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2
3 **MINUTES OF REGULAR MEETING**

5 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

6 **1776 E. Washington Street**

7 **Urbana, IL 61801**

8
9 **DATE: March 12, 2009**

**PLACE: Lyle Shields Meeting Room
1776 East Washington Street**

10
11 **TIME: 7:00 p.m.**

Urbana, IL 61802

13 **MEMBERS PRESENT:** Doug Bluhm, Catherine Capel, Thomas Courson, Roger Miller, Melvin
14 Schroeder, Eric Thorsland, Paul Palmgren

15
16 **MEMBERS ABSENT :** None

17
18 **STAFF PRESENT :** John Hall, Jamie Hitt, Leroy Holliday, Christina Papavasiliou (Assistant
19 State's Attorney)

20
21 **OTHERS PRESENT :** Tim Polz, Chris Hanson, Mike Babb, Kyle Krapf, Gerald Henry, Richard
22 Aden, Rob Parker, William Davidson, Tim Smith, Bradley Uken, Jamie
23 Stevens, Judy Campbell, Michael Jarboe, Daniel Cain, Jed Gerdes, John
24 Melchi, Marvin Johnson, Jeff Suits, Mark Youmans, John Chandler, Herb
25 Schildt, Sherry Schildt, Bruce Stickers, Hal Barnhart, Steve Burdin, Kim
26 Schertz, Eric McKeever, Al Kurtz, Steve Moser, Alan Nudo

27
28
29 **1. Call to Order**

30
31 The meeting was called to order at 7:02 p.m.

32
33 **2. Roll Call and Declaration of Quorum**

34
35 The roll was called and a quorum declared present.

36
37 **3. Correspondence**

38
39 None

40
41 **4. Approval of Minutes (February 26, 2009)**

42
43 **Mr. Thorsland moved, seconded by Mr. Schroeder to approve the February 26, 2009, minutes as**
44 **submitted. The motion carried by voice vote.**

45
46
47 **5. Continued Public Hearing**

48

1 **Case 634-AT-08** Petitioner: **Zoning Administrator** Request: **Amend the Champaign County Zoning**
2 **Ordinance as follows: A. Authorize the County Board to approve Special Use Permits (SUP) and to**
3 **change the requirements for development of wind turbine developments (wind farms) to a County**
4 **Board Special Use Permit (CBSUP) and a rezoning to the new Wind Farm Overlay Zoning District**
5 **(WFO); B. Change the requirements for private wind turbines; and C. Add a requirement for a**
6 **CBSUP for subdivisions in a Rural Residential Overlay.**

7
8 Mr. Bluhm stated that at the February 26, 2009, public hearing an error was performed at the end of the
9 meeting in that a motion was made to close the public hearing. He requested a majority vote of those
10 members present and voting at the last meeting to make a motion to re-open the public hearing for Case 634-
11 AT-08.

12
13 **Ms. Capel moved, seconded by Mr. Courson to re-open the public hearing for Case 634-AT-08,**
14 **Zoning Administrator. The motion carried by voice vote.**

15
16 Mr. Bluhm announced that he must recuse himself from Case 634-AT-08 because he is a landowner in one
17 of the areas that is in development for a proposed wind farm.

18
19 Mr. Hall informed the Board that according to the ZBA By-laws they need to vote and appoint an interim
20 Chair for this public hearing.

21
22 **Ms. Capel moved, seconded by Mr. Courson to appoint Eric Thorsland as interim Chair for the**
23 **March 12, 2009, Zoning Board of Appeals meeting. The motion carried by voice vote.**

24
25 Mr. Thorsland requested that County Board members refrain from presenting testimony at tonight's public
26 hearing.

27
28 Mr. Thorsland informed the audience that everyone is welcome to speak although the Board would like to
29 limit redundant testimony.

30
31 Mr. Hall distributed two handouts to the Board for review. He said that the Supplemental Memorandum
32 dated March 12, 2009, reviews the basis for the proposed fee and identified a problem with the threshold for
33 storage of flammable liquids which was included in the revised Subparagraph 6.1.4 C.9. He said that the
34 threshold was 500 gallons which is ridiculously small but it has been revised to 10,000 gallons capacity
35 keeping in line with the State Fire Marshall regulations for storage, transportation, sale and use of gasoline
36 and volatile oils (see attachment to the handout). He said that the Supplemental Memorandum includes
37 additional information regarding possible wind turbine noise levels. He said that by use of a sound calculator
38 staff is able to convert the noise levels that are reported at octave levels into a single decibel level and this
39 manipulation of noise level is just to give the Board some background. He said that the sound calculator is
40 available on the public website and staff cannot vouch for its accuracy. He said that it would be fantastic if
41 the wind farm developers could provide better information because staff does not have an acoustician in our
42 department nor do we have the funds to hire one. He said that the Supplemental Memorandum includes the
43 results of using the noise rating calculator on the website from The Engineering Toolbox to calculate the
44 single number decibel rating for the various Illinois Pollution Control Board limits and comparing to the

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1 results of the Danish Wind Industry Association website sound calculator. He said that those results are as
2 follows: 1. the proposed minimum required separations to dwellings of 1,000 feet and 1,200 feet should
3 result in noise levels below the maximum noise level required by the IPCB regulations. The Danish Wind
4 Industry Association website sound calculator resulted in noise levels of 43 decibels and 42 decibels at these
5 respective separations which are well below the IPCB maximum allowable noise level of 48 decibels; and 2.
6 Compared to a possible background ambient nighttime noise level that may be as low as 30 decibels (based
7 on the IPCB Category 5 Rural long term background ambient noise level nighttime), this increase to 43
8 decibels or 42 decibels at the minimum separations may be perceived as more than doubling of the current
9 noise level. The actual IPCB limit of 48 decibels would be perceived as nearly a quadrupling of the current
10 noise level; and 3. There should be an expected increase in the perceived noise from a wind farm (relative to
11 the long term background ambient noise level) at a distance of as much as 1,000 meters (3,250 feet).
12

13 Mr. Hall stated that he anticipates complaints regarding noise although some of those complaints may not be
14 valid and staff will need a way to determine which complaints are valid and which are invalid. He said that
15 staff is comfortable with the separation and noise levels even though none of these numbers would actually
16 be permissible in a hearing. He said that the Supplemental Memorandum dated March 6, 2009, revealed that
17 there is no staff at the Illinois Environmental Protection Agency (IEPA) to enforce the Illinois Pollution
18 Control Board (IPCB) noise regulations. The County can enforce the regulations on its own if it hires
19 appropriate consultants. He said that the Sangamon County Zoning Ordinance included such a provision
20 and Livingston County included it in at least one wind farm approval and charges the wind farm owner for
21 the cost of the enforcement action. He said that he believes that if Champaign County does not provide
22 some means of enforcing those regulations it is a problem but that is up to the ZBA to make such a
23 recommendation and the County Board to accept that recommendation.
24

25 Mr. Hall stated that staff has recommended three additional conditions to paragraph 6.1.4 I. to explicitly
26 authorize the County to enforce the IPCB noise regulations: 1. Authorize the County to take enforcement
27 action to investigate noise complaints and take such action as proves warranted; and 2. Require the Wind
28 Farm owner to cooperate fully with the enforcement actions including shutting down all wind turbines to
29 allow documentation of ambient noise levels; and 3. In the event that a violation of the noise limit is
30 identified, require the Wind Farm owner to take whatever actions are necessary to stop the violation and
31 comply with the noise regulations. He said that these three conditions cannot be investigated by staff but by
32 a professional sound engineer and those funds must be authorized by the Environment and Land Use
33 Committee. He said that staff will receive complaints that are unfounded and a professional sound engineer
34 cannot be utilized every time staff receives a complaint therefore this process will not be done lightly and
35 hopefully staff will be able to have a high degree of confidence as to whether a complaint is valid or invalid
36 and perhaps the wind farm developers would have some suggestions. He said that staff is comfortable with
37 the noise regulations to date except for the fact that there is no enforcement therefore adopting a noise
38 regulation without a means of enforcement does not achieve much.
39

40 Mr. Hall stated that the second handout dated March 12, 2009, analyzes what staff means when they discuss
41 what areas will be included as part of the Special Use Permit and what areas will require rezoning. He said
42 that this is based on a small portion of another east central Illinois wind farm and the layout is not done
43 according to Champaign County's regulations therefore there are areas which overlap the street, which
44 would be problem, but it does give a picture of what a layout will look like when it comes to the ZBA for a

1 public hearing.

2
3 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

4
5 Mr. Thorsland called Mr. Herb Schildt as the Chairman of the Newcomb Township Plan Commission to
6 testify.

7
8 Mr. Herb Schildt, Chairman of the Newcomb Township Plan Commission said that their review of Case
9 634-AT-08 is ongoing and at this time they have no new comments or concerns, but their original comment
10 and concerns still stand. He said that it is important to point out that they received the current draft
11 amendment just prior to their meeting on March 9th and the commission members are currently in the
12 process of reviewing the nearly completed draft. He said that they may have additional comments, issues or
13 concerns in the future. He said that the Newcomb Township Plan Commission did note that the setback
14 from pipelines was increased to 1,200 feet as described in Section 6.1.4.C.8 and that a 1,600 foot setback
15 has been added for the situations described in 6.1.4.C.9. Mr. Schildt submitted his written statement as a
16 Document of Record.

17
18 Mr. Thorsland asked the Board if there were any questions for Mr. Schildt and there were none.

19
20 Mr. Thorsland asked if staff had any questions for Mr. Schildt and there were none.

21
22 Mr. Thorsland called Mr. Herb Schildt as a private citizen.

23
24 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet stated that he is the Chairman of the Newcomb
25 Township Plan Commission however, he is not speaking in that capacity at this time rather these are his
26 personal comments. He said that he will begin by reviewing why text amendment 634-AT-08 is so
27 important. He said that simply put, a wind farm will fundamentally and profoundly change the character
28 and the nature of the County. He said that everyone needs to clearly understand that each commercial wind
29 turbine is as tall as a 40 to 50 story building and as a result these turbines affect an area much larger than the
30 acres they occupy. He said to understand how much larger consider this example, he can clearly see the 400
31 foot turbines in McLean County from Highway 47 just north of Mahomet and at this point the turbines are
32 approximately 15 miles away and the same result will occur here. He said that the effects of a wind farm in
33 Champaign County will be felt throughout the entire County and we will live with those effects for what
34 will essentially be the rest of our lives. He said that it is important to get this ordinance right because once a
35 wind farm is built it's too late to say "oops!"

36
37 Mr. Schildt stated because the impact of a wind farm is so widely felt ordinance that permits them must
38 incorporate two fundamental objectives: 1. a wind farm should not be sited where it's not wanted or where
39 it's not appropriate; and 2. the setbacks must be sufficiently large to protect the health, safety and quality of
40 life of non-participating landowners. He said that meeting these two goals will ensure that property rights
41 are protected and the negative impact of a wind farm is minimized. He said that with these two goals as a
42 backdrop, he will return to the themes that he has been discussing for the past two hearings. He will begin
43 with the issue of the Manlove Gas Storage Field. He said that as the Board knows, he and his wife live in
44 the Manlove Field and they believe (as do many others in Newcomb Township) that wind turbines should

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1 not be allowed in the Manlove Field. He said that as he has explained the Manlove Field constitutes a
2 unique situation in the County and consists of many miles of high-pressure gas pipelines, numerous
3 injections wells, and storage tanks. He said that because of the extensive system of underground high-
4 pressure pipes the Manlove Field represents a far different situation than the more common low-pressure gas
5 lines that feed your house. He said that simply put, any damage to high-pressure pipeline, well-head or tank
6 is a major event.

7
8 Mr. Schildt stated that he has already given the Board a letter written by John Jay, Chief of the Cornbelt Fire
9 Protection District that certifies the increased risk posed by locating commercial wind turbines in the
10 Manlove Field. He said that the Cornbelt Fire Protection District covers about half of the Manlove field
11 including the portion in which he and his wife live. He said that in Chief Jay's letter he states that his
12 department cannot fight fires over 110 feet in the air and that any uncontrolled fire within the Manlove Field
13 will pose increased risk to the surrounding area.

14
15 Mr. Schildt stated that as far as he has been able to determine, the situation that is faced with the Manlove
16 Field is unprecedented and it seems that no one knows for sure how the two technologies, wind turbines and
17 gas storage fields, will interact or even if they are compatible and he has not found any studies that examine
18 this combination. He said that he asked the manager of the Peoples Gas Manlove Facility if he knew of any
19 studies and he indicated that he did not. Mr. Schildt stated that this is why Chief Jay's comments are so
20 important because it lets us know one thing with certainty, an uncontrolled fire in the Manlove Field poses
21 increased risk and as he said before he doesn't want to be a guinea pig in this experiment.

22
23 Mr. Schildt stated that he was pleased to see that a setback of 1,200 feet from a pipeline and 1,600 feet from
24 a tank had been added to this version of the amendment. He said that he believes that this is a positive
25 development that will help protect the residents of the County in general however he does not think that
26 these setbacks are sufficient to provide the needed protection in the case of the Manlove Field. He said that
27 the reason is that 1,200 feet is less than the known potential debris field of a turbine failure because a
28 commercial wind turbine is very heavy weighing many tons. He said that according to the specs that he has
29 just the rotor for the Vestas V82-1.65 MW turbine weighs 43 metric tons and if a blade detaches and hits a
30 well head or penetrates the ground and punctures a pipeline the results could be disastrous. He said that
31 even though two of the examples he presented had debris fields of 1,600 feet those turbines were less than
32 400 feet tall and we really have no idea how large a setback would be required for a 500 foot turbine, which
33 is one reason why we need to limit turbine height to 400 feet. He said that there is essentially no data
34 available for the effects of risks posed by a 500 foot turbine.

35
36 Mr. Schildt stated that it is important for the Board, the members of the ZBA, to understand that the
37 Manlove Gas Storage Field consists of an interconnected network of high-pressure pipelines and injection
38 wells. He said that it is a complex rather than simple structure and what might be a relatively minor failure
39 of a normal gas line can be a very serious event in the Manlove Field. He said that this is why the increased
40 risk of damage caused by a turbine failure or fire is unacceptable to he and his wife and this issue must be
41 resolved.

42
43 Mr. Schildt stated that in Mr. Hall's cover letter for the current draft he indicates that "Self-destruction of
44 wind turbines as reported in articles submitted in the public hearing seems exceedingly rare..." Mr. Schildt

1 stated that he disagrees with this assessment and asserts that catastrophic turbine failures are not exceedingly
2 rare. He said that an exceedingly rare event is something that almost never happens such as an airplane
3 hitting your house and because it is exceedingly rare we do not build houses to withstand the impact of an
4 airplane. He said that in contrast a severe turbine failure is not exceedingly rare, uncommon, yes,
5 exceedingly rare, no. He said that there are many examples of turbine failures and he has already presented
6 news stories and photos that describe just a few and although we do not typically guard against exceedingly
7 rare events we often guard against uncommon ones, for example, we put guard rails up to prevent people
8 from going off the road where there is a steep embankment. He said that because of the extremely serious
9 consequences that could result from a turbine failure in the Manlove Field it makes sense to prohibit them,
10 in other words, it makes sense to put some "guard rails" around the Manlove field to prevent serious harm.
11

12 Mr. Schildt stated that to lend a bit more credence to his assertion that turbine failures are not exceedingly
13 rare he will present another example. He said that interestingly, this turbine failure occurred only last
14 Friday, March 6, 2009, in Altona, New York and resulted in the complete collapse and catastrophic
15 destruction on one 392 foot turbine and damage to another. He said that he has included several articles
16 about it and as the caption for the two photos shows, the turbine that collapsed was less than one year old.
17 He said that the entire wind farm is less than a year old with construction beginning in June of 2008,
18 according to the developer's website. He said that the developer of the wind farm is Noble Environmental
19 Power. He the following quotes from the news stories:

20 "Residents in the area told News Channel 4 they heard what sounded like a large explosion and said
21 that loud noises lasted for several minutes. Others equated the sound to an earthquake and
22 speculated one of the company's large windmills may have thrown a blade. Another local resident
23 told News Channel 5 that she could see flames coming from Noble."
24

25 "Mike Fellion flew over the wreckage Saturday morning and was amazed to see that pieces of the
26 structure appeared to have been thrown "about a quarter-mile away."
27

28 "As the preliminary investigation continues into how a massive turbine suddenly collapsed, Nobel
29 officials said this week that the entire wind park experienced a loss of power Friday and that two of
30 its 65 turbines apparently malfunctioned."
31

32 "Each General Electric turbine is equipped with a system that is supposed to immediately shut down
33 during power outages."
34

35 "Data suggests an unspecified wiring abnormality kept two turbines running and likely contributed
36 to the collapse."
37

38 Mr. Schildt stated that there are three key points about these failures: 1. the turbines were new being less
39 than one year old so the failures were not a result of old technology; and 2. the wind farm in which they
40 were located consists of 65 turbines and two failed. This is a failure rate of more than 1 in 33 at this wind
41 farm and as he has said a severe turbine failure is not an exceedingly rare event; and 3. notice that the
42 estimated debris field exceeds 1,200 feet. He said that because of the possibility of such a failure
43 commercial wind turbines do not belong in the Manlove Field, the risks are too great.
44

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1 Mr. Schildt stated that at this point he is speaking to the ZBA directly. He said that he has come before the
2 ZBA three times requesting their help because he and his wife are seriously concerned about this issue
3 because they live there.

4
5 Mr. Schroeder asked Mr. Schildt if he was aware that his area is not being considered for a wind farm
6 although the Board realizes that Mr. Schildt's area is a danger area.

7
8 Mr. Schildt stated that he was not aware of that.

9
10 Mr. Schroeder stated that there are three areas identified for the proposed wind farm and not one of those
11 areas is near him.

12
13 Mr. Thorsland requested that Mr. Schildt complete his comments and then he will ask the Board if they have
14 any questions for Mr. Schildt.

15
16 Mr. Schildt stated that in Mr. Hall's cover letter he states that "It is difficult if not impossible to actually
17 define the Manlove Gas Storage Field for such a purpose because the actual geologic structure that is the
18 principal component of the gas storage field is thousands of feet deep and quite extensive." and Mr. Hall
19 suggests the use of setbacks from the injection wells as an alternative approach. Mr. Schildt stated that the
20 Manlove Gas Storage Field is easy to define because it is covered by gas storage easement agreements and
21 these easements are recorded with the title work for each parcel of land in the field. Thus, the Manlove Field
22 can be identified by the gas storage easements and this approach is easy to specify and easy to verify
23 therefore he urged the Board to use this approach to prohibit commercial wind turbines within the Manlove
24 Gas Storage Field. Mr. Schildt stated that if for some reason this approach proves to be unworkable he is
25 willing to consider the use of setbacks from pipelines, injection wells, and tanks as a means of prohibiting
26 commercial wind turbines in the Manlove Field, and of course, a much larger setback is needed. He said
27 that he is willing to work with Mr. Hall in this regard if he thinks that his input would be helpful but the
28 Board needs to be aware of one potential trouble with using setbacks. He said that under the current
29 agreements Peoples Gas can install a new pipeline or injection well at any time within the Manlove Field
30 and it is not clear that the County currently has regulatory authority over the placement of these new
31 pipelines or wells. He said that if it doesn't then even if the turbines are set back from existing pipelines and
32 wells new pipelines or wells could be placed closer to a turbine than the required setback. He said that no
33 matter what approach is used some resolution to this issue is needed.

34
35 Mr. Schildt stated that at this time he would like to turn to setbacks from non-participating dwellings. He
36 said that it is still his view that 1,200 feet is far too short and as he explained last time several jurisdictions
37 have used ½ mile setbacks, the Champaign County Farm Bureau survey results clustered around ½ mile, and
38 Trempealeau County uses 1 mile. He said that he again recommends using at least a one mile setback to
39 non-participating dwellings and as far as he is concerned the setback to a participating dwelling can be
40 shorter if agreed to by the owner. He said that he does not see how having a one mile setback to a non-
41 participating dwelling presents much of a restriction to the wind farm developer. He said that before he
42 concludes his testimony it is important to point out that there are two types of non-participating landowners.
43 He said that the first has land on which a turbine could be placed but for one reason or another the
44 landowner does not want one. He said that the second owns land that is either unsuitable for a turbine,

1 perhaps because it is low ground, or because the land lies just outside the border of the wind farm. He said
2 that in either case, the rights of both types of non-participating landowners must be protected and it is not
3 proper to subject non-participating landowners to increased risk against their will or to diminish the quality
4 of their lives. He said that the best way to avoid doing so is with adequate setbacks and he again suggested
5 at least one mile.
6

7 Mr. Schildt stated that he does not know if a wind farm will be sited in Champaign County but if one is it
8 will significantly alter the landscape and its presence will be felt throughout the area. He said that it will
9 also represent what many will find to be a life changing event and ultimately it is us, the citizens of the
10 County, that will be living with the consequences.
11

12 Mr. Thorsland asked if staff had any questions for Mr. Schildt and there were none.
13

14 Mr. Thorsland asked the Board if there were any questions for Mr. Schildt.
15

16 Mr. Schroeder stated it is his understanding that Mr. Schildt's area is not involved in any of the three
17 proposed wind farms.
18

19 Mr. Hall stated that Mr. Schildt has his own concerns and if the Ordinance is not made as he recommends
20 his concern could still come to fruition and with his concern his point is well taken.
21

22 Mr. Schildt stated that he appreciates Mr. Schroeder's information but he has been told different information
23 in that potentially there is a proposed wind farm coming to the northwest portion of the County. He asked if
24 this proposal has been taken off the table.
25

26 Mr. Hall stated that such a proposal has not been placed on the table to date.
27

28 Mr. Schildt stated that currently there is a test tower which is just over the county line which is about 4 miles
29 west of where he lives.
30

31 Mr. Thorsland stated that four miles from his home is not in Champaign County.
32

33 Mr. Schildt stated that this is true but he is basing his information on what he has been told. He said that if
34 there is no wind farm proposed in his area then there would be no harm in removing the Manlove Field from
35 the possibility and he would request that the Board do so. He said that he would not be here requesting such
36 if it wasn't a big concern. Mr. Schildt submitted his written statement as a Document of Record.
37

38 Mr. Thorsland asked the Board if there were any additional questions for Mr. Schildt and there were none.
39

40 Mr. Thorsland called Ms. Sherry Schildt to testify.
41

42 Ms. Sherry Schildt, who resides at 398 CR 2500N, Mahomet stated that the test tower, a meteorological
43 tower that wind companies use to gauge the wind, was constructed about two weeks ago. She said that
44 because the test tower was so close to their property, although in Piatt County, she called Piatt County to

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1 find out information about the tower. She said that the Piatt County Zoning Administrator told her that
2 Midwest Energy intends to put approximately 70 wind turbines in Piatt County and 30 in Champaign
3 County therefore that is why she and her husband have the idea that they will come across the line into the
4 Manlove Gas Storage Field.

5
6 Ms. Schildt stated that after reading the summation on Page 4 of the Supplemental Memorandum dated
7 March 6, 2009, of her concern regarding setbacks from non-participating dwellings, she realized that
8 perhaps she did not communicate clearly enough at the last hearing. She said that it is her firm conviction
9 that any minimum turbine setback from non-participating land should be measured from the property line of
10 that land and not from a dwelling on that land. She said that she has two reasons for this and the first is that
11 a non-participating land owner should not be forced to have any of his or her land within the hazard area of a
12 wind turbine. She said that it was previously mentioned that 1300 feet is the safety zone required by at least
13 one turbine manufacturer for its employees. She said that if the 1200 foot setback to a non-participating
14 dwelling in the draft ordinance stands, then all of that area and beyond would be potentially unsafe. She
15 said that they are expecting their first grandchild in September and they have begun dreaming about swing
16 sets and sand boxes and if they had a home whose back yard happened to come within that 1200 feet she
17 would certainly not want her grandchild to be playing there. She said that she would not to be gardening or
18 relaxing out there herself. She said that this was her sole concern last time.

19
20 Ms. Schildt stated that the second reason why setbacks should be measured from the property line, and that
21 is that every property does come with wind rights, and at some point the owner may want to exercise those
22 rights. She said that a 400 or 500 foot wind turbine as close as 1200 feet could interfere with those rights.
23 She said that a non-participating landowner should not be forced to yield his wind rights because of a
24 turbine on an adjacent property. She said that it is not right for one landowner to take the wind rights of
25 another and she expects the issue of wind rights to become quite contentious in the future.

26
27 Ms. Schildt stated that her second point is in regards to the rather dismissive comments made at the last
28 hearing that because of the larger setbacks required in some Wisconsin townships, Wisconsin was “out of
29 control” and had “locked themselves out” of wind development. She said that she was born and raised in
30 Wisconsin and most of her family is still there so she would like to defend her beloved home state. She said
31 that the more stringent township ordinances are the result of at least one year’s worth of serious study of the
32 issues, governed by a concern for the health and safety of their citizens. She said that according to the
33 American Wind Energy Association, four new wind projects came online in Illinois in 2008, with a total of
34 148 turbines and total power capacity of 215.7 MW. She said that by contract, in Wisconsin four new
35 projects also came online in 2008, but with a total of 215 turbines (67 more than in Illinois) and a total
36 power capacity of 314.85 MW (126.15 more MW than in Illinois). She said that clearly the larger setbacks
37 have not prevented wind development in Wisconsin.

38
39 Ms. Schildt stated that her final point is a warning of sorts. She said that local taxing bodies such as school
40 districts, who are looking forward to increased tax revenue through commercial wind developments should
41 be aware that the Illinois law that regulates wind energy property assessment (35ILCS 200/Art.10 Div.18)
42 has provisions that apply only for assessment years 2007 through 2011. She said that since we do not know
43 what will happen in 2011 any projections of revenue are tentative and short-lived at best. She said that
44 whatever property tax revenues might be gained from a wind development could be offset by a decline in

1 property values caused by the negative impact of the turbines. Ms. Schildt submitted her written statement
2 as a Document of Record.
3
4 Mr. Thorsland asked if staff had any questions for Ms. Schildt and there were none.
5
6 Mr. Thorsland asked the Board if there were any questions for Ms. Schildt.
7
8 Ms. Capel asked Mrs. Schildt if she knew what the setbacks were for the wind farms in Wisconsin.
9
10 Ms. Schildt stated no.
11
12 Ms. Capel asked Ms. Schildt if the wind farms were located in any of the counties which had the larger
13 setbacks.
14
15 Ms. Schildt stated that they are in Fond du Lac County and Dodge County and Fond du Lac County does
16 have a very stringent ordinance. She said that it is her understanding that one of the reasons why the
17 ordinances were produced was because of the serious consequences that people were experiencing based on
18 shorter setbacks and the counties wanted to protect their citizens from those consequences. She said that
19 there was numerous testimony regarding the noise created by the turbines and the counties wanted to
20 address this issue for their citizens.
21
22 Mr. Hall stated that Trempealeau County has more hills and valleys which tends to more focus the noise
23 which makes it more problematic.
24
25 Ms. Schildt stated that this is not the case in Fond du Lac County. She said that Trempealeau County does
26 allow participating landowners the opportunity to waive their stringent restrictions therefore if a developer
27 desires to place a turbine on a property they can work with the landowner.
28
29 Mr. Thorsland asked the Board if there were any additional questions for Ms. Schildt and there were none.
30
31 Mr. Thorsland called Mr. John Chandler to testify.
32
33 Mr. John Chandler, representative for Invenergy, stated that he is only present at tonight's meeting to
34 answer any questions that the Board or staff may have.
35
36 Mr. Thorsland asked if staff had any questions for Mr. Chandler and there were none.
37
38 Mr. Thorsland asked the Board if there were any questions for Mr. Chandler.
39
40 Mr. Roger Miller asked Mr. Chandler if Invenergy would pursue development in an area where there were
41 underground gas storage fields.
42
43 Mr. Chandler stated that he is not familiar with the gas storage fields therefore he is not qualified to answer
44 Mr. Miller's question.

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Mr. Miller asked Mr. Chandler if, after hearing testimony regarding the gas storage fields, is he concerned about developing in these areas.

Mr. Chandler stated that after hearing testimony regarding the gas storage field he would personally be concerned about placement in these areas and would certainly want safe setbacks.

Mr. Miller stated that he was hoping that Invenergy would realize the imminent danger and not pursue developing in an area such as the Manlove Gas Storage Field.

Mr. Chandler stated that Invenergy has to maintain a certain amount of liability insurance, \$5 million per incident, because they are aware that unexpected things do occur. He said that generally they think in terms of the construction time period when heavy equipment and ditches are present on the properties because they do not want kids playing in those ditches. He said that if during the operational phase something would happen they do not want any exposure or liability therefore if it was up to him he would stay away from a gas storage field. He said that he would not know why a company would want to develop in an area that already has potential hazards.

Mr. Schroeder stated that he appreciates the interest in the County for the development of wind farms and 70 years ago he turned on the first electric light bulb in Champaign County. He said that taking coal and gas out of the ground to produce electricity cannot go on forever therefore the only alternative that we have is the wind and we better start using it. He said that there are going to be a lot of people who are angry but it is better to have that light switch work than not.

Mr. Chandler stated that he does not know the format of these meetings because he is usually out talking to the landowners rather than attending meetings but he believes that all of our energy starts with the sun and the next two derivatives off of that are wind and water. He said that in the Midwest we do not have great solar resources but we do have wind and water. He said that if we were down in the southwest in the desert we would just cover the land with solar panels and everything would be great but in this area we have great wind resources. He said that turbine technology has advanced incredibly over the years and we are now at about a 90% reduction in the cost of generating electricity from wind. He said that every year the wind turbines are getting more refined and efficient and hopefully safer too. He said that he lives in Minneapolis and he drove past the wind farm on Highway 9 and he could actually hear the turbines. He said that he went to the observation post where there was a turbine within 1,000 feet and he could actually hear it which surprised him because he is not used to being able to hear them. He said that he then drove up to the site at Grand Ridge Wind Farm located north of Bloomington and he could not hear those turbines until he got right up next them at which point he could hear the “swoosh” of the blades. He encouraged anyone who has a concern about noise to go up to the Grand Ridge Wind Farm and listen to them.

Mr. Thorsland asked the Board if there were any additional questions for Mr. Chandler and there were none.

Mr. Thorsland called Mr. Steve Burdin to testify.

Mr. Steve Burdin, who resides at 2527 CR 455E, Mahomet stated that before he gets started he would like to

1 say that the members of this Board are real trailblazers because if he remembers the history correctly rural
2 electrification was not without alot of controversy because people were actually scared of electricity. He
3 said that some of the concerns at that time are very different but in a way very similar to what we are
4 hearing today. He said that in a lot of peoples minds a lot of the issues are unknown therefore it is hard to
5 talk about risks when you are talking about unknowns. He said that it is almost an exploration of how
6 comfortable each of us are with the unknown which is not to say that there are valid concerns. He said that
7 he would like to address setbacks, fires and blade failures during his testimony.
8

9 Mr. Burdin stated that setbacks are an attempt to mandate a safe distance to allow operation without
10 disturbing the safety or health of surrounding areas beyond an acceptable level, while providing reasonable
11 protection should a problem arise. He said that we ask ourselves at what point should we be more worried
12 about debris from a turbine that has experienced some structural failure, presumably in high winds, versus
13 debris from our neighbor's yard or our own. He said that he has seen some interesting things blow by in the
14 wind including an entire steel storage shed rolling across his yard. He said that if a turbine disintegrates due
15 to a failure what is reasonable to expect in terms of distance and the sizes of the pieces. He said that a 100-
16 pound object could travel farther than a multi-ton blade or it could fall straight down. He said that it
17 depends upon many factors including size, shape, wind resistance and more and this is difficult to predict or
18 model without restricting the possibilities in the model.
19

20 Mr. Burdin stated that with respect to health motivated setbacks we simply do not know if large setbacks are
21 warranted and this is mainly due to the conflicting information we find out there. He said that some sources
22 deny the very existence of problematic sonic emissions while others maintain their presence. He said that
23 personally he would like to try to measure an existing installation unfortunately the difficulties reported in
24 performing good measurements are not exaggerated because these measurements require special equipment,
25 perfect conditions and exacting adherence to strict protocols so that they are comparable.
26

27 Mr. Burdin stated that the next thing he would like to discuss is fires. He said that turbine fires may seem
28 terrifying and he is sure that they can be but all too often it seems we hear about fires that are equally
29 terrifying such as railroad cars full of noxious chemicals, and buildings with people in them. He said that
30 turbine fires are caused by lightning, mechanical failure, essentially overheating, and worker error or
31 accident. He said that he has included two articles as references on the subject, sources submitted with
32 written testimony, and quoted the following statement from *WhyWind.org* which was in response to a
33 question about the requirement for extra services when a wind farm exists, "...one fails to find documented
34 cases of fire fighters putting out fires in wind turbines either in Canada or the United States on a regular
35 basis."
36

37 Mr. Burdin stated that we have heard that the fire departments cannot fight these fires but there is no
38 indication that anyone recommends fighting a fire at these heights rather it seems that the strategy is to let
39 the fire burn, while monitoring the ground for fires from materials that may fall to the ground. He said that
40 falling debris can be carried by the wind and we have that possibility with other fires as well. He said that
41 the fact that the debris is farther from the ground may actually help because the material may extinguish
42 during its descent and this isn't farfetched at all because we rely on this all of the time as in the case of
43 fireworks. He said that the sparks that we see in fireworks are commonly metal particles including
44 magnesium and we rely on the fact that these particles will burn out before they hit the ground or another

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1 structure after we intentionally shoot them high into the air to ignite them. He said that he looked up
2 physical data on a synthetic, fire resistant hydraulic oil for comparison purposes and it shows data such as
3 the fire point but unfortunately this isn't a good indicator of the temperature of the burning material. He
4 said that his guess is that it's not as high as magnesium which burns at 4000 degrees Fahrenheit. He said
5 that you can also get an idea of the temperature of a fire by its color. He said that in either case even if the
6 material hits the ground burning there may or may not be a fire. In addition, how do you predict the size of
7 droplets of burning oil or melted fiberglass resin or how likely are they to reach the ground still burning. He
8 said that he is not making these points just to be on one side of the issue but all of these are variables and
9 many more make this unpredictable.

10
11 Mr. Burdin stated that there is one thing that he believes has not been mentioned regarding this subject and
12 that is if a wind turbine is erected and later it turns out to be in a location that seems particularly catastrophic
13 should a fire occur, a fire suppression system can be installed to contain fires. He said that a company called
14 FireTrace manufactures suppression systems that work automatically with no electricity to deliver
15 extinguishing media directly where there's a fire and one of the applications they list is indeed wind
16 turbines.

17
18 Mr. Burdin stated that the last thing that he would like to address is blade failures and we have heard quite a
19 bit about this as well. He said that on one hand we hear about ice throw and conversely we hear that sensors
20 stop turbines whose blades may be iced or that heaters keep ice from accumulating on blades installed in
21 ice-prone regions. He said that we hear about blade detachment and many questions arise such as: How
22 likely is this really and how far would blades land from the turbine; and how likely is it that they'll remain in
23 one piece; and how big would pieces be? He said that there are many factors that make this difficult to
24 determine. He said that there may be some help in this area but not in predicting the dynamics of blade
25 destruction or size distribution of pieces. He said that Sandia National Labs hosted an annual conference on
26 reliability of turbine subsystems and the last conference, held in May, 2008, was on turbine blades. He said
27 that they are compiling a national database and show data from five wind farms with over 425 turbines. He
28 said that the data shows some interesting things and some blade wear and tear is simply leading edge erosion
29 and trailing edge splitting which are both from cutting through the wind continuously. He said that there is
30 some delamination occurring and discovery of some voids in the composite structure, so there is clearly
31 room for manufacturing and materials improvements. He said that one farm reports lots of lightning strikes
32 but only two blade replacements while others report blade replacements too. He said that it is an interesting
33 study with more detail than he mentioned tonight but it is worth looking at.

34
35 Mr. Burdin stated that his main message is that we must be realistic. He said that we do not opt to live in
36 caves instead of houses because we are overly worried about something man-made falling from the sky nor
37 do we stop transporting things by railroad. He said that we are human and everything that we do has an
38 uncertainty and it is not realistic to plan for the exceedingly uncommon. He said that we must trust each
39 other to some extent as we do in life each day. He said that it is reasonable for us to expect that turbines will
40 be improved and maintained to minimize the unknowns that we may worry about today. Mr. Burdin
41 submitted his written statement as a Document of Record.

42
43 Mr. Thorsland asked staff if there were any questions for Mr. Burdin and there were none.
44

1 Mr. Thorsland asked if the Board had any questions for Mr. Burdin and there were none.

2

3 Mr. Thorsland called Ms. Kim Schertz to testify.

4

5 Ms. Kim Schertz, who resides in Hudson, IL desired to address the comment that was made to Mr. Schildt
6 regarding that no wind farms were planned in his area therefore he did not need to worry about any dangers.

7 She said that when McLean County first opened their county to turbines there was one wind farm planned
8 and that same wind farm now has seven phases. She said that Livingston County has plans for over 4,000
9 wind turbines and that sort of thing does not happen until the county opens itself up for the first project. She
10 said that she attended a recent wind conference and they gave the average number of turbines per wind farm
11 and that number was between 100 to 200 wind turbines. She said that the numbers of how many wind
12 turbines were currently in Illinois and how many are planned were discussed. She said that if there are 200
13 turbines on a wind farm there are 21,000 turbines planned for Illinois therefore Mr. Schildt should not be
14 concerned about his area because once the county opens itself up to this development there will not be a
15 square inch that is not applied for.

16

17 Ms. Schertz stated that in response to Mr. Burdin's comments, the blades are up to seven and one-half tons
18 now and there have been major problems with shredding and these blades rarely stay together and fall down
19 by themselves. She said that when they are hit by lightning they explode and when they start delaminating
20 they fall apart. She said that the blades have four different skins that are glued together by resin and there is
21 at least a piece of metal shrapnel in the middle which is the lightning protection. She said that if the blades
22 are operating at their maximum which is 188 miles per hour that's the speed in the wind that is being
23 discussed however when you have them spinning out of control it is unknown how fast the blades are
24 turning.

25

26 Ms. Schertz stated that she would have to agree that the setbacks have to be set from the property line and
27 not from the wall of the residence. She said that if you allow wind companies to use people's property for
28 their noise buffers then you violate the rights of every property owner affected and you violate the Illinois
29 Pollution Control Board standards. She said that this is a property rights issue and if you measure from the
30 wall of residence you are essentially restricting the resident from the ability to use his own property,
31 preventing him from building a future addition to his home, preventing him from using his own barns and
32 outbuildings without protection from unwanted noise spreading over onto his yard. She said that she does
33 not think that waivers discussed at the last meeting for non-participants is the answer because people move
34 to the country for the quiet rural atmosphere not a waiver telling them it's okay to allow more noise
35 pollution on their property as long as they sign off on it. She said that the answer is a setback of a mile or
36 more from a property line which is a setback which protects your citizens from unwanted turbine noise, not
37 one that protects the commercial interests of a wind developer at the expense of the existing property
38 owners.

39

40 Ms. Schertz stated that there are several problems with using the Illinois Pollution Control Board rules and
41 as you well know there is no active enforcement agency. She said that violations would have to be handled
42 by the county or by the individual citizen. She said that one attorney told her that for an individual citizen to
43 effectively file a complaint, realistically, it would cost about \$100,000 to present a well-prepared legal
44 defense. She said that another problem is that rules were made about 35 years ago for noise problems in

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1 suburban areas not rural country sides. She said that Champaign County is trying to impose rules for
2 metropolitan areas onto a different geographic area completely. She said that another problem is using the
3 classification of agricultural land as a C receiver and the problem with that, as she understands it, is that any
4 time a residence is placed in the middle of farm ground that entire parcel becomes a Class A or residential
5 receiver and must comply with the stricter residential rules at points on that property. She said that the
6 biggest problem with using the Illinois Pollution Control Board rules is their use of the A-weighting which
7 averages all of the frequency levels together. The flagrant noise violations which people complain about
8 whenever a wind farm moves in occurs at the lowest individual hertz levels and some of those levels are
9 beneath the level of human hearing. She said that she believes the Pollution Control Board only addresses
10 audible levels and she has not heard of a case where manufacturers of turbines have released their sound
11 power data from those lowest unweighted hertz levels because she believes they know those are the ones
12 which violate the most and cause people the most distress. She said that the sound issue is so complex that
13 she would implore the Board to hire a sound expert to advise them and if they choose not to they are
14 essentially allowing the wind developers to write the laws for Champaign County as they have already done
15 with most of the Model Wind Ordinances around the state, at the expense of the residents.

16
17 Ms. Schertz stated that she has taken several noise readings near Ellsworth and in the Twin Groves wind
18 farm and when she was a few miles away from the wind farm she got nighttime readings between 24 and 30
19 decibels and this was about 10 p.m. with a 9 to 14 MPH wind. She said that as she got nearer to the general
20 area of the wind farm the readings nearly doubled shooting up to 50 decibels. She said that there is a reason
21 that other countries around the world, who have had many more years experience with turbines sited too
22 close to homes, are now recommending setbacks of more than a mile from any residence. She submitted a
23 transcript from the Logan County Zoning Board hearings so that the Board can read for themselves what
24 some of the folks living underneath the turbines in Ellsworth had to say about the turbines and how the
25 developers are to work with once they have invaded your county. She said that Nancy Knittle testified about
26 how Horizon dealt with her noise complaints and she said, "I wrote a letter to Bill Whitlock, whom is with
27 Horizon, and I sent a copy of that letter to the home office in Texas. I received no reply. This went on and I
28 made several contacts. I called. I left messages. In five months, I tried to contact them twelve times and we
29 have had only two responses and then somebody did not show up. It has been extremely stressful."

30
31 Ms. Schertz stated that another lady testified at the Logan County Zoning Board hearings and testified that
32 she took readings at the wall of their home and it registered 90 decibels. She said that her property has three
33 turbines near it and the closest one is 1,500 feet away from the north wall of her home and she gets
34 additional noise from a substation which was placed 870 feet from her property line.

35
36 Ms. Schertz stated that at the last hearing Steve Burdin told the Board about a landowner who was quite
37 positive about the turbines and had indicated no problems with them. She said that she does not find it
38 surprising at all that the landowner's had not experienced as many negative effects or was unable to talk
39 about them considering her home was more than ½ mile from a turbine. Ms. Schertz stated that she wonders
40 if Mr. Burdin is aware that anyone signing a lease is under a Noise Easement and a Confidentiality
41 agreement, also commonly known as a gag order which prevents them from saying anything negative about
42 a developer under threat of being sued by them for breach of contract. She said that the same clause appears
43 in most Good Neighbor Agreements. She said that it will be very hard for the Board to drive over to a wind
44 farm and get the actual truth about any problems because the majority of the people that you are trying to

1 speak to have signed those leases and they are bound to not say anything negative. She said that the
2 problem that they have is that they signed a lease before the wind farm was built and the problems that they
3 have to deal with occurred after therefore leaving them no recourse.
4

5 Ms. Schertz stated that she found Mr. Kenn Davis' testimony interesting because he indicated at the last
6 hearing that each wind turbine takes 2,000 to 2,500 craftsman hours to get the turbine into place and in
7 previous testimony in McLean County he stated that he figures decommissioning the same way. She said
8 that Mr. Davis indicated that he understood how much it cost to put the wind towers up and it will take just
9 as much to take them down. Ms. Schertz stated that based on the average pay scale which she believes was
10 stated as \$45 per hour, non-union, the labor alone for one turbine would start at a minimum of \$90,000 and
11 this would not include crane transportation, crane rental, environmental disposal of nearly 21 tones of non-
12 recyclable fiberglass blades, hauling expenses, etc. She said that in regard to decommissioning she believes
13 that Champaign County will be taken to the cleaners because the proposed \$125,000, in the form of a letter
14 of credit, will be inadequate. She said that there has never been an estimate, that she is aware of, to remove
15 the entire 350 yards of concrete and there has never been an estimate that she is aware of to figure in the
16 astronomical cost of bringing back in a 450-600 ton crane to do that work. She said that Mr. Davis also
17 testified that, to his knowledge, no one has ever taken down a tower in the United States therefore she would
18 caution the Board to carefully consider the fact that the decommissioning of these thousands of acres of steel
19 dinosaurs will ultimately fall to them and the costs discussed in most decommissioning agreements are
20 woefully inadequate to even begin to address this expensive venture which really has never been done.
21

22 Ms. Schertz stated that she also takes issue with Mr. Davis' comment at the last hearing in which he stated
23 that a wind farm will take only approximately one to one-half acre out of production. She said that there are
24 several problems with this and one of the major problems is that the reduced yields due to severe
25 compaction. She said that in signing a lease which can potentially last for 50 years with the rights to
26 renewal in it the landowner has essentially given the developer the right to bring back that 600 ton crane any
27 time during the life of that project and roll it right back across his land. She said that because the cranes are
28 so massive they roll them across the farmland in a straight line from turbine to turbine causing what is
29 sometimes permanent compaction of the soil reducing yields and ability to actively farm larger areas of the
30 farm. She said that another issue is the cutting, crushing and outright removal of field tiles from an active
31 farm because the weight of the equipment crushes tiles and many drainage tiles within a certain distance of
32 the turbine are removed as per the lease which often causes drainage problems for the entire farm and not
33 just the area immediately around the turbine, further reducing yields.
34

35 Ms. Schertz stated that Mr. Burdin discussed firework's debris in comparison to wind turbine debris. She
36 said that she has been to many fireworks displays that have been cancelled due to drought conditions
37 therefore the Board should think about what one spark from a turbine will do on a hot August day during a
38 drought period with dry corn sitting in the fields around these turbines.
39

40 Ms. Schertz stated that the crop reduction issue that she is most familiar with is the one of inability to spray
41 a field by air. She said that you cannot get a crop duster in to spray for spider mites, aphids or soybean rust
42 and she is submitting spray statements from five central Illinois pilots who state their position on spraying in
43 and around wind farms. She said that most stated that they reserve the right to refuse to spray a field in or
44 near a wind farm when it's just too dangerous for a pilot to do so and most say that if a field can be sprayed

1 it takes more time to plan, more time to spray and they have to carry a lighter load which means there is
2 more time involved in spraying. She said that the pilots indicate that they will charge a 50% increase in
3 crop spraying within a certain distance from a wind farm, some within a mile, some within a half mile.
4

5 Ms. Schertz stated that Chuck Holzwarth, last year's president of the state association testified, "Aerial
6 application can be done in maybe ten percent of the fields inside those wind farms. I don't know where the
7 information came that you can operate an airplane inside these wind farms but none of my airplanes will go
8 in there. There are a few cases where there is a field here and there that we can get to but it isn't worth
9 somebody's life to get in there and try to do that." She said that at the Livingston County hearing Scott
10 Peterson from Pontiac testified, "once these wind towers go up, if you have property that is located within a
11 grouping of or within close proximity to, we will not risk our lives to go in there and spray your crops. Now
12 I know it's been brought to attention that a lot of people have said, yeah, once they put them up, we'll call
13 him and he'll come anyway but I am here to tell you that I'm not coming when you are in need of somebody
14 to save your crop."
15

16 Ms. Schertz stated that her concern is with the non-participating landowner who may have a field within that
17 one mile area because if he cannot get his field sprayed due to his neighbor's right to put a turbine who will
18 compensate that farmer for the loss of 80% of his crop due to Asian Rust. She asked where does the right of
19 the landowner, who puts up a turbine, end when it infringes on his neighbor's rights for noise violation, crop
20 protection, etc. She said that it greatly annoys her when she hears developers state that they are working
21 with our industry because they have ignored most of our needs. She said that the developers do not line the
22 turbines up in a straight pattern, they do not put lights on the turbines, they do not put hazard markings on
23 the turbines and they refuse to notify landowners and farmers of the possibility that their ground may no
24 longer be sprayed by air. She said that they have even pushed over prior FAA rules which used to require
25 any obstacle over 150 feet to be lighted. She said that Scott Peterson testified that the developers put up test
26 towers up as high as 196 feet to by-pass that rule therefore a crop duster that has been spraying a field for
27 the last 20 years suddenly goes out to spray a field at four o'clock in the morning and they come up on a test
28 tower that is not marked or illuminated. She said that in a 2007 FAA Advisory Circular, they decided that
29 their goal would be to only light the outside edge of a wind farm to show it as one large hazard to be
30 completely avoided by pilots. She said that they eliminated the daytime lighting, they eliminated the hazard
31 marking, and they downgraded the previous bright white paint down to a non-reflective white or gray, not
32 the bright white paint which they used as an excuse for eliminating all the daytime lights in the first place.
33 She said that she cannot believe that the Board is even seriously considering the line in your ordinance
34 which states that the minimum lighting requirements of the FAA shall not be exceeded and unless otherwise
35 required by the FAA. She said that the Board is giving away their right to request more lights for the safety
36 of the pilots and businesses in your area. She said that she just sat in on a hearing at Minonk where a
37 gentleman had received a Special Use Permit to operate a Heliport and he has since learned that his heliport
38 will be surrounded by turbines so he petitioned the Board for lights on the three turbines nearest his landing
39 area and was granted those lights. She asked the Board if they realize that if they leave that wording in the
40 *Ordinance* it will effectively prevent you from taking any additional measures to ensure safety for your
41 pilots. She said that she finds that absurd, even more so considering that the University of Illinois has its
42 own airport and teaches flying to inexperienced students.
43

44 Ms. Schertz stated that there are so many issues which she does not have time to even begin to adequately

1 address. She said that there is the Ben Hoen property report which states that property values do not decline
2 but then he gives a chart which shows a plus or minus degree of accuracy of fifteen homes within ¼ mile
3 view shed of a turbine. She said that the Hoen report excluded the property values in the area of the Palm
4 Springs, California turbine site even though setbacks from homes there are one mile. She said that there is
5 the real estate appraisal study from Texas which someone had mentioned in an earlier hearing which shows
6 property devaluation of up to 30%. She said that the Iowa State University Center for Agricultural Law and
7 Taxation report states, “Most recent anecdotal data from Illinois indicates that assessed value on farmland is
8 dropping approximately 22-30 percent on farmland that is near land where wind turbines have been placed.”
9

10 Ms. Schertz stated that there is the State Assessment Tax upon which all these wonderful dollar amounts are
11 promised to County Boards and School Boards which is set to expire in 2011, about the same time these
12 proposed wind farms are set to come online. She said that she has no doubt that there are hundreds of wind
13 lobbyists down in Springfield trying to change that law to a tax rate based on actual production, not rated
14 capacity. She said that at last year’s wind conference in Bloomington she heard Joel Link of Invenergy
15 comment on the fact that Illinois has the highest tax rate and hopefully our lobbyists will have that taken
16 care of by 2011.
17

18 Ms. Schertz urged the Board to protect the citizens of Champaign County with meaningful setbacks and not
19 allowing the county to be run roughshod over by wind developers who are trying to fast track these
20 ordinances through your Board trying to get you to sign on the dotted line before you have time to catch
21 your breath and thoroughly research the consequences of your actions.
22

23 Mr. Thorsland asked if staff had any questions for Ms. Schertz and there were none.
24

25 Mr. Roger Miller asked Ms. Schertz how many decibels are created by the wind blowing through an oak
26 tree.
27

28 Ms. Schertz stated that there is no existing tree that stands at a height of 500 feet and that is where the noise
29 violations occur. She said that the noise violations occur when you have 9 to 15 miles and hour on the
30 ground but 300-500 feet in the air there may be strong winds and that is where you get the severe noise
31 violations. She said that the wind developers will tell you to go out to a wind farm site on a windy day and
32 listen but the problem is that at night when the ground wind speed drops and the higher wind speeds don’t
33 you have more severe noise violations.
34

35 Mr. Miller stated that he does not intend on living 500 feet in the air therefore on an average windy day how
36 many decibels does a 30 MPH wind produce when it is blowing through trees or around roof tops and
37 buildings.
38

39 Ms. Schertz stated that this is exactly why the County needs to hire a noise expert to answer these questions.
40 She said that she took preliminary readings because she wanted to know the background noise but it seems
41 to her that this Board has the cart before the horse if they want to do a noise ordinance but only after the
42 turbines are up to obtain ambient noise level readings. She asked why this Board is not acquiring ambient
43 noise levels now so that they know what the current decibels are instead of after the fact.
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1 Mr. Schroeder asked Ms. Schertz how many injuries or deaths from turbine failures have occurred and how
2 many homes have been damaged from the turbines in these areas.

3
4 Ms. Schertz stated that Mr. Schroeder's question is a very good one but the disturbing fact is that no data or
5 statistics are required to be turned into anyone. She said that there are some incomplete statistics out there
6 but you pretty much have to take the developer's word because there is no reporting required. She said that
7 she testified at a hearing in Tazewell County and she took a picture of a broken blade from Twin Groves and
8 showed it to Mr. Whitlock and asked him if he considered this photo as a blade failure and he indicated no.
9 She said that she has heard of cases overseas where blades have been thrown into buildings and through car
10 windows therefore larger setbacks have been required but she does not know of a case where someone has
11 been injured. She said that the ratios used must consider the phenomenal amount of wind turbines that are
12 proposed for Illinois and their close proximity to residences but these are questions that the Board should
13 require answers to before they allow these turbines to be built in your county.

14
15 Mr. Miller stated that it will be impossible for any developer to comply if the expectation is to have a one
16 mile setback for each tower from a residence. He said that if you look at a map there is a good chance that
17 there is going to be a residence within a section.

18
19 Ms. Schertz stated that this is a decision that Champaign County will have to make. She asked the Board if
20 they are willing to make money, which is not guaranteed, for the turbines or are you willing to protect the
21 people of the County who have been paying their taxes and being a good citizen for their entire lives. She
22 said that it is her personal opinion that if this Board considers anything under one-half mile it is a slap in the
23 face to your citizens. She said that she finds it hard to believe that the developers will not find a way around
24 the setbacks because if they want it they could buy the property and go to the participating farm and put
25 them in to the middle of their property but don't ask the non-participating landowner to be their noise buffer.

26 Ms. Schertz submitted a written copy of her testimony as well as an entire packet of information, used as
27 her sources, as Documents of Record.

28
29 Mr. Thorsland asked the Board if there were any additional questions for Ms. Schertz and there were none.

30
31 Mr. Thorsland called Mr. Daniel Cain to testify.

32
33 Mr. Daniel Cain, who resides at 2567 CR 2600E, Penfield stated that he is a landowner within the proposed
34 Invenergy wind farm. He said that he does not understand why the property upon which the wind turbines
35 are proposed is required to be rezoned from agriculture to commercial.

36
37 Mr. Hall stated that the proposal is to keep the property AG-1, Agriculture Zoning District with a wind farm
38 overlay to provide for the Special Use Permit for the wind farm.

39
40 Mr. Cain thanked Mr. Hall for his clarification. He said that the second concern he has is about taxes. He
41 said that if the turbines were to be decommissioned will the taxes be dissolved and if not who will have to
42 make up for that money.

43
44 Mr. Hall stated that the decommissioning is only required when the structures are no longer being used. He

1 said that it is not clear to him that there would be any taxes at that point.

2
3 Mr. Thorsland asked if staff had any questions for Mr. Cain and there were none.

4
5 Mr. Thorsland asked the Board if there were any questions for Mr. Cain.

6
7 Mr. Miller stated that it is good to have testimony from a participating resident as well as a local farmer. He
8 asked Mr. Cain, as a producer, if he had any concerns regarding the wind turbines.

9
10 Mr. Cain stated that there should be enough ground rigs where chemical application can be applied. He said
11 that he does believe that there are some helicopter pilots in the area that would spray in these areas.

12
13 Mr. Thorsland asked the Board if there were any additional questions for Mr. Cain and there were none.

14
15 Mr. Thorsland called Mr. Tim Polz to testify.

16
17 Mr. Tim Polz, Project Manager for Midwest Wind Energy, stated that there seems to be some confusion on
18 the wind power projects and where they are potentially going to be located in the county. He said that they
19 are definitely looking at a project area that is indeed in the northeast portion of Piatt County and a very small
20 portion of northwest Champaign County, close to the area where Mr. and Mrs. Schildt are residents. He said
21 that their project is in its infancy stage and there is a lot of planning and work that has to be done. He said
22 that one of the first things that they look at, in addition to whether or not the wind resource was adequate
23 and the land use was compatible, was indeed the Manlove Gas Storage Field and it was determined that they
24 would not locate wind energy facilities within that area. He said that the Manlove Gas Storage Facility is
25 unique because it does have some above ground appurtenances but the below ground of the facility, from
26 what he understands, is anywhere from 5,000 to 7,000 feet under the ground. He said that there are injection
27 sites throughout the storage area and they would not propose any wind turbines within the area that contains
28 those above ground injection sites or well heads and would indeed setback from those sites at a safe distance
29 which is believed to be 1,200 feet from any injection site. He said that there would be a perimeter around
30 the gas storage field, as it exists today, of about 1,200 feet. He said that someone mentioned underground
31 high pressure gas lines and that is not something that is unique to the Manlove Gas Storage Field because
32 Midwest Wind Energy has done several projects throughout Illinois, Wisconsin and Nebraska and about half
33 of those facilities have high pressure gas lines running through them. He said that they have successfully
34 worked with the owners of those facilities to safely site wind turbines, access roads, construction pathways,
35 and underground cabling around those underground high pressure gas lines. He said that what they typically
36 see as the setback from those types of pipelines is approximately 1.1 times the height of the tower therefore
37 to the extent what the *Ordinance* does not account for he would suggest that Champaign County incorporate
38 something that is in line with what has been in done in other areas of the country and here in Illinois. He
39 said that their Big Sky Wind Project, that is currently under construction is a 240 mega-watt project that is
40 located in Lee and Bureau County and that project has approximately 5 high pressure pipelines running
41 through the project area. He said that they have 114 turbines sited amongst those pipelines and they have
42 worked with the pipeline companies and the counties to site the turbines and all of the facilities associated
43 with the turbines so that they are at a safe distance and done in a correct manner. He stressed that they are in
44 the preliminary stages of this project therefore if something were to come up as they work with People's Gas

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1 and they find that the two land uses are not compatible the wind power facilities would not be proposed
2 within that area.

3
4 Mr. Thorsland asked if staff had any questions for Mr. Polz and there were none.

5
6 Mr. Thorsland asked the Board if there were any questions for Mr. Polz and there were none.

7
8 **Mr. Schroeder moved, seconded by Mr. Courson to recess the March 12, 2009, public hearing for a**
9 **five minute recess. The motion carried by voice vote.**

10
11 **The Board recessed at 8:35 p.m.**

12 **The Board resumed at 8:43 p.m.**

13
14 Mr. Thorsland recalled Mr. Tim Polz to testify.

15
16 Mr. Polz stated that based on previous testimony a Board member requested the setback in Wisconsin
17 counties that do have wind farms. He said that Midwest Wind Energy did develop two of the four wind
18 projects in Wisconsin and they were in Dodge and Fond du Lac County. He said that in those counties the
19 setbacks that were imposed on the wind farm projects, from non-participating residences, was three times
20 the total turbine height. He said that when you base that measurement on the wind turbines that were
21 constructed there it comes to just over 1,200 feet from non-participating dwellings. He said that those
22 counties that are attempting to impose setbacks of one mile or greater from non-participating dwellings do
23 not have any existing projects in them. He said that Wisconsin has a State Renewable Portfolio Standard
24 therefore they have placed a very high priority on developing wind energy and developers are having a hard
25 time in meeting those standards and utilities are having a difficult time in meeting those standards. He said
26 that as a result of these standards there is a movement in the state legislature to take the zoning authority on
27 wind energy projects out of the hands of the local community and give it to the State of Wisconsin Power
28 Commission. He said that they would have uniform siting standards that would be imposed by the state on a
29 state level by a state agency and if the local townships or counties tried to impose a more stringent setback
30 or rules or regulations on wind energy development it would be kicked immediately to the public service
31 committee.

32
33 Ms. Capel stated that Kim Schertz and Sherry Schildt were both concerned about setbacks from non-
34 participating property lines were more appropriate rather than from non-participating dwellings. She asked
35 Mr. Polz asked if he had a preference between the two.

36
37 Mr. Polz stated that he will not discuss what he personally believes is proper but he will discuss what
38 Midwest Wind Energy has experienced in other counties. He said that the setbacks from dwellings from
39 dwellings has always been just that and not from property lines or anything else. He said that there is
40 always a separate setback from a property line or a road way or any other land use that requires a setback.
41 He said that typically what they have seen is 1.1 times the height of the tower from non-participating
42 property lines with the possibility of obtaining a waiver and placing them closer to the property line. He
43 said that his company makes a practice of not siting turbines closer than about 200 feet from any property
44 line even if there is a waiver because if a blade hangs over an adjacent property line there are some property

1 rights issues involved. He said that there are separate setbacks from property lines and from homes.

2
3 Mr. Thorsland asked the Board if there were any additional questions for Mr. Polz and there were none.

4
5 Mr. Thorsland called Michael Jarboe to testify.

6
7 Mr. Michael Jarboe, who resides at 2792 CR 2400N, Penfield stated that he lives in the southeast corner of
8 Section 33 in Compromise Township East which is right in the middle of this project. He said that he
9 attended the February 12, 2009, public hearing and the big discussion at that time appeared to be the
10 setbacks although the memorandum indicates that the setback for participating landowners will be 1,000 feet
11 and 1,200 feet for non-participating landowners. He said that he believes that the proposed setbacks appear
12 to be pretty average and adequate because before it was indicated that the setback would be 1.1 times the
13 height for the participating landowners and he felt that the language should be more specific. He said that
14 they are developing new technology all of the time and the wind turbines could be no higher than 100 feet.
15 He requested clarification of the industrial overlay.

16
17 Mr. Hall stated that it is not an industrial overlay but a wind farm overlay specifically to provide for the
18 wind farm special use permit. He said that if the *Ordinance* is adopted the property will still be zoned AG-1
19 with a wind farm overlay and the only change is that the landowner can apply for a wind farm special use
20 permit.

21
22 Mr. Jarboe stated that Mr. Hall indicated that there would be no taxes applied if the wind turbines are
23 decommissioned.

24
25 Mr. Hall stated that he does not know about taxes and all he said was that he could not see that there would
26 be any taxes to pay if the turbine is not working. He said that he is not a tax expert therefore he cannot
27 testify to that issue.

28
29 Mr. Thorsland stated that it would be nice to have that clarification in the *Ordinance* so that it is clear as to
30 who is responsible for the taxes should something happen to the turbine.

31
32 Mr. Jarboe stated that LED lights are being installed in the Champaign area because they can be directed
33 down to prevent glare. He asked if the developers could be encouraged to use the LED lights on their
34 substations to prevent glare and to use less energy.

35
36 Mr. Thorsland asked if staff had any questions for Mr. Jarboe and there were none.

37
38 Mr. Thorsland asked the Board if there were any questions for Mr. Jarboe and there were none.

39
40 Mr. Thorsland called Mr. Jed Gerdes.

41
42 Mr. Jed Gerdes, who resides at 1448 CR 2700E, Ogden stated that he is a landowner and resident of
43 Champaign County. He said that his father's home is in the epicenter of the Broadlands wind project and he
44 also farms around the Manlove Gas Storage Field therefore he will have a lot of contact with this project.

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1 He said that he visited the wind farms developed by Horizon and he was not impressed with how it was done
2 or why certain things were done. He said that it is a matter of priorities and what is Champaign County. He
3 said that he sat in this very meeting room and heard the Board's talk about how Champaign County is an
4 urban county and not a rural county. He said that this is a massive power plant that will generate electricity
5 that will not be used in this County but shipped off to other locations. He said that it is a matter of priorities
6 as to if this is for the residents or is this for a massive power plant. He asked the Board how they wanted to
7 use Champaign County or what do they want to see when they look out their window at night. He said that
8 we live in a location where some of the best farm ground in the world is located. He said that he just got
9 back from Arizona and he passed thousands and thousands of miles of wind ravaged country where there is
10 no topsoil because the wind blows there all of the time therefore is Champaign County the best place in the
11 nation to generate wind. He asked what will happen in 30 years when the contract is up and the huge ball of
12 concrete is still in the landowner's field. He asked the Board if they have ever seen how much dirt is moved
13 when the turbines are installed and after that dirt is moved the ground is never the same afterwards. He
14 asked the Board if Champaign County is in the business of producing food or electricity and what is the best
15 use for Champaign County. He asked if everyone is going to want to move to Champaign County if all they
16 can see for miles and miles are red lights and will it draw people to the County or push them away. He said
17 that every time any maintenance is required on a turbine the crane will be placed on the field which will
18 continue to compact the soil. He said that there was a gentleman from southern Illinois which spoke at the
19 Vermillion County meeting and he indicated that after the development was complete he and his fertilizer
20 dealer went out with a GPS unit and drove over their fields and on 100 acres of his farm the wind farm
21 developer compacted 45 acres. The gentleman stated that he only had a clause for five years for the
22 developer to reimburse him for losses and after five years it still shows up on the monitor of exactly where
23 they went. He asked the Board how much the corn crop is worth in comparison to the amount of electricity
24 that will be generated. He said that the corn crop can produce much more energy than the windmill ever
25 will.

26
27 Mr. Gerdes asked the Board what they are going to saddle the next generation with in allowing this
28 development. He said that the developers indicate that a setback of 1,200 feet is sufficient but if his children
29 visit their grandfather's farm and something flies off of that turbine and hits one of them then each member
30 of the Board should be held personally responsible for that accident because they made the decision to allow
31 it. He said that there are many unknowns involved because we really don't know what the wind decibels are
32 because there is really no good measurement out there and there is no good way to regulate it therefore why
33 should an *Ordinance* be adopted on something that we really don't know anything about. He requested that
34 the Board think about what they are recommending before they do it and not just for this generation but for
35 the generations to come. He said that whatever this Board recommends should be something that they
36 should be proud of, not only for today but also for the future.

37
38 Mr. Gerdes stated that a setback of 1,200 feet is not sufficient for non-participating residences and
39 landowners. He said that if he owns 80 acres in the rural area he should be able to build a house on the
40 property even if his neighbor on both sides of his property installs turbines on their property. He said that if
41 this scenario occurs there would be zero room left for a home on his 80 acres and the ability to build a house
42 was given to the wind farm. He asked if this fair because the wind farm developer is only leasing the land
43 on both sides of that 80 acres. He asked if the landowner's rights would trump the wind farm developer's
44 lease rights.

1
2 Mr. Gerdes stated that the landowner who spoke in Vermillion County stated that the wind farm developer
3 fixed destroyed farm tile by inserting four inch tile into a six inch tile with no packing underneath and
4 anyone should know that the life of that tile will not be long. He asked how often the wind farms are sold.
5 He said that Horizon was built by Goldman-Sachs and sold to a Portuguese company therefore after the
6 wind farm was built the new people who were running it had nothing to do with its construction. He
7 requested that the Board decide what they want Champaign County to look like in 100 years.
8
9 Mr. Thorsland asked if staff had any questions for Mr. Gerdes.
10
11 Mr. Hall asked Mr. Gerdes to explain his reasoning why he does not believe that a home could be built on
12 the 80 acres.
13
14 Mr. Gerdes stated that if there are three 80-acre parcels sitting in a row and the setback from property lines
15 is 500 feet.
16
17 Mr. Hall stated that the required separation between the wind turbine and the property line is 1.1 times the
18 height which would approximately be 550 feet or less except when it is within a quarter-mile of the street
19 then the setback is 1.5 times the height.
20
21 Mr. Gerdes stated that an 80 acre parcel is ¼ mile wide so that means that County will pin the property
22 owner, if he could even squeeze a house onto the property, into locating the home in center of that 80 acres.
23
24 Mr. Hall stated that 1,200 feet would not be the requirement because there is no requirement for separation
25 of a future home.
26
27 Mr. Gerdes stated that you would not want to put your new house closer to the wind turbine.
28
29 Mr. Hall stated that the landowner could not be within 1.1 times the height and the safe distance is the one
30 required for participating dwellings which is 1,000 feet.
31
32 Mr. Gerdes stated that the landowner should be able to put his house on any location on their 80 acres and
33 yet be a safe distance from the turbine.
34
35 Mr. Hall stated that the *Ordinance* states that a safe distance would be anything greater than 1.1 times the
36 height of the turbine.
37
38 Mr. Gerdes asked if that is a safe distance for sound decibels and breakage.
39
40 Mr. Hall stated that is the absolute minimum with a waiver.
41
42 Mr. Gerdes stated that the County will be giving away rights to a property across the property line. He said
43 that the landowner should be able to build his home anywhere on that 80 acres with a safe distance setback.
44

1 Mr. Hall stated that there are no restrictions on where the landowner can build but where he chooses to build
2 is a different issue.

3
4 Mr. Gerdes stated that he understands what is going on there and asked if anyone else had any questions.
5 He requested that the Board consider how they want Champaign County to appear.

6
7 Mr. Thorsland asked the Board if there were any questions for Mr. Gerdes and there were none.

8
9 Mr. Thorsland called Kyle Krapf to testify.

10
11 Mr. Kyle Krapf, who resides at 809 Riverside, Mahomet stated that he is present at tonight's meeting to
12 represent the Champaign County Farm Bureau Land Use Committee but he would like to defer his
13 comments at this time.

14
15 Mr. Thorsland called Mr. Eric McKeever to testify.

16
17 Mr. Eric McKeever asked if the Board wanted testimony regarding Part B of the amendment.

18
19 Mr. Hall noted that staff has not had the opportunity to work on Part B of Case 634-AT-08, and does not
20 anticipate working on Part B until Part A is complete. He said that Part B will be a lot easier than Part A but
21 Part A is what we are focusing on at this time. He said that if the Board would like to hear testimony
22 regarding Part B then that is their call.

23
24 **The consensus of the Board was to not hear testimony regarding Part B at this time.**

25
26 Mr. Thorsland called Ms. Judy Campbell to testify.

27
28 Ms. Judy Campbell, who resides at 28816N 800East Rd, Manville, stated that she is a resident and County
29 Board member of Livingston County is not present at tonight's public hearing to speak in behalf of
30 Livingston County but to give her personal testimony. She said that wind energy is very intermittent and
31 unpredictable and it is actually a useless appendage to the grid because it will require backup from gas
32 power. She said that many environmentalists discuss wind and gas energy as partners. She said that there
33 have been a lot of comments made in news articles that there should be support of wind energy because it
34 will help our dependence on foreign oil but our dependence is due to liquid fuel not electricity. She said that
35 currently the United States is competing for subsidies between ethanol and solar and wind.

36
37 Ms. Campbell stated that she and her husband farm in Livingston County and they have plenty of acres that
38 could house wind turbines although they have chosen not to because they value the rural life, the soil, and
39 are proud to feed people and they love the rural character of their county. She said that in 2005 the Regional
40 Planning Commission introduced the Ordinance to Livingston County and the Zoning Administrator
41 indicated that they were only adding some items to the zoning code. She said that the residents of
42 Livingston County, at that time, were not aware of how many wind turbines were proposed although they
43 had heard that the wind working group had been working with a company called Invenergy and neighbors in
44 her area and further north were trying to decide whether to deal with Invenergy or Horizon. She said that

1 when she first heard that Champaign County was going to amend the *Ordinance*, she understood that it
2 would be by use of a map amendment although when she found out how the map amendment would be done
3 she became concerned. She said that she believes that the map amendment should occur before the
4 developers tell the County where they are going to place the turbines. She said that the County should tell
5 the developers where the appropriate location would be before they tell the County therefore the residents of
6 Champaign County would be involved early in the process rather than later. She said that the State Statute
7 would require staff to notify every landowner about the development when the County does the map
8 amendment.

9
10 Ms. Campbell stated that in the situations that she has been involved in it appears that the landowners with
11 big parcels are offered the leases and the developers then bring a *Model Ordinance* to the county. She said
12 that the developers indicate to the county that this is the way that they want to develop in the county by
13 providing a *Model Ordinance* and then from that point on the county can either use their power by either
14 counter-offering a different ordinance or agree to their model. She said that Livingston County did tweak
15 their *Model Ordinance* by adding some stipulations and they still did not know what was going to be
16 proposed.

17
18 Ms. Campbell indicated the location of existing and proposed wind farm projects in Livingston County on a
19 map for the Board's review. She submitted the map as a Document of Record. She said that there are no
20 wind farms located in the existing gas storage fields in Livingston County and it is not because Livingston
21 County prohibited it. She said that she asked the question as to how many wind turbines are proposed in
22 Livingston County and she was informed that the numbers change weekly. She said that there is a State
23 Statute which allows a county to specifically limit the number and size of the wind turbines and if the Board
24 does not plan for it the developers will. She said that there are a lot of unpredictables during this type of
25 development therefore any authority that a county has should be utilized. She said that one of the things that
26 were discussed during the public hearings in Livingston County was a property value guarantee plan and
27 Livingston County decided that they could work on such a plan at a later date. She said that when
28 Livingston County did decide to work on the plan the developers did not like it much and sent letters to the
29 Livingston County Zoning Board voicing their opposition. Ms. Campbell submitted a letter from PPM
30 Energy dated June 6, 2006, regarding such opposition as a Document of Record. She said that she does not
31 believe that PPM Energy will find any particular county more attractive than on other because as long as
32 there are high lines located in that county they are going to want to develop in it due to those high lines are
33 their free access, other than inter-connection charges, to the grid.

34
35 Ms. Campbell informed the Board that this is their county but she would suggest that a noise expert be hired
36 to address everyone's concerns about noise pollution and form a citizen's group including participating and
37 non-participating landowners to offer some suggestions on how to write the wind ordinance so that it is
38 completed right the first time.

39
40 Mr. Thorsland asked if staff had any questions for Ms. Campbell.

41
42 Mr. Hall stated that Livingston County is one of the counties that require the 1,200 foot separation from
43 non-participating dwellings. He asked Ms. Campbell if she had any comments regarding that requirement.

44

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1 Ms. Campbell stated that she does not believe that people should have to live inside a power plant although
2 this is her personal position on that issue not Livingston County's position.

3
4 Mr. Thorsland asked the Board if there were any questions for Ms. Campbell and there were none.

5
6 Mr. Thorsland stated that this concludes the names on the witness register and asked the audience if anyone
7 else desired to present testimony in this case.

8
9 Mr. Thorsland called Mr. Mike Babb to testify.

10
11 Mr. Mike Babb, Compromise Township Supervisor, stated that the Board should know that not everyone is
12 against the proposed project. He said that Mr. Gerdes indicated that he has attended other meetings and has
13 heard that Champaign County is an urban county not a rural county. Mr. Babb stated that he agrees with
14 that statement but when you go out to Compromise Township you will find that there is not a lot of
15 development. He said that he believes that if someone is a landowner then you should be able to decide what
16 you want to do with your property and in his area the vast majority of the landowners support the proposed
17 wind farm. He said that he also serves on the Armstrong School District Board and there are no towns
18 within the school district, it is all rural. He said that there is no possible way that Armstrong School District
19 can increase their tax base except for this project. He said that he has no facts to present but he could not
20 leave this meeting tonight without saying that there are a lot of people who are in favor of the wind project
21 therefore he hopes that the Board will keep that in mind during their final determination.

22
23 Mr. Thorsland asked if staff had any questions for Mr. Babb and there were none.

24
25 Mr. Thorsland asked the Board if there were any questions for Mr. Babb.

26
27 Mr. Courson asked Mr. Babb if he would still be in favor of the wind farm project if Armstrong School
28 District did not receive any additional tax revenue.

29
30 Mr. Babb stated yes, because that is not going to happen. He said that the Superintendent of Armstrong
31 Township High School District has projected the District will possibly receive the tax revenue from 100
32 wind towers and that would generate approximately \$650,000 the first year and in a 25 year period it would
33 go down to about \$185,000, which granted the tax revenue will go down but that is the responsibility of the
34 school board to know that and if the wind towers got to be at a zero value it is not Champaign County's
35 responsibility to come up with that money it is the responsibility of the school board. He said that if the
36 school district did not receive any tax revenue and it would benefit the farmers and landowners then he
37 would still be on board with this project, although that is not the case.

38
39 Mr. Courson asked Mr. Babb if he understands that the wind farm taxes are set by the State and could go to
40 zero if needed therefore that revenue is not guaranteed forever.

41
42 Mr. Babb stated that this is true but they are going to be there for a little while. He said that there is risk in
43 everything and this is an opportunity for his school district to obtain over ½ their budget which will enable
44 them to complete some different projects and lower the taxes for their taxpayers.

1
2 Mr. Courson asked Mr. Babb again, if he would still support the wind farm project if the school district did
3 not receive any tax revenue.
4
5 Mr. Babb stated yes.
6
7 Mr. Steve Moser, County Board member, requested the opportunity to ask Mr. Babb a question.
8
9 Mr. Thorsland requested that Ms. Papavasiliou address Mr. Moser's request.
10
11 Ms. Papavasiliou denied Mr. Moser's request.
12
13 Mr. Thorsland called Mr. Rob Parker to testify.
14
15 Mr. Rob Parker, who resides at 467 CR 2500N, Mahomet submitted a written statement from his wife, Kris
16 Parker, who was unable to attend tonight's meeting. He said that many good questions have been discussed
17 at tonight's meeting and he is glad that Ms. Schertz and Mr. Gerdes are in attendance at tonight's meeting to
18 present their comments and concerns. He said that at a previous meeting he discussed his concerns
19 regarding township roads and it appears that the latest revision alleviates most of his concerns on that issue.
20 He said that the next concern that he has is the placement of wind turbines on top or too close to the gas
21 storage fields. He said that the storage facility is a small percentage of our County but the risk is greater and
22 prohibiting the wind turbines within that storage field does not mean that they could not be situated
23 elsewhere in the County. He said that as he understands it, even if there is a setback for the wind turbine
24 from the pipeline, as documented in the latest revision, he is not sure that it will restrict the gas company if
25 they choose to add a new gas well after the wind turbine already exists. He said that it is his personal
26 opinion but it appears that most of the contention about setbacks may be addressed by making the
27 differentiation between participating and non-participating. He said that if you are a participating landowner
28 or have signed waivers the setbacks may be at the minimum but the *Ordinance* needs to be written to protect
29 the health and safety of those who choose not to waive their rights, this is the purpose of zoning. He said
30 that the greatest of his concerns regarding setbacks is noise because noise is a very sensitive thing and he
31 happens to have a greater sensitivity to it than others and it doesn't have to be loud to affect him. He said
32 that a leaky faucet will drive you nuts but it doesn't violate any noise pollution regulations. He said that if a
33 wind turbine is driving him nuts he won't be able to just turn it off or muffle the noise. He said that another
34 example is an autistic child in the Urbana School District who continually complained about a scratching
35 noise that no one else could hear and a couple of weeks later a dead raccoon was found in the ceiling hence
36 no more scratching noise was heard by the child.
37
38 Mr. Parker stated that the wind turbines will be there for more than 20 years therefore it is important that we
39 get this right. He said that as he understands the Illinois Pollution Control Board Regulations they were not
40 designed for rural areas but rather for urban and city environments. He said that the regulations were
41 created for a noise source that was less than 30 meters high not the 150 meter height of multiple wind
42 turbines which means that Champaign County should have their own regulations pertinent to wind turbines
43 which leads to enforcement. He said that the March 6, 2009, Supplemental Memorandum indicates that the
44 IPCB has no ability to enforce their regulations which only leaves someone with a complaint to hire their

1 own lawyer at their own expense. He said that he believes that the County should be prepared to enforce all
2 our zoning. He said that during his testimony at the first hearing Mr. Hall requested his recommendation for
3 setbacks and after much research it appears that it could take anywhere from ½ mile to 1.2 miles to make the
4 noise from a wind turbine indistinguishable. He said that in our current climate a small amount of noise
5 could be tolerated if it provides substantial benefits such as tax credits for schools, which are set to expire in
6 2011, but it should not be allowed to the point where it could affect the health of someone. He said that
7 perhaps it could be looked into whether a small increase in noise above the ambient level would be a simpler
8 method keeping in mind those three decibels is a doubling of the sound pressure. He said that perhaps for
9 enforcement the County could require the wind farm operator to pay for the study if a complaint is filed. He
10 said that he concurs with Mr. Burdin’s previous testimony regarding the C-weighted measurement because
11 the he does not believe that the A-weighted takes everything in to account.

12
13 Mr. Parker stated that he would like to know if the wind turbines will be allowed to become an eye sore or
14 will they be required to be repainted and will any advertising be allowed upon them. He said that at a
15 previous hearing fire protection was discussed. He said that he was a volunteer fire fighter with the Cornbelt
16 Fire Protection District but was forced to give it up because he could not make the considerable time
17 commitment. He requested that the Board keep in mind that more time will be asked of the volunteers of the
18 rural fire protection districts especially in the event that they have to stand by and watch one of those
19 turbines burn itself out. He said that the time commitment issue may be one of the biggest obstacles that the
20 Cornbelt Fire Protection District has in manning its department. He encouraged the Board to act on the
21 setbacks because they have an obligation to get it right, even if an outside noise consultant has to be hired.
22 He requested that the noise not be based on a computer model rather than actual measurements from the
23 property line when it affects a non-participating landowner otherwise it simply uses their property as an
24 easement with no compensation. He said that this *Ordinance* needs to take into account that the potential
25 developer might make profits at the expense of the health and safety of the County’s residents.

26
27 Mr. Thorsland asked if staff had any questions for Mr. Parker and there were none.

28
29 Mr. Thorsland asked the Board if there were any questions for Mr. Parker and there were none.

30
31 Mr. Thorsland called Ms. Jamie Stevens to testify.

32
33 Ms. Jamie Stevens, who resides at 809 S. First St, Fisher stated that she is a parent of a child with autism
34 and a resident of Newcomb Township and her husband is a farmer in Champaign and Ford Counties. She
35 said that a lot of people have been talking about how the electricity will not be used here and if Champaign
36 County wants to produce food or energy but she has not heard a lot of people complaining that our crops are
37 being sent all over. She said that she doubts that the corn that her husband produced last year stayed in
38 Champaign County.

39
40 Ms. Stevens stated that being that her son has autism she is concerned about noise therefore at the next
41 meeting it might be nice to know how much a noise consultant would cost Champaign County. She said that
42 her son is a student of the Fisher School District and she has been on the advisory board of the C-U Autism
43 Network in Champaign-Urbana for about 2 ½ years. She said that she is present at tonight’s meeting to
44 voice her support for the development of wind farms in Champaign County but her concern is that there has

1 been so much discussion in regards to the risk of the development of wind farms and not on the benefits.
2 She said that there has been a lot of talk about what it will give our children and as a mother of three boys,
3 an 8 year old with autism, a five and a two year old, and she is very concerned about what we will be giving
4 them. She said that she has lived in this community her whole life and intends to continue living in it the
5 rest of her life therefore she is just as concerned as everyone else about getting this right.
6

7 Ms. Stevens stated that half of the power from our nation comes from coal and some of the states
8 percentages are as high as 88%. She said that the United States Environmental Protection Agency estimated
9 the environmental mercury release from coal burning plants at 158 million tons annually nationwide. She
10 said that according to research conducted by the University of Texas Health Science Center at San Antonio
11 there is a statistically significant link between pounds of industrial release of mercury and increased autism
12 rates. She said that the study found that for every 1,000 pounds of mercury released by Texas power plants
13 in 1998, there was a corresponding 3.7 % increase in autism rates. She said that Dr. Raymond F. Palmer,
14 PH.D., Associate Professor of Family and Community Medicine at the University of Texas Health Science
15 Center San Antonio stated that, “We need to be concerned about global mercury emissions since a
16 substantial proportion of mercury releases are spread around the world by long-range air and ocean currents
17 and steps for controlling and eliminating mercury pollution on a worldwide basis may be advantageous.”
18 She said that this in no doubt directly correlates with the increased rate of autism nationwide from 1 in every
19 10,000 children in the early 1990’s to the recent number of 1 in every 150 children. She said that Dr.
20 Palmer also added the following, “Steps for controlling and eliminating mercury pollution on a worldwide
21 basis is necessary. This entails greener, non-mercury polluting technologies.” “Do we need yet another
22 reason to push for a faster transition to renewable energy.” Ms. Stevens stated that it is time for us, as
23 citizens, to take responsibility for our own energy needs.
24

25 Ms. Stevens stated that the second benefit that she would like to discuss is the positive effect the
26 development of wind farms would have on our roads. She said that there are many times that the conditions
27 of our rural roads are unsafe and this is not a direct reflection of our township staff but more so a reflection
28 of our local financial restrictions. She said that with the development of wind farms would come updates to
29 our roads which undoubtedly would make our local travel safer. She said that the last benefit that she would
30 like to discuss is something that is very close to her heart. She said that her son was diagnosed with autism
31 five years ago and they moved back to the Fisher School District three years ago. She said that they lived in
32 Gibson City for five years and her son’s special needs pediatrician is in Bloomington therefore they got to
33 see the entire progress of the Bloomington wind farm’s construction and personally she likes how they
34 work. She said that she is so impressed with the quality of service and care that Fisher Schools have
35 provided her son. She said that the staff has always treated both her son and herself with respect and
36 understanding and the teachers and administration have always worked hard to provide every opportunity
37 possible for Isaac. She said that the only restrictions they have faced in this district are financial ones and as
38 with most small school districts there are always places that could use more money. She said that providing
39 high quality education for our kids costs money and the development of a wind farm in our township would
40 provide our local schools with that money and her fear is that the setbacks are too far and knock Champaign
41 County out of the running for the wind farm. She said that for every turbine placed within its district the
42 schools to look to receive somewhere between \$6,000 to \$9,000 annually which is a substantial amount of
43 money which would benefit our children.
44

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1 Ms. Stevens stated that there has been much discussion of the safety of wind farms and she asked the Board
2 to take a step back and consider all of the benefits of a wind farm. She said that she realizes that this is not
3 an issue to be taken lightly but we take risks in everything that we do each day. She said that the benefits of
4 a wind farm far out weight the risks and that is why as a mother, citizen and special needs advocate supports
5 the development of a wind farm in Newcomb Township.
6

7 Ms. Stevens submitted her comments in writing with attachments regarding her sources as a Document of
8 Record.
9

10 Mr. Thorsland asked if staff had any questions for Ms. Stevens and there were none.
11

12 Mr. Thorsland asked the Board if there were any questions for Ms. Stevens and there were none.
13

14 Mr. Schildt requested the opportunity to ask Mr. Tim Polz a question.
15

16 Mr. Thorsland informed Mr. Schildt that this is not an Administrative Hearing therefore cross-examination
17 is not allowed although if Mr. Schildt would like to ask Mr. Polz a general question then he will allow him
18 that courtesy.
19

20 Mr. Schildt asked Mr. Polz when he last spoke to Tom Puracchio.
21

22 Mr. Polz stated that it was approximately three or four weeks ago.
23

24 Mr. Schildt stated that he also had conversations with Mr. Puracchio and it appears that their conversations
25 were a little different.
26

27 Mr. Polz asked Mr. Schildt how the conversations differed.
28

29 Mr. Schildt stated that Mr. Puracchio indicated that there were unknowns associated with the combination
30 although he did not rule out the possibility that the two may be able to co-exist and that he was not aware of
31 all of the consequences of catastrophic failure. Mr. Schildt stated that he actually contacted Mr. Puracchio
32 to see if there were any studies which examined the safety issues associated with the placement of wind
33 turbines in a gas storage field. Mr. Schildt stated that Mr. Polz discussed working around other high
34 pressure lines. He asked Mr. Polz to indicate the pressure of those lines.
35

36 Mr. Polz stated that one was either a 36 or 48 inch high pressure natural gas line which runs through the
37 south end of Ohio.
38

39 Mr. Schildt asked Mr. Polz if was aware of the pressure of the lines in his area.
40

41 Mr. Polz stated no.
42

43 Mr. Schildt stated that he has lived in this area for 28 years and the Newcomb Plan Commission has a grave
44 concern in this regard and it is fair to say that the township board shares that concern. He said that he, his

1 wife and others have asked for this project to be taken off of the table because they live there and they
2 understand the complexity of the area. He said that he is confused because Mr. Schroeder indicated that
3 there is no wind farm proposed for his area although Mr. Polz indicated that it is an area of consideration.
4 He said that he would truly like an answer to this question.

5
6 Mr. Polz stated that he can answer his question in regard to the area that they are considering. He said that
7 they are in the infancy of the planning stages of this project and they may find something that causes them to
8 determine that this area is indeed not safe. He said that one of the things that they looked at was the
9 Manlove Gas Storage Facility and they contacted People's Gas to obtain some basic information on the
10 facility and he was told by Mr. Puracchio that the actual gas storage facility is actually 5,000 to 7,000 feet
11 underground. He said that the area where that facility may be vulnerable is where the injection sites are
12 located. He said that in speaking to other people as to what a safe distance would be it has been determined
13 that 1,200 feet would be adequate but it depends on what the County requires and what their investigations
14 discover. He said that if 1,000 or 1,200 feet is a safe distance from a home then he would consider it to be a
15 safe distance from an injection site.

16
17 Mr. Schildt stated that he wants to make it clear that he is not opposed to wind turbines but he does strongly
18 oppose them in the Manlove Gas Storage Field. He said that one of the things that is perfectly clear is that
19 Mr. Polz has not experienced a high pressure gas line breach and Newcomb Township has therefore they do
20 know what they are talking about. He said that he does not believe that Mr. Polz understands how many
21 high pressure lines are buried approximately four feet underground therefore just the crush factor alone due
22 to moving the heavy cranes could damage a line. He said that the situation is not as simple as it appears
23 although he is not criticizing him for that but it is clear that Mr. Polz does not understand the danger.

24
25 Mr. Thorsland interrupted Mr. Schildt and requested that he further his comments at the next public hearing.
26 He asked Mr. Schildt if he received an answer to his question.

27
28 Mr. Schildt stated that he did not. He said that Mr. Polz is not aware of the pressure in the underground high
29 pressure gas lines and he does not know the pressure of the lines that he claims are high pressure lines.

30
31 Mr. Polz stated that he does not know that pressure in the lines but normally they let the gas companies
32 dictate to them how they can go about crossing one of their facilities. He said that roads cross their facilities
33 and other construction equipment cross their facilities therefore the gas companies dictate to them how they
34 can cross their facilities in a safe manner therefore they are not using conjecture or assumptions.

35
36 Mr. Thorsland informed Mr. Schildt that Mr. Polz answered his question and the Board will now move
37 forward. He thanked Mr. Schildt and Mr. Polz for their information.

38
39 Ms. Kim Schertz asked the Board if they have researched the tax assessment law because of the testimony
40 that she is hearing regarding tax revenue to the schools does not happen. She said that the tax code as
41 written is as a tax offset to property taxes and the only way that the schools get an increase in money is if the
42 local assessor raises the property taxes in the area.

43
44 Mr. Hall stated that the tax implications are not relevant to the material facts of what this Board needs to be

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1 concerned about which are to protect the public health, safety and welfare of the neighbor's of the wind
2 farm.

3
4 Ms. Schertz stated that testimony is being given about that tax benefits but the Board is not supposed to
5 consider it.

6
7 Mr. Hall stated that it is not material to the standards required in the *Ordinance* to protect the public health,
8 safety and welfare. He said that it may be considered in the facts regarding a specific wind farm when it is
9 proposed but it is immaterial to what the *Ordinance* should require. He said that he is aware that the Board
10 has heard a lot of testimony regarding about it and staff will present the Board with a Finding of Fact which
11 outlines material evidence to the amending of the *Zoning Ordinance*. He said that a lot of time should not
12 be spent discussing tax issues because it is irrelevant to what belongs in the *Zoning Ordinance*.

13
14 Mr. Thorsland requested a motion to close the witness register for the March 12, 2009, public hearing.

15
16 **Ms. Capel moved, seconded by Mr. Courson to close the witness register for the March 12, 2009,**
17 **public hearing. The motion carried by voice vote.**

18
19 Mr. Hall requested direction from the Board. He said that there has been a lot of criticism received from the
20 public but no input from the Board.

21
22 Mr. Courson stated that he would like to investigate the property rights of non-participating landowners.

23
24 Mr. Hall asked Mr. Courson which landowners are he concerned about, those who own five acres, 10 acres
25 or 60 acres.

26
27 Mr. Courson stated any non-participating landowner regardless of the size of their property.

28
29 Mr. Hall asked Mr. Courson what type of encroachment is he assuming might happen.

30
31 Mr. Courson asked if the non-participating landowner would be prohibited from constructing a building
32 within the required setback from the wind turbine.

33
34 Mr. Hall stated that the setback from the property line is 1.1 times the height of the wind turbine therefore
35 the maximum would be 550 feet and presumably it would be less than that. He said that there is no
36 requirement for separation from new buildings. He said that if we assume that 1,000 feet is presumed for
37 safety, which is the least that is required, that would mean that there would be an additional 450 foot setback
38 required on the neighboring land in regards to a side lot line. He said that this is a little over twice the
39 average lot width in the rural districts and he has no idea how that relates into acreage. He said that there is
40 only one other county, Sangamon County, in Illinois that has the requirement of 1,000 feet separation from
41 the property line and that county indicated that this requirement drove one wind turbine company out of
42 their county and the Sangamon County Zoning Administrator can confirm this information. He said that if
43 the 1,000 foot separation is what the Board desires then that is what we can require.

44

1 Mr. Courson stated that he is just considering the safety standpoint. He asked Mr. Hall if there will only be
2 a separation distance from an existing dwelling but not from a dwelling being constructed. He asked how
3 this will protect a new home because if it isn't safe for an existing home how could it be safe for a new
4 home.

5
6 Mr. Hall stated that the landowner can make that decision themselves.

7
8 Mr. Thorsland stated that the landowner is being given the right to decide where they want to place their
9 home. He said that we have the minimum which is 1.1 times the height but the landowner can put their
10 house where they want after the wind farm overlay is implemented.

11
12 Mr. Hall stated that if the 450 feet overlaps onto the adjacent property and that property is only 450 feet
13 wide the landowner has no area in which to meet that 1,000 foot separation distance, even if they wanted to.
14 He said that we could take the approach that we take in regards to the setback from a street. He said that
15 within a quarter mile of the street where it is most feasible to place a home the Board could require a greater
16 setback from the side property line but he does not believe that it would be reasonable to require that setback
17 along the entire property line and he does not know if the County wants to encourage the placement of
18 homes that far from the street.

19
20 Mr. Courson stated that the County doesn't own the property the landowner does therefore if he had an 80
21 acre field with no structures on it and he wanted to a build a house on that 80 acres he should have the right
22 to build a house on it.

23
24 Mr. Hall stated that if someone had an 80 acre parcel they would have 400 feet in the middle in which they
25 could choose to place a house and they would be 1,000 feet from any adjacent wind turbine. He said that if
26 someone has less than a normal 80 acre parcel, therefore being narrower, it depends on the geometry of the
27 individual tract.

28
29 Mr. Courson stated that the County may restrict a home to be built in the center of that property.

30
31 Mr. Hall stated that it depends on the width of the property but if the Board desires to require a 1,000 foot
32 separation from all adjacent property lines then that is how staff can write it.

33
34 Mr. Courson stated that he is only speaking of non-participating landowners.

35
36 Mr. Hall stated that non-participating landowners are who staff is talking about when they discuss the
37 separation around the perimeter of the wind farm. He said that a wind farm is a problematic thing because
38 the perimeter could actually surround non-participating landowners.

39
40 Mr. Thorsland stated that over the past three meetings the biggest issue has been the setback distances and
41 the number tossed around most often, on average, has been 1,200 feet from the dwelling. He said that Mr.
42 Courson is concerned about future construction for a non-participating landowner and he would like a buffer
43 zone. Mr. Thorsland stated that Mr. Hall did the buffer zone with the road and shortened it up so that the
44 property across the street did not drive the wind turbine to far back from the street. He asked Mr. Courson

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1 what type of setback he would like to see from the property line. He said that 1,200 feet, on some parcels,
2 would push the participating too far back therefore making it hard for them site a turbine. He said that it is
3 the wind farm developers job to go out and get over half of the landowners on board with their proposal and
4 we have heard testimony from landowners in Penfield that support the wind farm. He said that the Board
5 has also received testimony that 1,200 feet from the dwelling is also acceptable therefore the Board needs to
6 decide which way they want staff to proceed. He said that he is happy with the way that it is now and future
7 construction will not be totally limited and on some level Newcomb Township already has issues with
8 where things can be sited due to the pipeline impact radius. He said that the Board approved a text
9 amendment to the *Ordinance* and in general most people were pretty happy with that text amendment and
10 some of the setbacks in that area are close to 400 feet but it still allows buildable areas and there was an
11 exemption for by-right lots with no buildable area. He asked the Board if the goal is to protect the non-
12 participant or is the issue just noise related.

13
14 Mr. Courson stated that the noise would be an issue also and he is also concerned that the large blades will
15 swing which will bring the turbine closer to the property especially if you are measuring off the center of the
16 wind tower.

17
18 Mr. Thorsland stated that Mr. Hall provided a handout which shows where the wind overlay district would
19 occur. Mr. Thorsland stated that the 1.1 times the height takes care of the blade swing. He said that the
20 1,200 feet would be more than that 1.1 restriction.

21
22 Mr. Hall stated that on a 10 acre parcel, at 330 feet wide, and a wind farm is adjacent there would be a 550
23 foot maximum setback so within 450 feet a home could not be placed on that 10 acres that would be 1,000
24 feet away from the nearest turbine although on a 20 acre tract a home could be constructed if a wind farm
25 was located on each side of the tract.

26
27 Mr. Thorsland requested a motion for a fifteen minute continuance of the March 12, 2009, public hearing.

28
29 **Ms. Capel moved, seconded by Mr. Courson to grant a fifteen minute continuance of the March 12,**
30 **2009, public hearing. The motion carried by voice vote.**

31
32 Mr. Thorsland asked Mr. Courson what he would like staff to do.

33
34 Mr. Courson stated that it appears that if someone desires to stay on small lots the landowner will be limited
35 to building on that small lot.

36
37 Mr. Hall stated no, the Board will take the choice away from placing the home 1,000 feet from the wind
38 farm. He said that we are not going to prohibit a home from being built they just cannot locate it within
39 1,000 feet of the wind farm.

40
41 Mr. Courson stated that this will assure the safety of the landowner and the citizen's of Champaign County.

42
43 Mr. Hall stated that if the Board feels that the 1,000 feet is unsafe then the Board may not want to allow
44 participating landowner's to sign a waiver.

1
2 Mr. Courson stated that if the participating landowner's wants to sign the waiver then they should have that
3 right.
4
5 Mr. Thorsland asked the Board if they are comfortable with the 1,000 foot setback for participating
6 landowners and 1,200 feet for non-participating landowners. He said that generally most wind farm projects
7 are not intertwined between five and ten acre lots and are located in a more open area. He said that when the
8 Board discussed the pipeline setbacks someone who farmed within the Manlove Gas Storage Field indicated
9 that no homes should be allowed in that area.
10
11 Mr. Hall stated that in fairness, there could be a standard that would be a little more complex but allow 1.1
12 times the height of the turbine separation to the property line but require 1,000 feet when it would have that
13 result on the non-participating adjacent parcel. He said that he would be happy to construct such language
14 and he could see this issue happening.
15
16 Mr. Courson stated that a landowner with a large parcel has more choice as to where they want to locate a
17 home but a landowner with a smaller parcel or a non-participating adjacent landowner is more restricted.
18 He said that if you are a non-participating landowner then you are not receiving any benefit from the wind
19 turbine although you do own your property and are restricted for construction.
20
21 Ms. Capel stated that new landowner's are not always told about such things and they do not know to
22 research it.
23
24 Mr. Thorsland stated that perhaps provisions are being made for this matter much like those for the
25 pipelines.
26
27 Mr. Hall stated that if a landowner is a non-participant and they are not located in the wind farm overlay
28 district then there is no notification.
29
30 Mr. Thorsland asked if any other Board members had suggestions for Mr. Hall.
31
32 Mr. Thorsland stated that he reviewed the road agreement and he believes that staff did a fine job. He said
33 that he has heard testimony that decommissioning is more complicated than once thought.
34
35 Mr. Palmgren asked if there is back-up power for the project.
36
37 Mr. Hall stated that back-up power is not relevant because it is a utility issue.
38
39 Mr. Palmgren stated that hiring a professional regarding noise is an excellent suggestion and perhaps we
40 should look at the C-weighted measurement.
41
42 Mr. Hall stated that he believes that we need a professional to review any wind farm that is proposed. He
43 said that the way that the *Ordinance* is written once we have a professional acoustical engineer on our side
44 all of the setbacks have to meet the Pollution Control Board requirement. He said that if the Board believes

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1 that this should be the standard then that will be a guaranteed thing that will be done. He said that he does
2 not believe that we need a professional right now but if the Board wants to develop a C-weighted scale then
3 we need a professional and we will need an additional six months although I don't believe anyone wants to
4 give us another six months.

5
6 Mr. Palmgren stated that he is not sure how important hiring a professional is at this point but in hearing
7 some of the testimony it appears that it is necessary.

8
9 Mr. Hall stated that if the Trempealeau County standard, which is the most stringent wind farm noise
10 ordinance that he is aware of, is reviewed they almost require the identical octaves that are regulated by the
11 Pollution Control Board in the A-Class which is much lower than the C-Class to the A-Class. He said that
12 there is a Pollution Control Board standard that does almost what Trempealeau County does. He said that
13 developing modifications like this will take time and will cost money.

14
15 Mr. Palmgren asked Mr. Hall if other counties which have wind farms located within them have become
16 more stringent in regards to noise and setbacks.

17
18 Mr. Hall stated that most of the counties have just adopted the Pollution Control Board standards and don't
19 even have the relevant legal citation. He said that this is the amount of time that they put in on it and they
20 didn't want bothered to identify the citation therefore no, they are very quick in adopting the IPCB's
21 standards. He said that in regard to the setbacks, Livingston, LaSalle and Sangamon County require a 1,200
22 foot setback to non-participating dwellings and those are the largest that he has found in Illinois and that is
23 also what Champaign County is proposing.

24
25 Ms. Capel asked if provisions will be made for enforcement other than a civil suit.

26
27 Mr. Hall stated no. He said that Livingston County goes so far to say that if they find a violation the
28 company will pay the cost of the acoustical consultant that was required to do the enforcement.

29
30 Ms. Capel stated that perhaps this will alleviate the problem.

31
32 Mr. Hall stated that testimony has been received indicating that noise is not unusual for wind farm
33 developments.

34
35 Ms. Capel stated that this makes sense to her although we will have to find some way of applying standards
36 where we will not always require a consultant because some complaints may not be valid.

37
38 Mr. Hall stated that one of the most difficult things will be weeding out the invalid complaints from the
39 possibly valid complaints. He said that he would like to hear some discussion from the Board regarding the
40 map amendment.

41
42 Mr. Thorsland stated that he has had personal experience with people for and against the map amendment.
43 He said that some of the agricultural people are very positive about the wind farm development and would
44 rather not see a map amendment, only a County Board Special Use Permit. He said that the map amendment

1 gives protest rights, if 20% of the landowners protest, which would require a super-majority of the County
2 Board. He said that if we do not have a map amendment the participating landowner's can lobby the County
3 Board and try to get less than a normal majority to approve a particular site but without a map amendment
4 the protest rights of both townships and adjacent landowners is taken away.

5
6 Ms. Capel asked Mr. Hall what the Environment and Land Use Committee preferred.

7
8 Mr. Thorsland stated that no real direction was given from ELUC.

9
10 Mr. Miller stated that a realistic concern is that if a map amendment is included which authorizes protest
11 rights it will make it so complex and difficult for any developer to consider Champaign County therefore
12 moving the project out of the County. He asked the Board if this is Champaign County's intention.

13
14 Mr. Hall stated that the concern should be whether or not the map amendment is warranted. He said that the
15 affects on the wind farm developer is irrelevant because if a map amendment is warranted then that is what
16 the Board should recommend.

17
18 Mr. Thorsland requested an additional fifteen minute continuance of the March 12, 2009, public hearing.

19
20 **Ms. Capel moved, seconded by Mr. Courson to grant an additional fifteen minute continuance of the**
21 **March 12, 2009, public hearing. The motion carried by voice vote.**

22
23 Mr. Hall stated that these concerns can be looked at in different ways to determine if a map amendment is
24 warranted, such as, the affects on aerial application of agriculture. He said that if someone can provide all
25 of the spraying that is required via ground then the issue with aerial application is of interest but certainly
26 not critical. He said that if all of the spraying can be done on the ground then the wind farm would be
27 compatible with agriculture although when he visited McLean County a farmer with three wind turbines on
28 his property complained about flicker annoyance. He said that there may be other parts that farmers are
29 opposed to and it may not just be aerial application. He said that if someone is farming in an area that
30 receives flicker then that could be an annoyance to that landowner. He said that noise is also an issue which
31 has been discussed and even the agricultural district will be subjected to a higher level of noise. He said that
32 the Board should focus on the whole group of impacts when considering the importance of a map
33 amendment.

34
35 Mr. Schroeder stated that he lives close to I-57, it destroys his crops and the noise rattles his windows and
36 he can't do anything about it.

37
38 Mr. Hall stated that the construction of I-57 did not require zoning permission.

39
40 Mr. Thorsland stated that the utility companies do not have to request permission either.

41
42 Mr. Hall stated that he is not sure if Mr. Thorsland's statement is accurate.

43
44 Mr. Thorsland stated that he will play advocate for not having a map amendment. He said that we have one

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1 filter before they can apply, which is the 50%, and one statement was received from the one company that
2 was talking to landowners obtained support of over 72.5% of the landowners; and the second filter would be
3 that the developer could lobby the County Board.

4
5 Ms. Capel asked Mr. Hall to clarify the mission of the Zoning Board of Appeals.

6
7 Mr. Hall stated that the mission is to protect the health, safety and welfare of the citizen's of Champaign
8 County.

9
10 Ms. Capel asked if a safeguard could be built into the County Board Special Use Permit that would allow
11 safety.

12
13 Mr. Thorsland stated that what is before the Board currently is primarily dictated by safety. He said that it
14 was said by a visitor of the McLean County wind farm project that people need to be reminded that they do
15 not own their view and if they want to look at a clear sky for as far as you can see then you will have to
16 purchase that view. Mr. Thorsland stated that this is a valid point and he has been on both sides of that coin
17 in that he grew up on the east coast where the view was being taken away and he came from a county in
18 New Jersey that was built out and the only development that occurs now is when something is rebuilt. He
19 said that he has seen land go from corn and soybeans to nothing and every time that happens that's, on a
20 small scale, is a big thing in some people's minds and it has polarized them. He said that if you are
21 considering health, safety and welfare then the County Board Special Use Permit takes care of that but if
22 you want protest rights then the map amendment must be required. He said that he does not know how
23 many other counties which house wind farms have a map amendment requirement in place therefore
24 Champaign County may set a precedence, which may mean that the developers will move to a different
25 county. He said that personally, if the wind farm is in Piatt County he will still see them without any
26 benefit.

27
28 Ms. Capel asked Mr. Hall if he will draft something that will guarantee a non-participating landowner the
29 right to build on their property.

30
31 Mr. Hall stated that he would draft language that would guarantee someone that they would have room on
32 their property to build a house that would at least be 1,000 feet from the nearest turbine. He said the impact
33 of the wind farm development is unlike anything else. He said that we do not have any other County Board
34 Special Use Permit so maybe a County Board Special Use Permit is an appropriate route to take.

35
36 Mr. Thorsland noted that the map amendment gives the property owner's rights and there have been times
37 when we wished he could have a map amendment in his own personal existence, but he didn't, and he has to
38 remind himself that he does not own his view either. He said that at this point Mr. Miller is the only Board
39 member that has indicted that he is not in favor of the map amendment.

40
41 Mr. Miller stated that he is not in favor of the map amendment but what might help one cause may be
42 creating another problem.

43
44 Mr. Thorsland stated that we already have two bars to jump over, one the 50% plus, and indications are that

1 when people want the wind turbines in their area and then there is still the method of addressing the County
2 Board, which is a much stricter thing than just having the Zoning Board approve a Special Use Permit.

3
4 Mr. Miller stated that just having a map amendment and protest rights will not prevent the real issues which
5 have been addressed.

6
7 Mr. Thorsland stated that the Board has addressed many of the concerns that have been addressed in the last
8 two meetings.

9
10 Mr. Hall stated that the other thing about protest rights is that if you consider the impacts of the turbines that
11 are 500 feet tall the protest rights will give the township a chance to weigh in if they desire, if they have a
12 plan commission. He said that he believes that this is extremely important because it gives the township a
13 way to actually take a roll in the process but there are not many townships that have seen the need for a plan
14 commission so perhaps that is not important after all.

15
16 Mr. Thorsland stated that long ago, at a Champaign County Farm Bureau Policy meeting, there was a policy
17 floated that if a plan commission exists in a township, after a certain amount of time, a plan should be
18 established. He said that it is his belief that some plan commissions may have been formed just because of
19 the protest rights.

20
21 Mr. Hall stated that Champaign County has barely had plan for 30 years and there is no statutory
22 requirement for that therefore he could take a little issue with Mr. Thorsland's statement.

23
24 Mr. Thorsland stated he is just trying to play both sides so that he can obtain more input for Mr. Hall.

25
26 Ms. Capel stated that she assumes that none of the wind farms will be located within one-and-one half miles
27 of any municipality.

28
29 Mr. Hall stated that the State of Illinois will not allow a county to authorize a wind farm within a one-and-
30 one half mile of a municipality.

31
32 Mr. Miller stated that the Board has not received any comments regarding the road agreements or protests.
33 He said that there seems to be an expectation by the developers that Champaign County will be on board and
34 have direction with their proposals by the end of March but he does not see that happening.

35
36 Mr. Hall stated that Champaign County has never sent a message that they will be on board with anything
37 by the end of March and in fact it has always been by the end of May.

38
39 Mr. Miller stated that he is only indicating that he asked the question to one of the developers and that was
40 their answer.

41
42 **Mr. Palmgren moved, seconded by Mr. Courson to close the March 12, 2009, public hearing. The**
43 **motion carried by voice vote.**

3/12/09

AS APPROVED MARCH 26, 2009

ZBA

1 Mr. Courson moved, seconded by Ms. Capel to continue Case 634-AT-08, Zoning Administrator to
2 March 26, 2009. The motion carried by voice vote.

3

4 **6. New Public Hearings**

5

6 None

7

8 **7. Staff Report**

9

10 None

11

12 **8. Other Business**

13

14 None

15

16 **9. Audience Participation with respect to matters other than cases pending before the Board**

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18 None

19

20 **10. Adjournment**

21

22 The meeting adjourned at 10:32 p.m.

23

24

25 Respectfully submitted

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31 Secretary of Zoning Board of Appeals

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DRAFT SUBJECT TO APPROVAL DRAFT

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3-12-09

DRAFT SUBJECT TO APPROVAL DRAFT

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