a County Board member.

First of all, we have looked at the structure of the recorder of deeds, coroner and auditor offices. The Farm Bureau appreciates the discussion this issue has received and we believe this type of dialog is in the best interest of the County. Through examination of different aspects of county government, it can be determined if government is functioning properly and truly meeting the needs of the public. The Champaign County Farm Bureau supports the County not only discussing this issue, but allowing the citizens of Champaign County to voice their opinion on the elimination of the offices through a November 2010 ballot question. Additionally, the Farm Bureau believes that all three offices (recorder of deeds, coroner and auditor) should have the same question of elimination placed on the ballot for citizen input.

Finally, our Board examined the proposal for a Wind Farm Overlay Zoning District. This proposal is the first of its kind in the state of Illinois and does create some additional steps for the developers of these projects. It may also lead to more confusion from the general public in trying to understand what the ordinance requires and what it does not. However, this portion of the proposal does allow for greater transparency in the process and allows for more input from townships that have plan commissions as well as individual landowners. For these reasons, the Champaign County Farm Bureau is supportive of the proposed Wind Farm Overlay District. Thus, we encourage you to insert language addressing the overlay district into the proposal.

We hope that as you continue to review these issues you take under consideration our points of view. If you would like to discuss either of these issues further please feel free to contact me at (217) 832-8223.

Sincerely,

Jerry Watson, President
Champaign County Farm Bureau



**STATE OF ILLINOIS
COUNTY OF CHAMPAIGN**

**ENTERTAINMENT, RECREATION,
LODGING OF TRANSIENTS, AND RACEWAYS LICENSE**

**No. 2009-ENT-15
\$20.00**

Eastern Illinois A.B.A.T.E., Inc.

License is hereby granted to Eastern Illinois A.B.A.T.E., Inc. of PO Box 6132, Champaign, IL to provide Recreation/Entertainment at 3151-A County Rd 2800 E, Penfield, IL in Champaign County on June 5th and 6th, 2009. This License expires the 7th day of June, 2009 at 12:01am.

Witness my Hand and Seal this 12th day of May, A.D. 2008.

Chairman, Champaign County License Commission

Mark Shelden, Champaign County Clerk



STATE OF ILLINOIS,
Champaign County
Application for:
Recreation & Entertainment License

Applications for License under County Ordinance No. 55 Regulating Recreational & Other Businesses within the County (for use by businesses covered by this Ordinance other than Massage Parlors and similar enterprises)

For Office Use Only

License No. 2009-ENT-15

Date(s) of Event(s) 6-5-2009 & 6-6-2009

Business Name: EASTERN ILLINOS A.B.A.T.E., IN

License Fee: \$ 20.00

Filing Fee: \$ 4.00

TOTAL FEE: \$ 24.00

Checker's Signature: [Handwritten Signature]

Filing Fees:	Per Year (or fraction thereof):	\$ 100.00
	Per Single-day Event:	\$ 10.00
	Clerk's Filing Fee:	\$ 4.00

Checks Must Be Made Payable To: Mark Shelden, Champaign County Clerk

The undersigned individual, partnership, or corporation hereby makes application for the issuance of a license to engage a business controlled under County Ordinance No. 55 and makes the following statements under oath:

- A. 1. Name of Business: Eastern Illinois A.B.A.T.E., INC.
 2. Location of Business for which application is made: P.O. Box 16137
3151-A CR 2800 E Pentfield, IL Champaign, IL.
 3. Business address of Business for which application is made: 3151-A CR 2800 E Pentfield, IL.
 4. Zoning Classification of Property: Campground
 5. Date the Business covered by Ordinance No. 55 began at this location: June 5, 6/2009
 6. Nature of Business normally conducted at this location: Campground
 7. Nature of Activity to be licensed (include all forms of recreation and entertainment to be provided): live bands, camping, bike rodeo
 8. Term for which License is sought (specifically beginning & ending dates): June 5 & 6 2009
- (NOTE: All annual licenses expire on December 31st of each year)
9. Do you own the building or property for which this license is sought? NO
 10. If you have a lease or rent the property, state the name and address of the owner and when the lease or rental agreement expires: Rolling Hills Campground
3151-A CR 2800 E Pentfield, IL.
 11. If any licensed activity will occur outdoors attach a Site Plan (with dimensions) to this application showing location of all buildings, outdoor areas to be used for various purposes and parking spaces. See page 3, Item 7.

INCOMPLETE FORMS WILL NOT BE CONSIDERED FOR A LICENSE
AND WILL BE RETURNED TO APPLICANT

B. If this business will be conducted by a person other than the applicant, give the following information about person employed by applicant as manager, agent or locally responsible party of the business in the designated location:

Name: _____ Date of Birth: _____
Place of Birth: _____ Social Security No.: _____
Residence Address: _____
Citizenship: _____ If naturalized, place and date of naturalization: _____

If, during the license period, a new manager or agent is hired to conduct this business, the applicant MUST furnish the County the above information for the new manager or agent within ten (10) days.

Information requested in the following questions must be supplied by the applicant, if an individual, or by all members who share in profits of a partnership, if the applicant is a partnership.

If the applicant is a corporation, all the information required under Section D must be supplied for the corporation and for each officer.

Additional forms containing the questions may be obtained from the County Clerk, if necessary, for attachment to this application form.

- C. 1. Name(s) of owner(s) or local manager(s) (include any aliases): Barbara Reifsteck ^(M)
Date of Birth: _____ Place of Birth: Sailor Springs, FL.
Social Security Number: _____ Citizenship: US
If naturalized, state place and date of naturalization: _____
2. Residential Addresses for the past three (3) years: 200 N Broadway
Fisher, IL 61843
3. Business, occupation, or employment of applicant for four (4) years preceding date of application for this license: Director of Nursing - Gibson City
Director of Nursing - Urbana,

EACH OFFICER MUST COMPLETE SECTION D. OBTAIN ADDITIONAL FORM PAGES IF NEEDED FROM THE COUNTY CLERK AND ATTACH TO THIS APPLICATION WHEN FILED.

- D. Answer only if applicant is a Corporation: List of officers attached
1. Name of Corporation exactly as shown in articles of incorporation and as registered: Eastern IL A.B.A.T.E., INC.
2. Date of Incorporation: 12/03/1986 State wherein incorporated: FL.

Recreation & Entertainment License Application
Page Three

3. If foreign Corporation, give name and address of resident agent in Illinois:

Give first date qualified to do business in Illinois: _____

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

P.O. Box 6132 Champaign, IL 61826

5. Objects of Corporation, as set forth in charter: Educational

6. Names of all Officers of the Corporation and other information as listed: Officers list attached.

Name of Officer: Jerry Reifsteck Title: President

Date elected or appointed: 2006 Social Security No.: _____

Date of Birth: _____ Place of Birth: Danville, FL

Citizenship: US

If naturalized, place and date of naturalization: _____

Residential Addresses for past three (3) years: 200 N. Broadway
Fisher, FL 61843

Business, occupation, or employment for four (4) years preceding date of application for this license: _____

AC Humko

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.

map attached

AFFIDAVIT

(Complete when applicant is an **Individual or Partnership**)

I/We swear that I/we have read the application and that all matters stated thereunder are true and correct, are made upon my/our personal knowledge and information and are made for the purpose of inducing the County of Champaign to issue the permit hereunder applied for.

I/We further swear that I/we will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of the business hereunder applied for.

Signature of Owner or of one of two members of Partnership

Signature of Owner or of one of two members of Partnership

Signature of Manager or Agent

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

AFFIDAVIT

(Complete when applicant is a **Corporation**)

We, the undersigned, president and secretary of the above named corporation, each first being duly sworn, say that each of us has read the foregoing application and that the matters stated therein are true and correct and are made upon our personal knowledge and information, and are made for the purpose of inducing the County of Champaign to issue the license herein applied for.

We further swear that the applicant will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of applicant's place of business.

We further swear that we are the duly constituted and elected officers of said applicant and as such are authorized and empowered to execute their application for and on behalf of said application.

x Jerry Reifsteck
Signature of President

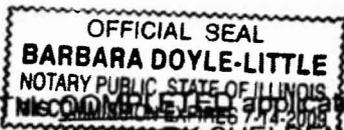
x Melissa J. Wilson
Signature of Secretary

NOTARIZING BARBARA REIFSTECK

Barbara L. Reifsteck
Signature of Manager of Agent

Subscribed and sworn to before me this 9th day of April, 2009.

Barbara Doyle Little
Notary Public



Application along with the appropriate amount of cash, or certified check made payable to MARK SHELLEN, CHAMPAIGN COUNTY CLERK, must be turned in to the Champaign County Clerk's Office, 1776 E. Washington St., Urbana, IL 61802. A \$4.00 Filing Fee should be included.



STATE OF ILLINOIS,
Champaign County
Recreation & Entertainment License
Check List and Approval Sheet

FOR ELUC USE ONLY

County Clerk's Office

- 1. Proper Application Date Received: 4-9-09
- 2. Fee Amount Received: \$24.00

Sheriff's Department

- 1. Police Record Approval: _____ Date: 4/15/09
- 2. Credit Check Disapproval: _____ Date: _____

Remarks: _____ Signature: CAPT. Jim Oger

Planning & Zoning Department

- 1. Proper Zoning Approval: ✓ Date: 5/5/09
- 2. Restrictions or Violations Disapproval: _____ Date: _____

Remarks: CR District Signature: [Signature]

A. A Temporary Use Permit is required
B. A Temporary Use Permit is a non-significant expansion of this nonconforming campground for this two day event.

Environment & Land Use Committee

- 1. Application Complete Approval: _____ Date: _____
- 2. Requirements Met Disapproval: _____ Date: _____

Signature: _____

Remarks and/or Conditions: _____

ILLINOIS
Jesse White, Secretary of State

DRIVER'S LICENSE

60400

Class: D
End:

Expires: 12-16-12
Issued: 10-19-08

Rest: B
Type: DRG

BARBARA LYNN FISHER
200-B BROADWAY
FISHER IL 61843

Female 5'00" 200 lbs. HZS Eyes

Barbara L. Fisher





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
3/27/2009

PRODUCER Chuck Hay Insurance Agency, Inc. 314 Main Street P. O. Box 118 Galva, Illinois 61434		Phone: (309)932-2134 Fax: (309)932-2136	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.											
INSURED A.B.A.T.E. of Illinois, Inc. 311 East Main Street Suite 418 Galesburg, IL 61401-4834		<table border="1"> <tr> <th>INSURERS AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A: Scottsdale Insurance Company</td> <td>41297</td> </tr> <tr> <td>INSURER B: Cincinnati Insurance Company</td> <td>10677</td> </tr> <tr> <td>INSURER C: Cincinnati Casualty Company</td> <td>28665</td> </tr> <tr> <td>INSURER D: Lloyd's of London</td> <td>999906</td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> </table>		INSURERS AFFORDING COVERAGE	NAIC #	INSURER A: Scottsdale Insurance Company	41297	INSURER B: Cincinnati Insurance Company	10677	INSURER C: Cincinnati Casualty Company	28665	INSURER D: Lloyd's of London	999906	INSURER E:
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INSURER E:														

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY CLAIMS MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	BCS0018312	11/1/2008	11/1/2009	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ not covered PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B		AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS GARAGE LIABILITY <input type="checkbox"/> ANY AUTO EXCESS / UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$	CAA 5330003 AWR	11/1/2008	11/1/2009	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC \$ AGG \$ EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
C		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below	WC 2100592-05	11/1/2008	11/1/2009	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
D		OTHER Liquor Liability	LIQ/27007	11/13/2008	11/13/2009	Liquor Liability 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

CERTIFICATE HOLDER IS NAMED AS ADDITIONAL INSURED AS THEIR INTERESTS MAY APPEAR WITH RESPECT TO EVENTS HELD AT THE ROLLING HILLS CAMPGROUND, 3151 COUNTY RD 2800E, PENFIELD, IL 61862 ON JUNE 5, 6 & 7, 2009, BY EASTERN IL CHAPTER ABATE "SUMMER BOOGIE", P O BOX 6132, CHAMPAIGN, IL 61826-6132

CERTIFICATE HOLDER Holder's Nature of Interest : Additional Insured Eastern Illinois Chapter of Abate PO BOX 6132 CHAMPAIGN, IL 61826	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES. AUTHORIZED REPRESENTATIVE
--	---

Jerry Reifsteck
President
200 N Broadway
Fisher, Illinois 61843

Matt Ruhnnow
Vice President
1716 Nancy Beth Dr
Champaign, Il 61822

Melissa Wilson
Secretary
113 Ennis Ln.
Urbana, Il 61802

Deanna Zehr
Treasurer
1532 B CR 2300 N
Urbana, Il 61802

Kelly Dillard
Activities Director
700 CR 2175 N
Champaign, Il 61822

Ken Wittrock
Board of Directors Rep.
1364 Treasure Ln
White Heath, Il 61884

Barbara Reifsteck
Safety & Education
200 N Broadway
Fisher, Il 61843

Champaign
County
Department of

**PLANNING &
ZONING**

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

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

To: **Environment and Land Use Committee**

From: **John Hall, Zoning Administrator**
JR Knight, Associate Planner

Date: **May 6, 2009**

RE: **Zoning Case 634-AT-08**

Zoning Case 634-AT-08 Part A

Request: **A) Authorize the County Board to approve Special Use Permits (SUP) and to change the requirements for the development of wind turbine developments (wind farms) to a County Board Special Use Permit (CBSUP).**

Petitioner: **Zoning Administrator**

STATUS

The Committee tentatively recommended the attached version of this text amendment at the April 13, 2009, meeting (see Attachment A). Note that changes to the ZBA recommendation are indicated. Notice of the tentative recommendation was mailed to all relevant municipalities and townships with plan commissions.

A protest has been received from Newcomb Township (see attached). The protest triggers the supermajority requirement (21 of 27 members) for approval. Other actions by townships and municipalities are reviewed below.

A letter has also been received from the Farm Bureau reasserting their preference for a requirement for the wind farm overlay zoning district (see attached).

At the April 13, 2009, meeting the Committee also discussed possible changes to the shadow flicker requirement (par. 6.1.4 M.) but no changes were made. An alternative par. 6.1.4 M. is included as Attachment B and reviewed below. The Committee also discussed the reclamation agreement requirement for an irrevocable letter of credit in the amount of 150% of the cost of reclamation (decommissioning). The basis of the 150% requirement is reviewed below and a revision is proposed.

ALTERNATIVE REQUIREMENTS FOR SHADOW FLICKER

At the last meeting the Committee debated the shadow flicker requirements in paragraph 6.1.4 M. of the proposed amendment. Since that meeting the County Engineer has determined that there are no documented safety hazards posed by shadow flicker on public streets.

Attachment B is an alternative par. 6.1.4. M. with the following changes:

- There are no requirements related to shadow flicker on streets.
- The limits on shadow flicker apply only to non-participating dwellings.
- No shadow flicker is allowable on non-participating dwellings unless the non-participating landowner has signed a private waiver.

The requirements of Attachment B are still more restrictive than any other Illinois county in regards to non-participating dwellings. Sangamon County allows up to one hour of shadow flicker and Bureau County requires a special condition of approval that shadow flicker must be mitigated on a case by case

basis. The provision of the private waiver allows the wind farm developer and non-participating landowner to come to an agreement regarding shadow flicker.

COST OF DECOMMISSIONING AND THE IRREVOCABLE LETTER OF CREDIT

At the April meeting the Committee questioned the basis of the dollar amount of the irrevocable letter of credit required for site reclamation (decommissioning) by par. 6.1.1 C. 5. of the *Zoning Ordinance*. This requirement was added in Ordinance No. 647 (Zoning Case 273-AT-00 Part B) on March 21, 2002. The amount of the letter of credit is required to be 150% of an independent engineer's cost estimate for (1) removal of the above ground portion and (2) below ground restoration and (3) final grading and erosion control. Nothing in the Finding of Fact or the case file explains the basis of the 150% but it is assumed to provide for cost inflation. There is some indication that the anticipated time span in Case 273-AT-00 Part B was 20 years. However, an average inflation rate of 3% over a 20 year period results in a 181% increase. It is also anticipated that there would be some salvage value in the turbines at the time of decommissioning but the amount of that value is not clear so it is not clear that 150% of the engineer's estimate is an adequate amount.

The current thinking is that wind farm life span is as much as 25 years. An average inflation rate of 3% over a 25 year period would amount to 210% rather than 150%. An average inflation rate of 4% would amount to 267% over a 25 year period. Attachment C is a proposed revision to par. 6.1.4 P. that increases the amount of the irrevocable letter of credit to 210% of the estimate and also requires the letter of credit to be increased if necessary to reflect actual rates of inflation over the lifespan of the wind farm.

There was also discussion about whether or not an irrevocable letter of credit is the most secure financial instrument to use for this purpose. There is no other recommendation at this time.

ACTIONS BY OTHER JURISDICTIONS

The following jurisdictions have taken the following actions to date in response to the proposed text amendment:

- Newcomb Township has formally protested (see attached). The protest triggers the supermajority requirement (21 of 27 members) for approval.
- The Compromise Township Plan Commission has submitted a letter in support of wind farms (see attached).
- The Urbana City Council voted to "not protest" the text amendment at their meeting on Monday, May 4, 2009.
- The Champaign City Council will not see this text amendment until May 19, 2009. The City of Champaign Report to Plan Commission is attached. The Report to Plan Commission includes the following staff recommendation:

"...a recommendation to not protest but to add a provision that a special use permit for wind farm development could not be approved within one mile of a municipality's extra-territorial jurisdiction at the time of approval."

Case 634-AT-08 Part A
Zoning Administrator
APRIL 7, 2009

The City of Champaign Plan Commission meets on Wednesday, May 6, 2009, and the Plan Commission recommendation will be available at the meeting.

Correspondence has also been received from the Prairieview-Ogden Community Consolidated School District (see attached) in support of wind farms.

ATTACHMENTS

- A Annotated Recommended (ELUC) Text Amendment Case 634-AT-08 Part A
- B Alternative Standards for Shadow Flicker (subpar. 6.1.4 M)
- C Proposed Revision to Decommissioning Plan (par. 6.1.4 Q.)
- D Newcomb Township Protest filed April 16, 2009
- E Letter from the Compromise Township Plan Commission dated May 4, 2009
- F Letter from the Prairieview-Ogden Community Consolidated School District dated May 4, 2009
- G City of Champaign Report to Plan Commission
- H Letter from the Champaign County Farm Bureau received May 5, 2009

Attachment A: Annotated Recommended (ELUC) Text Amendment Case 634-AT-08 Part A
APRIL 13, 2009

1. Add new purpose 2.(r) as follows:

- (r) provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

2. Add the following to Section 3.0 Definitions:

DWELLING OR PRINCIPAL BUILDING, PARTICIPATING: A DWELLING on land that is leased to a WIND FARM.

DWELLING OR PRINCIPAL BUILDING, NON- PARTICIPATING: A DWELLING on land that is not leased to a WIND FARM.

PRIVATE WAIVER: A written statement asserting that a landowner has agreed to waive a specific WIND FARM standard condition and has knowingly agreed to accept the consequences of the waiver. A PRIVATE WAIVER must be signed by the landowner.

WIND FARM: A unified development of WIND FARM TOWERS and all other necessary components including cabling, transformers, a common switching station, and maintenance and management facilities which are intended to produce electricity by conversion of wind energy and to deliver the electricity to the power grid and having a name plate capacity of more than 10 megawatts (MW). A WIND FARM is under a common ownership and operating control even though the individual WIND FARM TOWERS may be located on land that is leased from many different landowners.

WIND FARM TOWER: A wind turbine nacelle and rotor and the supporting tower structure that are part of a WIND FARM development and intended to produce electricity for the power grid.

WIND TOWER, TEST: A tower that is installed on a temporary basis not to exceed three years and that is intended for the sole purpose of collecting meteorological data regarding the wind.

2. Add new subparagraph 4.2.1 C.2. as follows:

- 2. A WIND FARM may be authorized as a County Board SPECIAL USE permit in the AG-1, Agriculture Zoning District as a second PRINCIPAL USE on a LOT with another PRINCIPAL USE. WIND FARM TOWERS may be authorized by County Board SPECIAL USE permit as multiple PRINCIPAL STRUCTURES on a single LOT in the AG-1, Agriculture Zoning District.

3. Revise subparagraph 4.3.1 E.

- E. Any tower (including antenna) over 100 feet in HEIGHT shall be subject to the SPECIAL USE requirements in the DISTRICT in which it is located except for the following:
 - (1) any tower that meets the requirements of Section 4.3.1 C.; or
 - (2) any TEST WIND TOWER that does not exceed 200 feet in HEIGHT; or

**Attachment A: Annotated Recommended (ELUC) Text Amendment Case 634-AT-08 Part A
APRIL 13, 2009**

- (3) any WIND FARM TOWER except as HEIGHT regulations are required as a standard condition in Section 6.1.4.

4. Add new subparagraph 4.3.4 H. 4. h. as follows:

- h. WIND FARMS and WIND FARM TOWERS except as PIPELINE IMPACT RADIUS regulations are required in Subsection 6.1.4.

5. Amend Section 5.2 as follows:

Add "WIND FARM" as a COUNTY BOARD Special Use Permit in the AG-1 District by a "B".

6. Add the following as footnote 14 under the Special Provisions for the AG-1 District in Section 5.3:

- 14. LOTS in a WIND FARM County Board SPECIAL USE Permit and intended for WIND FARM TOWERS, substations, and WIND FARM maintenance and management facilities are exempt from the requirements of Section 5.3 except as such regulations are required by Subsection 6.1.4.

7. Add new paragraph 5.4.3 E. as follows:

- E. The Rural Residential Overlay Zoning District is prohibited from being established within a WIND FARM County Board SPECIAL USE Permit.

8. Renumber existing paragraph 6.1.2 to be subsection 6.1 Standards for Special Uses

8. Rename existing subsection 6.1.1 to Standard Conditions that May Apply to Specific SPECIAL USES

9. Move existing paragraphs 6.1.1 A. and B. to become new subparagraphs 9.1.11 7. and 8.

10. Renumber existing paragraph 6.1.1 C. to become new paragraph 6.1.1 A.

11. Revise existing subparagraph 6.1.1 C. 5. to read as follows:

- 5. No Zoning Use Permit for such SPECIAL USE will be issued until the developer provides the COUNTY with an irrevocable letter of credit to be drawn upon a federally insured financial institution within 200 miles of Urbana or reasonable and anticipated travel costs shall be added to the amount of the letter of credit. The irrevocable letter of credit shall be in the amount of one hundred fifty percent (150%) of an independent engineer's cost estimate to complete the work described in Section 6.1.1C4a. This letter of credit, or a successor letter of credit pursuant to Section 6.1.1C6 or 6.1.1C12 shall remain in effect and shall be made available to the COUNTY for an indefinite term.

12. Rename subsection 6.1.2 to be Standard Conditions for All SPECIAL USES

13. Renumber existing paragraph 6.1.1 D. to become new paragraph 6.1.2 A.

14. Rename subsection 6.1.3 to Schedule of Standard Conditions for Specific Types of Special Uses

15. Add new subsection 6.1.4 as follows:

6.1.4 WIND FARM County Board SPECIAL USE Permit

A WIND FARM County Board SPECIAL USE Permit may only be authorized in the AG-1 Zoning District subject to the following standard conditions.

A. General Standard Conditions

1. The area of the WIND FARM County Board SPECIAL USE Permit must include the following minimum areas:
 - (a) All land that is a distance equal to 1.10 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the base of that WIND FARM TOWER.
 - (b) All land that will be exposed to a noise level greater than that authorized to Class A land under paragraph 6.1.4 I.
 - (c) All land that will be exposed to shadow flicker in excess of that authorized under paragraph 6.1.4M. and for which other mitigation is not proposed.
 - (d) All necessary access lanes or driveways and any required new PRIVATE ACCESSWAYS. For purposes of determining the minimum area of the special use permit, access lanes or driveways shall be provided a minimum 40 feet wide area.
 - (e) All necessary WIND FARM ACCESSORY STRUCTURES including electrical distribution lines, transformers, common switching stations, and substations not under the ownership of a PUBLICLY REGULATED UTILITY. For purposes of determining the minimum area of the special use permit, underground cable installations shall be provided a minimum 40 feet wide area.
 - (f) All land that is within 1.50 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the base of each WIND FARM TOWER except any such land that is more than 1,320 feet from any existing public STREET right of way.
 - (g) All land area within 1,320 feet of a public STREET right of way that is also within 1,000 feet from the base of each WIND FARM TOWER except that in the case of WIND FARM TOWERS in compliance with the minimum STREET separation required by paragraph 6.1.4 C. 5. in which case land on

Attachment A: Annotated Recommended (ELUC) Text Amendment Case 634-AT-08 Part A
APRIL 13, 2009

the other side of the public STREET right of way does not have to be included in the SPECIAL USE Permit.

2. The WIND FARM County Board SPECIAL USE Permit shall not be located in the following areas:
 - (a) Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance.
 - (b) Less than one mile from the CR Conservation Recreation Zoning District.
 - (c) In any area leased for underground gas storage or under easement for same, unless the lease or easement requires that gas injection wells and other above-ground appurtenances be located in conformance with paragraph 6.1.4 C.8.

B. Minimum Lot Standard Conditions

1. There are no minimum LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, or maximum LOT COVERAGE requirements for a WIND FARM or for LOTS for WIND FARM TOWERS, substations, and WIND FARM maintenance and management facilities.

C. Minimum Standard Conditions for Separations for WIND FARM TOWERS from adjacent USES and STRUCTURES

The location of each WIND FARM TOWER shall provide the following required separations as measured from the exterior of the above ground portion of the WIND FARM TOWER:

1. At least 1,000 feet separation from the exterior above-ground base of a WIND FARM TOWER to any PARTICIPATING DWELLING OR PRINCIPAL BUILDING provided that the noise level caused by the WIND FARM at the particular building complies with the applicable Illinois Pollution Control Board regulations.
2. At least ~~1,500~~ 1,200 feet separation from the exterior above-ground base of a WIND FARM TOWER to any existing NON-PARTICIPATING DWELLING OR PRINCIPAL BUILDING provided that the noise level caused by the WIND FARM at the particular building complies with the applicable Illinois Pollution Control Board regulations and provided that the separation distance meets or exceeds any separation recommendations of the manufacturer of the wind turbine used on the WIND FARM TOWER.
3. The above separations may be reduced to a distance no less than 1.10 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) upon submission of a PRIVATE WAIVER signed by the owner of said dwelling or

Attachment A: Annotated Recommended (ELUC) Text Amendment Case 634-AT-08 Part A
APRIL 13, 2009

building or adjacent property. The PRIVATE WAIVER must specify the agreed minimum separation and specifically acknowledge that the grantor accepts the resulting noise level caused by the WIND FARM.

4. A separation distance equal to 1.10 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the exterior above-ground base of a WIND FARM TOWER to the nearest adjacent property line for property that is also part of the WIND FARM County Board SPECIAL USE Permit. This separation may be reduced upon submission of a PRIVATE WAIVER signed by the owner of the adjacent property. The PRIVATE WAIVER must specify the agreed minimum separation.
5. A separation distance equal to 1.50 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the exterior above-ground base of a WIND FARM TOWER to the nearest public STREET RIGHT OF WAY unless the WIND FARM is located on both sides of the STREET in which case the minimum separation distance between a WIND FARM TOWER and the public STREET RIGHT OF WAY is equal to 1.10 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade).
6. A separation distance equal to 1.50 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the exterior above-ground base of a WIND FARM TOWER to the nearest non-participating property. This separation may be reduced upon submission of a PRIVATE WAIVER signed by the owner of said non-participating property . The PRIVATE WAIVER must specify the agreed minimum separation.
7. A separation distance equal to 1.10 times the total WIND FARM TOWER height (measured to the tip of the highest rotor blade) from the exterior above-ground base of a WIND FARM TOWER to the nearest easement for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE, any easement for an underground water main or to the actual water main if there is no easement, third party electrical transmission lines, communication towers, or railroad right of way. This separation may be reduced upon submission of a PRIVATE WAIVER signed by the owner of said electrical transmission line or communication tower or the pipeline or the relevant public street maintenance jurisdiction. The PRIVATE WAIVER must specify the agreed minimum separation.
8. Any PRIVATE WAIVER establishing an agreement for a lesser minimum separation as authorized above shall be submitted prior to the final determination by the BOARD and must be recorded as part of the chain of title in the deed to any relevant tract of land prior to authorization of any relevant ZONING USE PERMIT. No waiver of a standard condition shall be required in the event of a duly agreed and signed PRIVATE WAIVER.

Attachment A: Annotated Recommended (ELUC) Text Amendment Case 634-AT-08 Part A
APRIL 13, 2009

9. At least 1,200 feet separation from the exterior above-ground base of a WIND FARM TOWER to ~~any of the following:~~
- (a) ~~any easement for a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE;~~
~~or~~
 - (b) any wellhead or other above ground fixture that is accessory to a GAS PIPELINE or to any valve or other above ground fixture for any HAZARDOUS LIQUID PIPELINE;
 - (c) provided however that if the relevant PIPELINE IMPACT RADIUS required by paragraph 4.3.4 H. is greater than 1,200 feet then that PIPELINE IMPACT RADIUS shall be the minimum separation of any of the above;~~or~~
 - (d) ~~any easement for an underground water main or to the actual water main if there is no easement.~~

This separation may be reduced upon submission of a PRIVATE WAIVER signed by the owner of said pipeline. The PRIVATE WAIVER must specify the agreed minimum separation.

10. At least 1,600 feet separation from the exterior above-ground base of a WIND FARM TOWER to any Liquefied Natural Gas Storage; or Liquefied Petroleum Gas Storage; or Gasoline and Volatile Oils Storage exceeding 10,000 gallons capacity in the aggregate.
11. At least 3,500 feet separation from the exterior above-ground base of a WIND FARM TOWER to any RESTRICTED LANDING AREA or RESIDENTIAL AIRPORT.

D. Standard Conditions for Design and Installation of WIND FARM TOWERS

1. Design Safety Certification

- (a) WIND FARM TOWERS, turbines, and all related construction shall conform to applicable industry standards, including those of the American National Standards Institute (“ANSI”). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories (“UL”), Det Norske Veritas (“DNV”), Germanischer Lloyd Wind Energy (“GL”), or equivalent third party.
- (b) Each Zoning Use Permit Application for a WIND FARM TOWER shall include a certification by an Illinois Professional Engineer or Illinois Licensed Structural Engineer that the foundation and tower design of the WIND FARM TOWER is within accepted professional standards, given local soil and climate conditions.

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2. Controls and Brakes
 - (a) All WIND FARM TOWER turbines shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes.
 - (b) Mechanical brakes shall be operated in fail-safe mode.
 - (c) Stall regulation shall not be considered a sufficient braking system for over speed protection.
 3. Electrical Components. All electrical components of the WIND FARM shall conform to applicable state and national codes including, and relevant national and international standards (e.g. ANSI and International Electrical Commission).
 4. The WIND FARM TOWER must be a monopole construction.
 5. The total WIND FARM TOWER height (measured to the tip of the highest rotor blade) must be less than 500 feet.
 6. WIND FARM TOWERS, turbine nacelles, and blades shall be painted white or gray or another non-reflective, unobtrusive color as specified in the application and authorized by the BOARD.
 7. The WIND FARM shall comply with all applicable Federal Aviation Administration (FAA) requirements which shall be explained in the application. The minimum lighting requirements of the FAA shall not be exceeded except that all WIND FARM TOWERS 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.
 8. Warnings
 - (a) A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
 - (b) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.
 9. All WIND FARM TOWERS must be protected from unauthorized climbing by devices such as fences at least six feet high with locking portals or anti-climbing devices 12 feet vertically from the base of the WIND FARM TOWER.
- E. Standard Conditions to Mitigate Damage to Farmland

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1. 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.
2. Protection of agricultural drainage tile
 - (a) The applicant shall endeavor to locate all existing agricultural drainage tile prior to establishing any construction staging areas, construction of any necessary WIND FARM TOWER access lanes or driveways, construction of any WIND FARM TOWERS, any common switching stations, substations, and installation of underground wiring or cabling. The applicant shall contact affected landowners and tenants for their knowledge of tile line locations prior to the proposed construction. Drainage districts shall be notified at least two weeks prior to disruption of tile.
 - (b) All identified drainage district tile lines shall be staked or flagged prior to construction to alert construction crews of the possible need for tile line repairs unless this requirement is waived in writing by the drainage district.
 - (c) Any agricultural drainage tile located underneath construction staging areas, access lanes, driveways, any common switching stations, and substations shall be replaced as required in paragraph 7.2 of the Champaign County Stormwater Management Policy.
 - (d) Any agricultural drainage tile that must be relocated shall be relocated as required in the Champaign County Stormwater Management Policy.
 - (e) Conformance of any relocation of drainage district tile with the Stormwater Management Policy shall be certified by an Illinois Professional Engineer. Written approval by the drainage district shall be received prior to any backfilling of the relocated drain tile and a copy of the approval shall be submitted to the Zoning Administrator. As-built drawings shall be provided to both the relevant drainage district and the Zoning Administrator of any relocated drainage district tile.
 - (f) All tile lines that are damaged, cut, or removed shall be staked or flagged in such manner that they will remain visible until the permanent repairs are completed.
 - (g) All exposed tile lines shall be screened or otherwise protected to prevent the entry into the tile of foreign materials, loose soil, small mammals, etc.
 - (h) Permanent 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

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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.

- (i) All damaged tile shall be repaired so as to operate as well after construction as before the construction began.
 - (j) Following completion of the WIND FARM construction the applicant shall be responsible for correcting all tile line repairs that fail, provided that the failed repair was made by the Applicant.
3. All soil conservation practices (such as terraces, grassed waterways, etc.) that are damaged by WIND FARM construction shall be restored by the applicant to the pre-WIND FARM construction condition.
4. Topsoil replacement

For any open trenching required pursuant to WIND FARM construction, the topsoil shall be stripped and replaced as follows:

- (a) The top 12 inches of topsoil shall first be stripped from the area to be trenched and from an adjacent area to be used for subsoil storage. The topsoil shall be stored in a windrow parallel to the trench in such a manner that it will not become intermixed with subsoil materials.
 - (c) All subsoil material that is removed from the trench shall be placed in the second adjacent stripped windrow parallel to the trench but separate from the topsoil windrow.
 - (d) In backfilling the trench, the stockpiled subsoil material shall be placed back into the trench before replacing the topsoil.
 - (e) The topsoil must be replaced such that after settling occurs, the topsoil's original depth and contour (with an allowance for settling) will be restored.
5. Mitigation of soil compaction and rutting
- (a) The Applicant shall not be responsible for mitigation of soil compaction and rutting if exempted by the WIND FARM lease.
 - (b) Unless specifically provided for otherwise in the WIND FARM lease, the Applicant shall mitigate soil compaction and rutting for all areas of farmland that were traversed with vehicles and construction equipment or where topsoil is replaced in open trenches as follows:

~~(1) After WIND FARM construction is complete the soil shall be ripped at least 18 inches deep (or more shallow if required to miss tile~~

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~~lines) and then disked by the applicant. Three passes shall be made across any agricultural land that is ripped.~~

~~(2) All ripping and disking shall be done at a time when the soil is dry enough for normal tillage operations to occur on undisturbed farmland adjacent to the areas to be ripped.~~

~~(3) The Applicant shall restore all rutted land to the original condition.~~

6. Land leveling

(a) The Applicant shall not be responsible for leveling of disturbed land if exempted by the WIND FARM lease.

(b) Unless specifically provided for otherwise in the WIND FARM lease, the Applicant shall level all disturbed land as follows:

(1) Following the completion of any open trenching, the applicant shall restore all land to its original pre-construction elevation and contour.

(2) Should uneven settling occur or surface drainage problems develop as a result of the trenching within the first year after completion, the applicant shall again restore the land to its original pre-construction elevation and contour.

F. Standard Conditions for Use of Public Streets

Any WIND FARM Applicant proposing to use any County Highway or a township or municipal STREET for the purpose of transporting WIND FARM TOWERS or Substation parts and/or equipment for construction, operation, or maintenance of the WIND FARM TOWERS or Substations(s), shall identify all such public STREETS and pay the costs of any necessary permits and the costs to repair any damage to the STREETS caused by the WIND FARM construction, as follows:

1. Prior to the close of the public hearing before the BOARD, the Applicant shall enter into a Roadway Upgrade and Maintenance agreement approved by the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, and the signed and executed Roadway Upgrade and Maintenance agreements must provide for the following minimum conditions:

a. The applicant shall agree to conduct a pre-WIND FARM construction baseline survey to determine existing STREET conditions for assessing potential future damage including the following:

(1) A videotape of the affected length of each subject STREET supplemented by photographs if necessary.

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- (2) Pay for costs of the County to hire a consultant to make a study of any structure on the proposed route that the County Engineer feels may not carry the loads likely during the WIND FARM construction.
 - (3) Pay for any strengthening of STREET structures that may be necessary to accommodate the proposed traffic loads caused by the WIND FARM construction.
- b. The Applicant shall agree to pay for costs of the County Engineer to hire a consultant to make a study of any structure on the proposed route that the County Engineer feels may not carry the loads likely during the WIND FARM construction and pay for any strengthening of structures that may be necessary to accommodate the proposed traffic loads caused by the WIND FARM construction.
 - c. The Applicant shall agree upon an estimate of costs for any other necessary roadway improvements prior to construction.
 - d. The Applicant shall obtain any necessary approvals for the STREET improvements from the relevant STREET maintenance authority.
 - e. The Applicant shall obtain any necessary Access Permits including any required plans.
 - f. The Applicant shall erect permanent markers indicating the presence of underground cables.
 - g. The Applicant shall install marker tape in any cable trench.
 - h. The Applicant shall become a member of the Illinois state wide One-Call Notice System (otherwise known as the Joint Utility Locating Information for Excavators or "JULIE") and provide JULIE with all of the information necessary to update its record with respect to the WIND FARM.
 - i. The Applicant shall use directional boring equipment to make all crossings of County Highways for the cable collection system.
 - j. The Applicant shall provide plans for the widening of any corner radius that is necessary to facilitate the turning movements of the transport trucks used by the Applicant.
 - k. The Applicant shall pay for the necessary temporary STREET improvements for the widened corner radii and pay for the cost to return the widened radii to their original lines and grades when no

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longer needed for the WIND FARM construction unless the STREET maintenance authority requests that the widened radii remain as improved.

- l. The Applicant shall notify the STREET maintenance authority in advance of all oversize moves and crane crossings.
- m. The Applicant shall provide the County Engineer with a copy of each overweight and oversize permit issued by the Illinois Department of Transportation for WIND FARM construction.
- n. The Applicant shall transport the WIND FARM TOWER segments and other oversize loads so as to minimize adverse impact on the local traffic including farm traffic.
- o. The Applicant shall schedule WIND FARM construction traffic in a way to minimize adverse impacts on emergency response vehicles, rural mail delivery, school bus traffic, and local agricultural traffic.
- p. The Applicant shall provide as much advance notice as is commercially reasonable to obtain approval of the STREET maintenance authority when it is necessary for a STREET to be closed due to a crane crossing or for any other reason. Notwithstanding the generality of the aforementioned, the Applicant will provide 48 hours notice to the extent reasonably practicable.
- q. The Applicant shall provide signs indicating all highway and STREET closures and work zones in accordance with the Illinois Department of Transportation Manual on Uniform Traffic Control Devices.
- r. The Applicant shall establish a single escrow account and a single Irrevocable Letter of Credit for the cost of all STREET upgrades and repairs pursuant to the WIND FARM construction.
- s. The Applicant shall notify all relevant parties of any temporary STREET closures
- t. The Applicant shall obtain easements and other land rights needed to fulfill the Applicant's obligations under this Agreement.
- u. The Applicant shall agree that the County shall design all STREET upgrades in accordance with the IDOT Bureau of Local Roads and Streets Manual, 2005 edition.

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- v. The Applicant shall provide written Notice to Proceed to the relevant STREET maintenance authority by December 31 of each year that identifies the STREETS to be upgraded during the following year.
 - w. The Applicant shall provide dust control and grading work to the reasonable satisfaction of the County Engineer on STREETS that become aggregate surface STREETS.
 - x. The Applicant shall conduct a post-WIND FARM construction baseline survey similar to the pre- WIND FARM construction baseline survey to identify the extent of repairs necessary to return the STREET to the pre- WIND FARM construction condition.
 - y. The Applicant shall pay for the cost of all repairs to all STREETS that are damaged by the Applicant during the construction of the WIND FARM and restore such STREETS to the condition they were in at the time of the pre-WIND FARM construction inventory.
 - z. All WIND FARM construction traffic shall exclusively use routes designated in the approved Transportation Impact Analysis.
 - aa. The Applicant shall provide liability insurance in an acceptable amount to cover the required STREET construction activities.
 - bb. The Applicant shall pay for the present worth costs of life consumed by the construction traffic as determined by the pavement management surveys and reports on the roads which do not show significant enough deterioration to warrant immediate restoration.
 - cc. Provisions for expiration date on the agreement.
 - dd. Other conditions that may be required.
2. A condition of the County Board Special Use Permit approval shall be that the Zoning Administrator shall not authorize a Zoning Use Permit for the WIND FARM until the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, has approved a Transportation Impact Analysis provided by the Applicant and prepared by an independent engineer that is mutually acceptable to the Applicant and the County Engineer and State's Attorney; or Township Highway Commissioner; or municipality where relevant, that includes the following:
- (a) Identify all such public STREETS or portions thereof that are intended to be used by the Applicant during construction of the WIND FARM as well as

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the number of loads, per axle weight of each load; and type of equipment that will be used to transport each load.

- (b) A schedule of the across road culverts and bridges affected by the project and the recommendations as to actions, if any, required with respect to such culverts and bridges and estimated of the cost to replace such culverts and bridges;
- (c) A schedule of the anticipated STREET repair costs to be made in advance of the WIND FARM construction and following construction of the WIND FARM.
- (d) The Applicant shall reimburse the County Engineer; or Township Highway Commissioner; or municipality where relevant, for all reasonable engineering fees including the costs of a third party consultant, incurred in connection with the review and approval of the Transportation Impact Analysis.

G. Standard Conditions for Coordination with Local Fire Protection District

- 1. The Applicant shall submit to the local fire protection district a copy of the site plan.
- 2. Upon request by the local fire protection district, the Owner or Operator shall cooperate with the local fire protection district to develop the fire protection district's emergency response plan.
- 3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

H. Standard Conditions to Mitigate Electromagnetic Interference

- 1. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan.
- 2. To the extent that any relevant microwave transmission provider and local emergency service provider demonstrates a likelihood of interference with its communications resulting from the WIND FARM, the Applicant shall take reasonable measures to mitigate such anticipated interference.
- 3. If, after construction of the WIND FARM, the Owner or Operator receives a written complaint related to the above-mentioned interference, the Owner or Operator shall take reasonable steps to respond to the complaint.

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4. If, after construction of the WIND FARM, the Owner or Operator receives a written complaint related to interference with local broadcast residential television, the Owner or Operator shall take reasonable steps to respond to the complaint.
- I. Standard Conditions for Allowable Noise Level
1. Noise levels from each WIND FARM TOWER or WIND FARM shall be in compliance with the applicable Illinois Pollution Control Board (IPCB) regulations (*35 Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910).
 2. The Applicant shall submit manufacturer's wind turbine sound power level characteristics and other relevant data regarding wind turbine noise characteristics necessary for a competent noise analysis.
 3. The Applicant, through the use of a qualified professional, as part of the siting approval application process, shall appropriately demonstrate compliance with the above noise requirements.
 4. The Applicant shall submit a map of the relevant noise contours for the proposed WIND FARM and indicate the proposed WIND FARM TOWERS and all existing PRINCIPAL BUILDINGS within at least 1,500 feet of any WIND FARM TOWER or within the coverage of the relevant noise contours.
 5. If a computer model is used to generate the required noise contours the Applicant shall clearly state the assumptions of the model's construction and algorithms so that a competent and objective third party can as simply as possible verify the noise contours and noise data.
 6. After construction of the WIND FARM the Zoning Administrator shall take appropriate enforcement action as necessary to investigate noise complaints in order to determine the validity of the complaints and take any additional enforcement action as proves warranted to stop any violation that is occurring, including but not limited to the following:
 - (a) The Zoning Administrator may seek authorization from the County Board to hire a noise consultant to determine the noise produced by the WIND FARM in a manner consistent with the Illinois Pollution Control Board (I.P.C.B.) regulations (*35 Illinois Administrative Code* Subtitle H: Noise Parts 900, 901, 910).
 - (b) The Zoning Administrator may require the WIND FARM owner to cooperate fully with the noise consultant in the enforcement action including shutting down all wind turbines to allow documentation of ambient noise levels.

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- (c) In the event that a violation of the I.P.C.B. noise regulations is identified the Zoning Administrator may require the WIND FARM owner to take whatever actions are necessary to stop the violation and comply with the noise regulations. The Zoning Administrator may seek direction from the Environment and Land Use Committee regarding the actions necessary to stop the violation.
 - (d) Further, in the event that a violation of the I.P.C.B. noise regulations is identified the WIND FARM owner shall reimburse to the County the cost of the noise consultant.

- J. Standard Conditions for Endangered Species Consultation
The Applicant shall apply for consultation with the Endangered Species Program of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report from the Endangered Species Program of the Illinois Department of Natural Resources.

- K. Standard Conditions for Historic and Archaeological Resources Review
The Applicant shall apply for consultation with the State Historic Preservation Officer of the Illinois Department of Natural Resources. The Application shall include a copy of the Agency Action Report from the State Historic Preservation Officer of the Illinois Department of Natural Resources.

- L. Standard Conditions for Acceptable Wildlife Impacts
 - 1. The WIND FARM shall be located, designed, constructed, and operated so as to avoid and if necessary mitigate the impacts to wildlife to a sustainable level of mortality including the following:
 - (a) Avoid locating WIND FARM TOWERS in known bird and bat migration pathways and daily movement flyways and known hibernacula and flight paths between bat colonies and bat feeding areas.
 - (b) Site WIND FARM TOWERS and design mitigation measures in a manner that will achieve a level of mortality to birds and bats that will protect sustainability of populations.

 - 2. A qualified professional, such as an ornithologist or wildlife biologist, shall conduct a pre-construction site risk assessment study to estimate the impacts of the construction and operation of the proposed WIND FARM on birds and bats. The pre-construction site risk assessment shall be submitted with the application and shall include the following minimum information:
 - (a) A literature review of existing information on species and potential habitats and results of agency database queries for records of rare, threatened, and

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endangered species and important habitats in the vicinity of the proposed WIND FARM area.

- (b) A mapping of the general vegetation and land cover types, wildlife habitat and quality, and physical characteristics of the proposed WIND FARM area.
 - (c) A field examination that verifies results of the literature review and agency queries and documents general site habitat conditions.
 - (d) A review of existing literature of avian and bat mortality field results within the North America and in similar physiographic settings as the proposed WIND FARM.
 - (e) If the risk assessment indicates risk may be low, no further surveys are required.
 - (f) If the risk assessment indicates risk may be high enough to potentially adversely effect the sustainability of bird or bat populations a full year of site specific, bird and bat use surveys may be required to address those species and conditions representing high risk from the beginning of the spring migration for birds or bats, and extending through the end of the fall migration for birds or bats and include both the spring and fall migration for both birds and bats in the proposed WIND FARM area.
 - (g) The site specific bird and bat use surveys may include survey focused upon state or federal threatened or endangered or sensitive-status species in the proposed WIND FARM area during the appropriate seasons to determine the potential adverse impact.
 - (h) The results of the surveys shall be used to design siting and mitigation measures to lower risk to a sustainable level of mortality.
3. A qualified professional, such as an ornithologist or wildlife biologist, shall also conduct a post-construction mortality monitoring study to quantify the mortality impacts of the WIND FARM on birds and bats. The post-construction mortality monitoring study shall consist of the following information at a minimum:
- (a) At least two full years of site specific mortality monitoring from the beginning of the spring migration for birds or bats, and extend through the end of the fall migration for birds or bats and include both the spring and fall migration for both birds and bats in the immediate vicinity of some or all of the WIND FARM TOWERS.
 - (b) The application shall include a specific proposal for the degree of precision of the mortality monitoring study including how many days the monitoring

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is done, at how many towers, for how long each day, and at what radius around the tower, and the extent of monitoring outside of the spring and fall migrations.

- (c) A written report on avian and bat mortality shall be submitted to the Environment and Land Use Committee at the end of first two full years of WIND FARM operation. The mortality rate estimates should reflect consideration of carcass removal by scavengers and predators.
- (d) If the Environment and Land Use Committee determines the mortality level does not threaten the population of protected species, no further post-construction mortality monitoring will be required.
- (e) If the Environment and Land Use Committee determines there are legitimate mortality to bird or bat species indicated by the monitoring the post-construction mortality monitoring study shall continue in full year increments until the monitoring indicates that the mortality concerns are resolved. When mortality concerns cannot be resolved in any other way, the Environment and Land Use Committee may require particular WIND FARM TOWERS to be shut down to lower mortality of birds or bats to an acceptable level.

M. Standard Conditions for Shadow flicker

- 1. The Applicant shall submit the results of a study on potential shadow flicker. The shadow flicker study shall identify the locations of both summer and winter shadow flicker that may be caused by the project and the expected durations of the shadow flicker at these locations particularly areas where shadow flicker may interfere more than one hour per year.
- 2. The Applicant shall ensure the following:
 - (a) Existing DWELLINGS shall not be subjected to shadow flicker.
 - (b) No public STREET shall be subjected to shadow flicker.

~~N. Standard Conditions for Visual Impact Assessment~~

- ~~1. The Applicant shall submit simulated images of the proposed WIND FARM from the following viewpoints:
 - ~~(a) Any portion of the WIND FARM that will be visible from and within one mile of any non-participating dwelling or other non-participating principal use.~~
 - ~~(b) Any portion of the WIND FARM that will be visible from and within five miles of any forest preserve district facility.~~~~

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- ~~2. The simulated images shall be as follows:
 - ~~(a) Full color photographic printing on paper that is minimum 8 ½ by 11 inches in format.~~
 - ~~(b) As accurate as practical in matching the scale, perspective, and color of the probable actual visual impact.~~
 - ~~(c) Computer visualization images may be provided in addition to the full color photographic simulations.~~~~
- ~~3. The Applicant shall also submit a written report indicating the location of the individual images relative to the proposed site plan and explaining the techniques used to ensure that the images provide maximum practical realism.~~

ON. Standard Condition for Liability Insurance

1. The Owner or Operator of the WIND FARM shall maintain a current general liability policy covering bodily injury and property damage with minimum limits of a least \$5 million per occurrence and \$5 million in the aggregate. The amount of the limit shall be increased annually to account for the effects of inflation.
2. The general liability policy shall identify landowners in the SPECIAL USE permit as additional insured.

PO Operational Standard Conditions

1. Maintenance
 - (a) The Owner or Operator of the WIND FARM must submit, on an annual basis, a summary of the operation and maintenance reports to the Environment and Land Use Committee and any other operation and maintenance reports as the Environment and Land Use Committee reasonably requests.
 - (b) Any physical modification to the WIND FARM that alters the mechanical load, mechanical load path, or major electrical components shall require a new County Board SPECIAL USE Permit. Like-kind replacements shall not require re-certification nor will replacement of transformers, cabling, etc. provided replacement is done in a fashion similar to the original installation. Prior to making any physical modification (other than a like-kind replacement), the owner of operator shall confer with a relevant third-party certifying entity identified in subparagraph 6.1.4 D. 1. (a) to determine whether the physical modification requires re-certification.
2. Materials Handling, Storage and Disposal

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- (a) All solid wastes related to the construction, operation and maintenance of the WIND FARM shall be removed from the site promptly and disposed of in accordance with all federal, state and local laws.
- (b) All hazardous materials related to the construction, operation and maintenance of the WIND FARM shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

QP. Standard Condition for Decommissioning Plan and Reclamation Agreement

- 1. The Applicant shall submit a signed site reclamation agreement conforming to the requirements of paragraph 6.1.1 A.
- 2. In addition to the purposes listed in subparagraph 6.1.1 A. 4. the reclamation agreement shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the WIND FARM and all costs related to removal of access driveways.
- 3. In addition to the conditions listed in subparagraph 6.1.1 A. 9. the Zoning Administrator may also draw on the funds for the following reasons:
 - (a) In the event that any wind turbine or component thereof ceases to be functional for more than six consecutive months and the Owner is not diligently repairing such wind turbine or component.
 - (b) In the event that the Owner declares any wind turbine or other component to be functionally obsolete for tax purposes.
- 4. The Site Reclamation Agreement shall be included as a condition of approval by the BOARD and the signed and executed Site Reclamation Agreement must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.

RQ. Complaint Hotline

- 1. Prior to the commencement of construction on the WIND FARM and during the entire term of the County Board SPECIAL USE permit and any extension, the Applicant and Owner shall establish a telephone number hotline for the general public to call with any complaints or questions.
- 2. The telephone number hotline shall be publicized and posted at the operations and maintenance center and the construction marshalling yard.
- 3. The telephone number hotline shall be manned during usual business hours and shall be an answering recording service during other hours.
- 4. Each complaint call to the telephone number hotline shall be logged and identify the name and address of the caller and the reason for the call.

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5. All calls shall be recorded and the recording shall be saved for transcription for a minimum of two years.
6. A copy of the telephone number hotline shall be provided to the Zoning Administrator on a monthly basis.
7. The Applicant and Owner shall take necessary actions to resolve all legitimate complaints.

SR. Standard Condition for Expiration of WIND FARM County Board SPECIAL USE Permit

A WIND FARM County Board SPECIAL USE Permit designation shall expire pursuant to any time limit included in the Roadway Upgrade and Maintenance agreement required by paragraph 6.1.4 G. or in 10 years if no Zoning Use Permit is granted.

FS. Application Requirements

1. In addition to all other information required on the SPECIAL USE Permit application and required by Section 9.1.11 A. 2. the application shall contain or be accompanied by the following information:
 - (a) A WIND FARM Project Summary, including, to the extent available:
 - (1) A general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of wind turbines, number of wind turbines, and name plate generating capacity of each wind turbine; the maximum height of the WIND FARM TOWER(S); and the maximum diameter of the WIND FARM TOWER rotor(s).
 - (2) The specific proposed location of the WIND FARM including all tax parcels on which the WIND FARM will be constructed.
 - (3) The specific proposed location of all tax parcels required to be included in the WIND FARM County Board SPECIAL USE Permit.
 - (4) A description of the Applicant; Owner and Operator, including their respective business structures.
 - (b) The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s) for the WIND FARM County Board SPECIAL USE permit.
 - (c) A site plan for the installation of all WIND FARM TOWERS indicating the following:
 - (1) The approximate planned location of each WIND FARM TOWER, other PRINCIPAL STRUCTURES, property lines (including

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identification of adjoining properties), required separations, public access roads and turnout locations, substation(s), electrical cabling from the WIND FARM TOWER to the Substations(s), ancillary equipment, third party transmission lines, maintenance and management facilities, and layout of all structures within the geographical boundaries of any applicable setback.

- (2) The site plan shall clearly indicate the area of the proposed WIND FARM County Board SPECIAL USE Permit as required by subparagraph 6.1.4 A. 1.
 - (3) The separation of all WIND FARM structures from adjacent NON-PARTICIPATING DWELLINGS OR PRINCIPAL BUILDINGS or uses shall be dimensioned on the approved site plan and that dimension shall establish the effective minimum separation that shall be required for any Zoning Use Permit. Greater separation and somewhat different locations may be provided in the approved site plan for the Zoning Use Permit provided that that the greater separation does not increase the noise impacts that were approved in the WIND FARM County Board SPECIAL USE Permit. WIND FARM structures includes WIND FARM TOWERS, substations, third party transmission lines, maintenance and management facilities, or other significant structures.
- (d) All other required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance.
2. The Applicant shall notify the COUNTY of any changes to the information provided above that occurs while the County Board SPECIAL USE permit application is pending.

19. Revise Subsection 9.1.11 as follows:

9.1.11 SPECIAL USES

A. Authorized SPECIAL USES

1. The BOARD may grant SPECIAL USE permits only for such SPECIAL USES as are specifically authorized in this ordinance, and are not prohibited by Section 14.2.1.
2. The GOVERNING BODY may grant SPECIAL USE permits only for such County Board SPECIAL USES as are specifically authorized in this ordinance, and are not prohibited by Section 14.2.1.

Attachment A: Annotated Recommended (ELUC) Text Amendment Case 634-AT-08 Part A
APRIL 13, 2009

3. The BOARD or GOVERNING BODY may grant such SPECIAL USE permits only upon written application and after conduct of a public hearing.
 - a. The written application for a SPECIAL USE permit shall include:
 - i. The signature of the petitioner; and
 - ii. The signature of the owner or owners of all the land included in the petition, or the legal representative(s) thereof; and, if applicable, a copy of the petitioner's purchase contract.

B. SPECIAL USE Criteria

A SPECIAL USE permit shall not be granted by the BOARD or GOVERNING BODY unless the public hearing record and written application demonstrate:

1. that it is necessary for the public convenience at that location;
2. that it is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare;
3. that it conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
4. that granting the SPECIAL USE is in harmony with the general purpose and intent of this ordinance.
5. that, in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
6. approval of a SPECIAL USE permit shall authorize USE, CONSTRUCTION and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioner's agent(s).

C. Findings

1. The BOARD or GOVERNING BODY shall make findings that the requirements of Section 9.1.11B have been met by the applicant for a SPECIAL USE.
2. The BOARD or GOVERNING BODY shall further make a finding that the reasons set forth in the application justify with respect to the criteria set forth in Section 9.1.11B the waiver of any standard condition or the imposition of any special condition.

Attachment A: Annotated Recommended (ELUC) Text Amendment Case 634-AT-08 Part A
APRIL 13, 2009

3. The BOARD or GOVERNING BODY may make a finding that a proposed STRUCTURE or physical change to a site, as a part of a SPECIAL USE request, is a NON-ADAPTABLE STRUCTURE. In such a case the requirements of Section 6.1.1A shall be applicable.
4. Within a reasonable time after the public hearing for any County Board SPECIAL USE Permit, the BOARD shall make a report to the GOVERNING BODY.

D. Conditions

1. Any other provision of this ordinance notwithstanding, the BOARD or GOVERNING BODY, in granting any SPECIAL USE, may waive upon application any standard or requirement for the specific SPECIAL USE enumerated in Section 6.1.3 Schedule of Requirements and Standard Conditions, to the extent that they exceed the minimum standards of the DISTRICT, except for any state or federal regulation incorporated by reference, upon finding that such waiver is in accordance with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or to the public health, safety and welfare.
2. In granting any SPECIAL USE, the BOARD or GOVERNING BODY may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the ordinance. Violation of such SPECIAL CONDITIONS when made a part of the terms under which the SPECIAL USE is granted, shall be deemed a violation of this ordinance and punishable under this ordinance.
3. In granting any SPECIAL USE Permit as authorized in Section 4.2.1F for more than one MAIN or PRINCIPAL STRUCTURE or BUILDING, the BOARD shall state that any future sale of said LOT or tract of land may be subject to the *Illinois Plat Act*, (765 ILCS 205/0.01 *et seq.*) or the *Champaign County Subdivision Regulations*; or the SUBDIVISION regulations of a municipality that has jurisdiction within one and one-half miles of the corporate limits.
4. RESIDENTIAL PLANNED UNIT DEVELOPMENTS shall, in addition to or in lieu of the above, meet the provisions of Section 6.3.
5. The BOARD or GOVERNING BODY shall require that all applicable provisions of the *Champaign County Stormwater Management Policy* (as amended February 20, 2003) are met before approving any SPECIAL USE.
6. Under no circumstances shall the BOARD or GOVERNING BODY grant a SPECIAL USE to allow a USE not permissible under the terms of this ordinance, in the DISTRICT involved, or any USE expressly or by implication

**Attachment A: Annotated Recommended (ELUC) Text Amendment Case 634-AT-08 Part A
APRIL 13, 2009**

prohibited under the terms of this ordinance in said DISTRICT, nor shall the BOARD or GOVERNING BODY waive compliance with state or federal regulations incorporated into this ordinance.

20. Add the following paragraph 9.3.1 H. for Zoning Use Permit fee:

H. WIND FARM TOWER \$4500

21. Revise subsection 9.3.3 as follows:

9.3.3 Zoning Case Filing Fees

A. General Provisions

1. No zoning case filing shall be accepted until the filing fee has been paid.
2. No zoning case filing fee shall be waived unless the Zoning Administrator determines that the petition is the only means reasonably available to bring a property into compliance with the provisions of this ordinance and the non-compliance is due solely to staff error.
3. No zoning case filing fee shall be refunded after required legal notice has been made by mail or publication unless the Zoning Administrator determines such filing to have been based solely upon staff error.
4. No amendment to any petition which requires new legal notice shall be considered until an amended petition fee has been received unless the Zoning Administrator determines such amendment to be required due solely to staff error.
5. The fee for SPECIAL USE permits shall be determined based on the larger of the following (except for County Board WIND FARM Special Use Permits):
 - a. the area of farmland taken out of production as a result of the SPECIAL USE; or
 - b. when farmland will not be taken out of production as a result of the SPECIAL USE, the land area taken up by the existing STRUCTURES and all proposed CONSTRUCTION proposed in the SPECIAL USE application.
6. When some combination of VARIANCE, SPECIAL USE and Map Amendment cases is required simultaneously for the same property, the

Attachment A: Annotated Recommended (ELUC) Text Amendment Case 634-AT-08 Part A
APRIL 13, 2009

total filing fee shall include the following (except for County Board WIND FARM Special Use Permits):

- a. The standard fee for the most expensive individual zoning case; and
- b. one-half of the standard fee for any other required VARIANCE, SPECIAL USE, or Map Amendment provided that
- c. no additional fees shall be included for multiple zoning cases of the same type that can be advertised in the same legal advertisement.

B. Fees

1. VARIANCES.

- a. ADMINISTRATIVE VARIANCES \$100
- b. Minor or Major VARIANCES \$200

2. SPECIAL USE permits and Map Amendments (except for County Board WIND FARM Special Use Permit and a map amendment to the WIND FARM Overlay Zoning District)

- a. Two acres or less and Base Fee for larger areas \$400
- b. More than two acres but no more than 12 acres add \$40 per acre to Base Fee for each acre over two acres
- c. More than 12 acres add \$10 per acre for each acre over 12 acres and add to fees in a. and b. above

3. Appeals and Interpretations\$200

4. Change of Nonconforming Use\$100

5. Amendment to Petitions (requiring new legal notice) \$100

6. County Board WIND FARM Special Use Permit.....
\$20,000 or \$440 per WIND FARM TURBINE TOWER, whichever is greater.

Attachment B. Alternative Standards for Shadow Flicker (subpar. 6.1.4 M)
MAY 6, 2009

The following alternative is proposed for subparagraph 6.1.4 M.:

- M. Standard Conditions for Shadow flicker
1. The Applicant shall submit the results of a study on potential shadow flicker. The shadow flicker study shall identify the locations of both summer and winter shadow flicker that may be caused by the project and the expected durations of the shadow flicker at these locations.
 2. The Applicant shall ensure the following at the time of WIND FARM approval:
 - (a) Existing NON-PARTICIPATING DWELLINGS shall not be subjected to shadow flicker except upon submission of a PRIVATE WAIVER signed by the owner of said dwelling or building or adjacent property. The PRIVATE WAIVER must specify the agreed amount of shadow flicker and specifically acknowledge that the grantor accepts the resulting shadow flicker caused by the WIND FARM.
 3. Shadow flicker that exceeds the above standards shall be mitigated by changes to proposed WIND FARM TOWER siting locations; or changes to operational procedures (not allowing specific wind turbines to run at certain times); or landscaping.

Attachment C. Proposed Revision to Decommissioning Plan (par. 6.1.4 Q.)
MAY 6, 2009

The following changes are proposed for subparagraph 6.1.4 P.:

- P. Standard Condition for Decommissioning Plan and Reclamation Agreement
1. The Applicant shall submit a signed site reclamation agreement conforming to the requirements of paragraph 6.1.1 A.
 2. In addition to the purposes listed in subparagraph 6.1.1 A. 4. the reclamation agreement shall also include provisions for anticipated repairs to any public STREET used for the purpose of reclamation of the WIND FARM and all costs related to removal of access driveways.
 3. The amount of the irrevocable letter of credit required in paragraph 6.1.1 A. 5. shall be as follows:
 - (a) At the time of approval the amount of the irrevocable letter of credit shall be 210% of an independent engineer's cost estimate to complete the work described in Section 6.1.1 A. 4. a. or less if specifically authorized by the Board.
 - (b) At all times during the life span of the WIND FARM the amount of the irrevocable letter of credit shall be increased as necessary to reflect actual rates of inflation over the life span of the WIND FARM and the amount shall be equal to or exceed the following:
 - (1) the amount of the independent engineer's cost estimate as increased by known and documented rates of inflation since the WIND FARM was approved;
plus
 - (2) an increase for any future years left in the anticipated life span of the WIND FARM at an assumed minimum rate of inflation of 3% per year.
 4. In addition to the conditions listed in subparagraph 6.1.1 A. 9. the Zoning Administrator may also draw on the funds for the following reasons:
 - (a) In the event that any wind turbine or component thereof ceases to be functional for more than six consecutive months and the Owner is not diligently repairing such wind turbine or component.

Attachment C. Proposed Revision to Decommissioning Plan (par. 6.1.4 Q.)
MAY 6, 2009

- (b) In the event that the Owner declares any wind turbine or other component to be functionally obsolete for tax purposes.
- 5. The Site Reclamation Agreement shall be included as a condition of approval by the BOARD and the signed and executed Site Reclamation Agreement must be submitted to the Zoning Administrator prior to any Zoning Use Permit approval.

Supervisor, Newcomb Township
355 County Road 2700 N
Mahomet, IL 61853

April 14, 2009

Champaign County Board
C/O: C. Pius Weibel, Chair
Brookens Administrative Center
1776 E. Washington St.
Urbana, IL 61802

FILED

APR 16 2009

Mark Shelden
CHAMPAIGN COUNTY CLERK

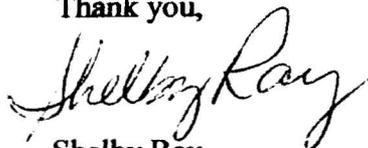
Dear Mr. Weibel and Champaign County Board Members:

As provided for by Illinois Counties Code 55 ILCS 5/5-12014, subsection (c), the Plan Commission of Newcomb Township objects to proposed Champaign County Zoning Ordinance text amendment Case 634-AT-08, Part A. See attached Newcomb Township Plan Commission resolution.

Also as provided for by Illinois Counties Code 55 ILCS 5/5-12014, subsection (c), the Newcomb Township Board objects to proposed Champaign County Zoning Ordinance text amendment Case 634-AT-08, Part A. See attached Newcomb Township resolution.

Case 634-AT-08, Part A fails to require a map amendment to authorize a wind farm. It is our view that the potential impact of a wind farm on the Township is so significant that Case 634-AT-08, Part A must require a map amendment, in addition to a County Board special use permit, to authorize a wind farm. We also believe that a wind farm must be prohibited in the Manlove Gas Storage Field.

Thank you,


Shelby Ray

cc: Mark Shelden, Champaign County Clerk
John Hall, Zoning Administrator
Barbara Wysocki, Chair, Environment & Land Use Committee
John Jay, Champaign County Board Member, District 1
Chris Doenitz, Champaign County Board Member, District 1
Lawrence Sapp, Champaign County Board Member, District 1

NEWCOMB TOWNSHIP PLAN COMMISSION
RESOLUTION NO. 2009-1

A RESOLUTION OBJECTING TO PROPOSED CHAMPAIGN COUNTY
ZONING ORDINANCE TEXT AMENDMENT CASE 634-AT-08, Part A

BE IT RESOLVED that the Plan Commission of Newcomb Township, Champaign County, Illinois objects to proposed Champaign County Zoning Ordinance text amendment Case 634-AT-08, Part A. Case 634-AT-08, Part A fails to require a map amendment to authorize a wind farm. It is our view that the potential impact of a wind farm on the Township is so significant that Case 634-AT-08, Part A must require a map amendment, in addition to a County Board special use permit, to authorize a wind farm. We also believe that a wind farm must be prohibited in the Manlove Gas Storage Field.

This Resolution was passed by the affirmative votes of the following members of the Newcomb Township Plan Commission at its regular meeting held on April 13th, 2009.

Ayes

Keith Schilt
James Schilt
John Sapp
Bob Parker

Nays

Absent

Abstained

NEWCOMB TOWNSHIP RESOLUTION NO. 2009- 01

A RESOLUTION OBJECTING TO PROPOSED CHAMPAIGN COUNTY ZONING ORDINANCE TEXT AMENDMENT CASE 634-AT-08, Part A

BE IT RESOLVED that, based on the objection of the Newcomb Township Plan Commission, the Township Board of Newcomb Township, Champaign County, Illinois objects to proposed Champaign County Zoning Ordinance text amendment Case 634-AT-08, Part A. Case 634-AT-08, Part A fails to require a map amendment to authorize a wind farm. It is our view that the potential impact of a wind farm on the Township is so significant that Case 634-AT-08, Part A must require a map amendment, in addition to a County Board special use permit, to authorize a wind farm. We also believe that a wind farm must be prohibited in the Manlove Gas Storage Field.

This Resolution was passed by the affirmative votes of the following members of the Newcomb Township Board at its regular meeting held on April 14th, 2009.

Ayes

Shelby Ray
Lana Bala
Mike D...
Jimmy Hood

Nays

[Signature]

Absent

Abstained

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MAY 05 2009

May 4, 2009

CHAMPAIGN CO. P & Z DEPARTMENT

Champaign County
Department of Planning and Zoning
Brookens Administrative Center
1776 E. Washington St.
Urbana, IL 61802

John Hall, Director

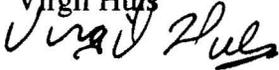
Mr. Hall,

We, the undersigned members of the Compromise Township Plan Commission, would like to express our strong support for allowing wind farms in Champaign County.

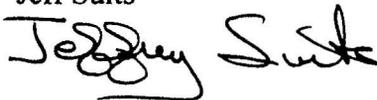
Justin Fullenkamp



Virgil Huls



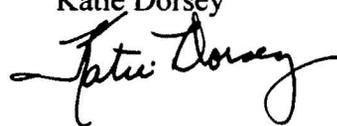
Jeff Suits



Robin Clements



Katie Dorsey



Prairieview-Ogden Community Consolidated School District #197

Victor White – Superintendent, Jeff Isenhower – Principal, Jennifer Armstrong – Asst. Principal

District Office

PVO South Elementary
304 N. Market St.
Ogden, IL 61859
Lynda Duval – Adm. Asst.
Phone: 217-582-2725
Fax: 217-582-2509

PVO North Elementary
106 N. Vine St.
Royal, IL 61871
Debbie Franzen – Bookkeeper
Phone: 217-583-3300
Fax: 217-583-3391

PVO Jr. High
2499 CR 2100 E
Thomasboro, IL 61878
Bernice Fruhling – Sec/Treas.
Phone: 217-694-4122
Fax: 217-694-4123

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May 4, 2009

MAY 05 2009

CHAMPAIGN CO. P & Z DEPARTMENT

Dear Mr. Hall;

On behalf of the Prairieview-Ogden District #197, I am writing this letter to reconfirm that we are in favor of the wind farm proposed in the northeast portion of Champaign County (Invenergy). As you know, our small rural school district relies mainly on farmland for our EAV, so a new revenue source would help us keep our tax rate the lowest of all elementary school districts in Champaign County (2.72).

As I stated at the February 12, 2009 Zoning Board of Appeals meeting, a 1.5 megawatt wind turbine would generate approximately \$4900 for our district. The Prairieview- Ogden Board of Education members see this as a positive revenue source and we are hopeful that the Champaign County Board will not chase away wind farms to other counties by having a to restrictive ordinance.

Please feel free to call me if you have any questions.

Sincerely,



Victor White



REPORT TO PLAN COMMISSION

FROM: Bruce A. Knight, FAICP, Planning Director

DATE: May 1, 2009

**SUBJECT: CASE NO. PL09-0018 CHAMPAIGN COUNTY ZONING
ORDINANCE TEXT AMENDMENT
Case CCZBA-634-AT-08 (Wind Turbine
Developments)**

A. Introduction: The Plan Commission is requested to consider a proposal by Champaign County to amend the text of the Champaign County Zoning Ordinance to permit wind turbine developments (windfarms) as a special use permit. The City of Champaign has the ability to either “protest” or “not protest” the amendment. A protest forces a greater voting majority from the County Board to pass the amendment.

B. Recommended Action: The Planning staff recommends that the Plan Commission forward the County text amendment to City Council with a recommendation to not protest, but to add a provision that a special use permit for windfarm development could not be approved within one mile of a municipality’s extra-territorial jurisdictional (ETJ) at the time of approval.

C. Prior Council Action: The City Council has not directly taken action regarding this case. However, the Council has consistently considered County Zoning Ordinance Text Amendments and Rezoning requests in the ETJ as allowed by State Statute. In some cases, the City Council has protested Rezoning requests that are proposed within the City’s one-and-half mile extra-territorial jurisdictional area and that have a potential for adverse impacts.

D. Background:

1. Text Amendment. The proposed text amendment addresses several sections of the Champaign County Zoning Ordinance. Specific changes are attached and summarized below and would allow wind turbine developments (defined as more than three turbines) in areas zoned AG-1 upon approval of a special use permit:

1. In Section 2, add a purpose statement regarding promotion of wind energy in a safe manner.
2. In Section 3, add definitions for “DWELLING OR PRINCIPAL BUILDING, PARTICIPATING”, “DWELLING OR PRINCIPAL BUILDING, NON-

PARTICIPATING’, “PRIVATE WAIVER”, “WIND FARM”, “WIND FARM TOWER” and “WIND TOWER, TEST”.

3. Add subparagraph 4.2.1 C.2 to indicate that WIND FARM may be authorized by County Board special use permit as a second principal use on a lot in the AG-1 District and indicate that WIND FARM TOWER may be authorized by County Board special use permit as multiple principal structures per lot in the AG-1 District.
4. Amend subsection 4.3.1 to exempt WIND FARM TOWER from the height regulations except as height regulations are required as a standard condition in Section 6.1.4.
5. Amend paragraph 4.3.4 H to exempt WIND FARM and WIND FARM TOWER from the Pipeline Impact Radius Regulations except as a standard condition in Section 6.1.4.
6. In Section 5.2, add the WIND FARM use as a COUNTY BOARD Special Use Permit in the AG-1 District and add footnote that lots in a WIND FARM are exempt from the requirements of Section 5.3 except as a standard condition in Section 6.1.4.
7. Amend Section 5.4 to prohibit the establishment of the Rural Residential Overlay Zoning District within a WIND FARM County Board SPECIAL USE Permit.
8. Renumber existing paragraph 6.1.2 to be subsection 6.1 Standards for Special Uses.
9. Rename existing subsection 6.1.1 to Standard Conditions that May Apply to Specific SPECIAL USES.
10. Move existing paragraphs 6.1.1 A and B to become new subparagraphs 9.1.11 7 and 8.
11. Renumber existing paragraph 6.1.1 C to become new paragraph 6.1.1 A.
12. Amend existing paragraph 6.1.1 C.5 Site Reclamation to require irrevocable letter of credit to be drawn upon a federally insured financial institution within 200 miles of Urbana or that reasonable and anticipated travel costs be added to the amount of the letter of credit.
13. Rename subsection 6.1.2 to be Standard Conditions for ALL SPECIAL USES.
14. Renumber existing paragraph 6.1.1 D to become new paragraph 6.1.2 A.
15. Rename subsection 6.1.3 to Schedule of Standard Conditions for Specific Types of Special Uses.
16. Add new subsection 6.1.4 with new standard conditions for a WIND FARM, WIND FARM TOWER, and WIND FARM TOWER lot.

17. Amend existing subsection 9.1.11 Special Uses to require the County Board to authorize certain special use permits where identified in Section 5.2; require the County Board to adopt findings; authorize the County Board to waive any standard conditions; authorize the County Board to prescribe any special conditions that it may determine appropriate; and clarify all requirements in Section 6.
18. Amend subsection 9.3.1 to add fees for WIND FARM TOWER.
19. Amend subsection 9.3.3 to add application fees for WIND FARM County Board special use permit.

2. State Law Regarding Windfarms. Illinois state law was amended in 2007 to define where a jurisdiction could regulate windfarms. The law stipulates that a county may only regulate windfarms outside of a municipality's ETJ, and that the municipality has the ability to regulate windfarms within its ETJ.

3. City Staff Suggestions. The Planning Department Staff believes that this text amendment will have a negligible impact on the City of Champaign. As municipalities can regulate windfarms within the ETJ, the only concern would be the potential for windfarms to be located just outside the current day ETJ. As the City grows, the ETJ grows. A windfarm sited just outside the ETJ today may be within the ETJ or even within the City's growth area in the future. The windfarms may act as a de facto growth boundary for the City, at least during the windfarm's lifespan or until the demand to develop the land outweighs the demand for the windfarm.

It should be noted that the lifespan of an individual wind turbine is often cited as 20 years, although some have been maintained longer. It is likely that over the next 20 years, the City will not grow as far or as fast as it has over the last 20 years, especially when one considers the number of projects representing 10-15 years of growth that have already been approved but are not yet constructed. Based on these projections, it seems unlikely that a windfarm constructed in an area just outside the EJT in the near term would be adjacent to future City development.

However, to provide some degree of flexibility in future City growth patterns, Staff would recommend that the County add a provision that a special use permit for windfarm development could not be approved within one mile of a municipality's ETJ at the time of approval. This additional requirement would still allow the City to grow and buffer future development while supporting windfarm development within the County.

4. City's Right On County's Actions: The City can choose to protest a text amendment. Any municipality within the County which protests a proposed text amendment would require the County Board to pass the text amendment with a super-majority (2/3) vote. Newcomb Township has already protested the text amendment and therefore triggered the super-majority vote requirement. The text amendment has passed through the Champaign County Zoning Board of Appeals and has been reviewed by the Environment and Land Use Committee (ELUC). ELUC is scheduled to vote on the text amendment at its May 11, 2009, meeting. The County Board is scheduled to consider the text amendment at its May 21, 2009, meeting.

E. Alternatives:

1. Forward the case to the City Council with a recommendation to not protest the proposed text amendment considered in County Zoning Case CCZBA-634-AT-08, but to recommend the County add a provision that a special use permit for a windfarm cannot be approved within one (1) mile of a municipality's extra-territorial jurisdiction at the time the permit is considered by the County Board.
2. Forward a recommendation to the City Council to protest the proposed text amendment considered in County Zoning Case CCZBA-634-AT-08.

F. Discussion of Alternatives:

Alternative 1 will recommend that the City Council not protest the text amendment as proposed, with an added provision to require an additional mile of buffer.

a. Advantages

- Allows the City to default to the expertise of the County Planning and Zoning Department to proceed with text amendments that will not have an insignificant impact to the City of Champaign.
- The added provision would provide more flexibility for future City growth.

b. Disadvantages

- None.

Alternative 2 recommends that the City Council protest the proposed text amendment. The Commission should choose this Alternative if it finds that the proposed text amendment will have a negative impact on the City of Champaign.

a. Advantages

- None.

b. Disadvantages

- Would not promote a more sustainable form of energy production in the County.
- Prevents the County from proceeding with a zoning ordinance which would likely have an insignificant impact on the City of Champaign.

G. Community Input: Champaign County is required to issue public notice of the text amendment. The City does not hold a public hearing for County amendments. The City Plan Commission and City Council meetings will provide opportunities for input, as will the County's Environment and Land Use Committee (ELUC) and Board meetings. The City of Urbana will also review the text amendment.

H. Budget Impact: There are no budget impacts to protest the text amendment.

I. Staffing Impact: There will be no City staffing impact as a result of this County text amendment. Staff spent approximately 2 hours reviewing the text amendment, supporting materials, and preparing the report.

Prepared by:

Reviewed by:

Lorrie Pearson
Land Development Manager

Rob Kowalski, AICP
Assistant Planning Director

Attachment: Recommended (ELUC) Text Amendment Case 634-AT-08 Part A,
April 13, 2009

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Champaign County Farm Bureau

801 N. Country Fair Drive ♦ Suite A ♦ P.O. Box 3098 ♦ Champaign, IL 61826-3098
Phone: (217) 352-5235 ♦ Fax: (217) 352-8768

Bradley Uken, Manager

www.ccfarmbureau.com

Barbara Wysocki
108 W. Holmes
Urbana, IL 61801

RECEIVED

MAY 05 2009

CHAMPAIGN CO. P & Z DEPARTMENT

Dear Barbara,

The Champaign County Farm Bureau Board of Directors recently discussed several countywide issues that are being considered by you as a County Board member.

First of all, we have looked at the structure of the recorder of deeds, coroner and auditor offices. The Farm Bureau appreciates the discussion this issue has received and we believe this type of dialog is in the best interest of the County. Through examination of different aspects of county government, it can be determined if government is functioning properly and truly meeting the needs of the public. The Champaign County Farm Bureau supports the County not only discussing this issue, but allowing the citizens of Champaign County to voice their opinion on the elimination of the offices through a November 2010 ballot question. Additionally, the Farm Bureau believes that all three offices (recorder of deeds, coroner and auditor) should have the same question of elimination placed on the ballot for citizen input.

Finally, our Board examined the proposal for a Wind Farm Overlay Zoning District. This proposal is the first of its kind in the state of Illinois and does create some additional steps for the developers of these projects. It may also lead to more confusion from the general public in trying to understand what the ordinance requires and what it does not. However, this portion of the proposal does allow for greater transparency in the process and allows for more input from townships that have plan commissions as well as individual landowners. For these reasons, the Champaign County Farm Bureau is supportive of the proposed Wind Farm Overlay District. Thus, we encourage you to insert language addressing the overlay district into the proposal.

We hope that as you continue to review these issues you take under consideration our points of view. If you would like to discuss either of these issues further please feel free to contact me at (217) 832-8223.

Sincerely,

Jerry Watson, President
Champaign County Farm Bureau

