



**Champaign County Board
Environment and Land Use Committee (ELUC)
County of Champaign, Urbana, Illinois**

MINUTES – Approved as Distributed October 6, 2022

DATE: Thursday, September 8, 2022
TIME: 6:30 p.m.
PLACE: Shields-Carter Meeting Room
Brookens Administrative Center
1776 E Washington, Urbana, IL 61802

Committee Members

Present	Absent
Aaron Esry (Vice-Chair)	
	Stephanie Fortado
Mary King	
Kyle Patterson	
Jacob Paul	
Chris Stohr	
	Eric Thorsland (Chair)

County Staff: John Hall (Zoning Administrator) and Mary Ward (Recording Secretary)

Others Present: None

MINUTES

I. Call to Order

Committee Vice-Chair Esry called the meeting to order at 6:30 p.m.

II. Roll Call

A verbal roll call was taken, and a quorum was declared present.

III. Approval of Agenda/Addendum

MOTION by Ms. King to approve the agenda with a change of order, moving item IX. New Business: Items to be Recommended to the County Board to after item VI. Communications, seconded by Mr. Paul. Upon voice vote, the **MOTION CARRIED** unanimously to approve the agenda as corrected.

IV. Approval of Minutes

A. August 4, 2022 – Regular Meeting

MOTION by Mr. Paul to approve the minutes of the August 4, 2022, regular meeting, seconded by Mr. Patterson. Upon voice vote, the **MOTION CARRIED** unanimously.

V. Public Participation

Steve Schmall, resident of Edgewood Subdivision -- Mr. Schmall spoke on behalf of the 150 homeowners in the neighborhood regarding a nuisance property. Mr. Schmall presented photographs to the committee showing weeds around a home. The weeds are 6-feet tall and include bull thistle, which is very invasive. The residents have not done anything with the yard over the last three years. It will have an impact on the re-sale value of homes in the neighborhood.

Roger Henning, Philo – spoke on the wind ordinance issue. Concerned that there is nothing to protect land if there are no structures on it. All the recommendations are to the primary structure and not the property line. There are no protections for future uses of a property. Other counties have protections for the property.

Ted Hartke, Sidney – spoke briefly about the article he had emailed regarding wind turbine noise and suicide and stated that it was peer reviewed and will be sending evidence of that. He has also asked for scientific basis for the 2,000-foot setbacks and has not heard anything back. He also feels that setbacks should be to the property lines. He asked to have rules suspended at ZBA so citizens can ask questions directly to the developer.

Ed Decker, Philo – spoke about this experience on son’s farm in Douglas County. The wind turbines have probably eliminated the possibility of anyone building a home on that property. He has firsthand experience with this, and the setbacks need to be to the property lines.

VI. Communications

Jacob Paul shared an email the committee had received from Roger Frick regarding wind turbines. He is against wind energy production and listed problems with wind energy.

VII. New Business: Items to be Recommended to the County Board

- A. **Zoning Case 059-AT-22.** A request by Dennis Toeppen to amend the Champaign County Zoning Map to change the zoning district designation from B-3 Highway Business to B-4 General Business for further development of a 5-acre tract of Land in the Northeast Quarter of the Northeast Quarter of Section 24, Township 20 North Range 8 East of the Third Principal Meridian in Hensley Township with an address of 73 East Hensley Road, Champaign.

MOTION by Mr. Patterson and seconded by Ms. King to recommend Zoning Case 059-AT-22 to the County Board.

Mr. Hall stated that this was recommended unanimously by the ZBA. There were no public comments and there was no protest from Hensley Township. In 2006/2007 this property had been proposed for rezoning and there was a protest from Hensley Township which the County Board did not override. Those issues seem to have been resolved.

Mr. Stohr asked for an explanation for the difference between B-3 Highway Business and B-4 General Business. Mr. Hall said that the B-3 designation is an outdated zoning district. Many properties zoned B-3 have been rezoned to B-4 General Business. This our most robust business zoning district. Ms. King asked if there was a reason this hadn’t been done previously. Mr. Hall stated we only do these as

requested. Mr. Paul asked if Mr. Hall recalled what the specific protest was at the time. There was a concern about heavy truck traffic on Hensley Road and crushing drainage tiles.

Upon voice vote, the **MOTION PASSED** with a 4 to 1 approval and will move on to the County Board.

VIII. New Business: For Information Only

A. Online Registration Opens September 12, 2022 for October 15, 2022 Residential Electronics Collection

This is the first recycling event since Susan Monte retired. There is a coordination meeting in the next couple of days and sign-up begins on Monday, September 12.

IX. New Business: Items to Receive and Place on File by ELUC to Allow a 30-Day Review Period

A. Proposed Zoning Ordinance Text Amendment to revise select wind farm ordinance sections as follows:

1. Revise Section 6.1.4C.2. to increase the minimum required separation to principal structures.
2. Revise Section 6.1.4D.5. to increase the maximum allowed height.
3. Revise Section 6.1.4I. to lower the Allowable Noise Level
4. Revise Section 9.33B.(6) to add a fee to pay for a post-construction noise study.

MOTION by Mr. Patterson and seconded by Ms. King to receive and place on file the proposed Zoning Ordinance Text Amendment to revise select wind farm ordinance sections.

Mr. Hall spoke about the proposed construction noise study. No other county in Illinois requires it but they found information from the state of Minnesota. That study is included in the agenda. Requirements that were added are like theirs. It also includes the fee to pay for the noise study and to get the fee up front from the wind farm developer. He could find no information on how much that might be, so they made it the same as the application fee. Any difference between the fee and actual cost of the study would need to be paid/refunded as applicable.

Mr. Stohr asked what the application fee is. Mr. Hall stated it is \$34,000 or \$760 per wind farm tower, whichever is higher. If the fee for the study is higher than what was collected, the wind farm developer would have to pay the difference.

Discussion was held on what a principal structure is. Mr. Hall said a principal structure in a rural area is usually a dwelling. This could be a gray area. It could be argued that the farm is a business, and the home could be anywhere, and the farm could be run from a livestock building or machine shed. There is no definition as to what a principal structure is. It was asked if it would make more sense to make setbacks to the property line and not to the residence. The committee could change that before it goes for public hearing.

MOTION by Mr. Paul and seconded by Mr. Esry to move setbacks from principal dwelling to property lines. Mr. Stohr has concerns about right to farm and doing what they want on their farm. He would like to look into this more.

Upon voice vote, the **MOTION FAILS**.

Mr. Esry stated that Planning and Zoning brought forth what they were directed to. He stated that he doesn't feel the setbacks are enough and that we are doing enough for the landowners and the people who live in the area where wind farms could be developed.

Upon voice vote, the **MOTION CARRIED** to place on file for a 30-day review period.

X. Other Business

A. Semi-Annual Review of CLOSED Session Minutes

MOTION to open the ELUC closed session minutes of December 7, 2017, January 9, 2020, and August 6, 2020 and for all other closed session minutes to remain closed was made by Mr. Patterson and seconded by Ms. King.

Upon voice vote, the **MOTION CARRIED** unanimously.

B. Monthly Reports

1. May 2022

Mr. Hall stated we know we are having a record number of zoning cases as we have gone through our budget for legal advertisements and will have to come to the County Board with an amendment to increase that budget. It was also another good month for compliance inspections.

XI. Chair's Report

There was no chair's report.

XII. Designation of Items to be Placed on the Consent Agenda

There were no items to place on the Consent Agenda.

XIII. Adjournment

Mr. Esry adjourned the meeting at 7:19 p.m.

Please note the minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.