

MINUTES OF REGULAR MEETING**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

1776 E. Washington Street
Urbana, IL 61802

DATE: March 31, 2022**PLACE:** Shields-Carter Meeting Room
1776 East Washington Street**TIME:** 6:30 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Ryan Elwell, Lee Roberts, Jim Randol, Larry Wood, Tom Anderson, Nolan Herbert, Thaddeus Bates

STAFF PRESENT: John Hall, Susan Burgstrom, Stephanie Berry, Isaak Simmers

OTHERS PRESENT: Bill Decker, Kim Decker, Ed Decker, Jim Christian, Carol Christian, Roger Negangard, Mitch Negangard, Pam Negangard, Larry Negangard, Marty Wilson, Kris Petersen, David Bosch, Diane Henning, Roger Henning, Donald Carter, Phillip Luetkehans, Jerry Byrd, Brad Mumm, John Burr, Julia Daly, Bob Barker, Tom Cler, Bill Lannon, Jeremy Lamb, Darrel Rice, Benjamin Rice, Tim Kraft, Aaron Fenter, Sharon Herbert, Todd Herbert, Cory Willard, Daniel Herriott, Matthew Herriott, Doug Stierwalt, Ted Hartke, Kathy Schindler, Shannon Reel, David Reel, Traci Bosch, Rebecca Kamerer, Josh Kamerer, Jenny Eisenmenger, David Happ, Stanley Harper, Heidi Leerkamp, Justin Leerkamp, Monica Taylor, Brian Taylor, Adam Watson, Jeffery Justus, Bradley Shotton, Deborah Shotton, Charlie Mitsdarfer, Robert Mitsdarfer, William Mitsdarfer, Kelly Vetter, Dennis Riggs, Jan Carter-Niccum, Stephen Smith, Sue Clover, Gary Place, Jeffery Gamboa, Keith Kilian, Anne Kilian, Michael Kilian, Michael Mooney, Jacob Dohme, Connor Block, Ryan Block, Collin Rohl, Brandon Hastings, Sarah Hastings, Lynn Rice, Dirk Rice, Aaron Esry, Bryan Schluter

1. Call to Order

The meeting was called to order at 6:33 p.m.

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Mr. Elwell said that he would like to welcome Mr. Nolan Herbert and Mr. Thaddeus Bates to the Board, and offered his congratulations. He informed them that when they do speak, they will need to speak into the microphone and push the red button underneath to speak.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the Witness Register.

3. Correspondence - None**4. Minutes- None**

1
2 **Mr. Elwell entertained a motion to move Case 042-V-22 to the beginning of the Docket.**
3
4 **Mr. Randol moved, seconded by Mr. Roberts, to move Case 042-V-22 to first on the agenda at this**
5 **public hearing. The motion carried by voice vote. (Note: minutes are transcribed in numerical order**
6 **per the agenda).**
7
8 Mr. Elwell entertained a motion to move the audience participation with matters other than cases pending
9 before the Board before Case 037-AT-22.
10
11 **Mr. Randol moved, seconded by Mr. Wood, to move the audience participation with matters other**
12 **than cases pending before the Board before Case 037-AT-22. The motion carried by voice vote.**
13
14 Mr. Elwell said at this time he would like to open up the audience participation and he has a list of people
15 that have signed. He said at this time he would ask whoever would like to speak to please raise their hand
16 and he would call on them for non-pending cases.
17
18 A women from the audience asked if he could explain what he was talking about when he said a non-
19 pending cases.
20
21 Mr. Elwell said that is correct.
22
23 She asked if it was to talk about the wind farms then.
24
25 Mr. Elwell said that this time it was for audience participation for other than cases pending before the
26 Board.
27
28 She asked if wind farms were not pending before the Board.
29
30 Ms. Burgstrom said they are.
31
32 She said she was trying to understand and clarify this because a lot of other people doesn't understand
33 either.
34
35 Mr. Elwell said correct, the cases that are pending before the Board right now are the variance case and
36 proposed amendments to the wind farm case.
37
38 She said that the audience can all talk about the wind farm, and asked if they were going to make testimony
39 open later tonight.
40
41 Mr. Elwell said correct, he asked if anyone would like to participate in anything other than the cases that
42 are on the docket tonight. Seeing none, he said they would continue forward.
43
44 **5. Continued Public Hearings**
45
46 **Case 037-AT-22**
47 **Petitioners: Zoning Administrator**
48
49 **Request: Amend the Champaign County Zoning Ordinance as follows:**

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

8
9 Location: **Unincorporated Champaign County**

10
11 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
12 the witness register for that public hearing. He reminded the audience that when they sign the witness
13 register, they are signing an oath. He asked if the petitioner/Zoning Administrator, John Hall, would like
14 to state a little more about his request.

15
16 Mr. Hall stated that they have no new information for the Board tonight other than they have tried to add
17 to the Findings of Fact summaries of the testimony received from the last meeting and the new handouts
18 from new emails received in the past two days, and the staff gave the Board a collection of those. He said
19 for the emails that had been received prior to the last public hearing, some of those emails asked specific
20 questions. He said that he was finally able to get replies out today for those emails and the Board also has
21 copies of that. He said that late today they received an email from Ted Hartke that included some visuals,
22 and Mr. Hartke hopes to be here tonight to present, but he did say he might not be able to be here tonight
23 and if not he will be here at the next meeting, presuming this will be continued. He said that is why the
24 Board has copies of these visuals and Mr. Hartke wants to talk about these tonight using the computer,
25 and they have that ready to go if he is here, so that's all their new materials.

26
27 Mr. Elwell thanked Mr. Hall and asked if there were any questions from the Board.

28
29 Mr. Anderson stated that he would like to talk about the reports that were distributed by the attorney of
30 these folks here from the last public hearing. He said he was handed this packet last week and he spent
31 quite a few hours this past weekend reviewing these reports. He said there was this one report about the
32 wind turbine noise effects on human health

33
34 by Jerry Punch, Ph.D., Professor Emeritus from Michigan State University in East Lansing, Michigan,
35 presented to the Zoning Board of Appeals of Christian County, Illinois on June 23, 2020. He said it sounds
36 like what is happening in Michigan is very similar to what is happening in Champaign County. He
37 informed them that on page 30 of this report that Dr. Punch reviewed a lot of data gathering of studies and
38 he said, "Setback Distance: to protect human health recommendations in the literature include minimum
39 distances ranging from 0.50 miles to 2.5 miles. The distance recommended most often by researchers is
40 1.25 miles (2 km), but some now recommend longer setbacks," and "Noise Levels: Recommendations in
41 the literature typically limits noise levels to 30 to 40 dBA Leq. Some regulatory agencies and local zoning
42 ordinances support limiting noise to 5 to 10 dB above prevailing background noise levels." He said that
43 he was tickled to see this because he worked with acoustics as a young scientist, and he worked in
44 Washington D.C. with sound noise of submarines. He said that they could identify a submarine as it pulled
45 out of Scotland where there was an American naval base with a coolant pump that was making a noise,
46 and they would pick that up and follow it all the way here because of its acoustic characteristics. He said
47 that he really liked this report because it reminded him of this local community; the Zoning Board of
48 Appeals and a Big Ten University. He said that Dr. Punch does several things: divides sleep and noise
49 into several categories – regular noise, sleep disturbance, and health. He said the blades of the wind turbine

1 don't make a solid noise, but it makes around 12 to 15 cycles per second that someone can't hear –
2 nonetheless it spreads. He said that someone can feel them and those are the ones that keep someone
3 awake at night and affect health as some of the public described during testimony last week. He said that
4 is the reason that Dr. Punch recommends the wind turbine be placed a least 1.25 miles away from the
5 property line separating someone's property from their neighbors. He said even upwards estimates were
6 reasonable because some folks are more sensitive to noise than others. He said the noise levels are affected
7 by the time of year the wind blows, for example, the snow on the ground reflects the noise and it doesn't
8 get absorbed by the wet ground or trees. He said that the staff's measurements are off so he recommended
9 that they take this report seriously and if they take this report, he thinks there are a lot of farms in
10 Champaign County that would not be eligible for wind turbines.

11
12 Mr. Elwell referred to 6.1.4 Wind Farm County Board Special Use Permit in the Zoning Ordinance and
13 asked Mr. Anderson if he was referring to the case pending in front of the Board tonight or was he looking
14 at the Zoning Ordinance that has already been enacted.

15
16 Mr. Anderson said he was referring to the reports distributed by the attorney last week, and he thought the
17 Board and staff wanted a response on how the wind turbines affected people.

18
19 Mr. Elwell asked him to help him understand how that information pertains to this case that the Board is
20 talking about tonight.

21
22 Mr. Anderson said that he doesn't know.

23
24 Mr. Herbert asked if he was talking about the setbacks related to the wind turbines needed to be greater
25 for the noise level and asked if that was what would reflect on this case. He said that he didn't get that
26 report, so was Mr. Anderson saying that the setbacks aren't quite in accordance with that report.

27
28 Mr. Anderson said that the public testimony at the last public hearing informed the Board that the setback
29 needed to be 2,000 to 3,000 feet range, but they all need to be talking in terms of a 1.25 miles, which
30 would be 6,600 feet range.

31
32 Mr. Herbert asked if that is how all that ties into this text amendment.

33
34 Mr. Randol said that he thinks what Mr. Anderson is talking about are that the handouts that the attorney
35 left piled up on the desk two weeks ago at the last public hearing. He said that this was some of that
36 literature that he was making reference to, and it is not what the Board has in their current packet tonight.

37
38 Mr. Elwell told Mr. Randol that his thought was that he doesn't want to necessarily relitigate the Zoning
39 Ordinance that has already been passed and that is what he had felt from the audience participation at the
40 last public hearing two weeks ago, was that the public was one side or the other of wind farms in general.
41 He said he feels it's his role to keep the Board focused on what is proposed in front of them right now,
42 and that is the five different text amendments to the Zoning Ordinance that already exists for wind farms.
43 He said that he understands what Mr. Randol is saying and thanked him for being able to explain it,
44 because there was an awful lot of paperwork that was given to them last time. He said that he is just trying
45 to keep the Board focused on the case that is in front of them and asked if that made sense.

46
47 Mr. Anderson said sorry.

48

1 Mr. Herbert said that he couldn't keep all of this straight and asked what the number of the setbacks were
2 and referred to number two of the proposed text amendment, "Amend Sections 6.1.4 C and D regarding
3 WIND FARM TOWER height." He asked Mr. Hall if that was to amend the setbacks.

4
5 Mr. Hall said that it would be changing them, but it would be keeping them the way they are, and it would
6 be the same setback for a 500-foot tower. He said it's going beyond that and saying if it was a taller tower,
7 it would be the same proportion because the current Zoning Ordinance is only relevant for towers up to
8 500 feet.

9
10 Mr. Herbert said 500 feet.

11
12 Mr. Hall said that this would amend it to deal with taller towers.

13
14 Mr. Herbert said okay.

15
16 Mr. Hall said that his advice would be that during this public hearing the ZBA would give a
17 recommendation regarding that change. He said that if they want to provide more information for the
18 County Board such as, they have seen enough evidence that they don't think their separations are really
19 adequate, then they could include that in the Finding of Fact, and it would be presented to the County
20 Board. He said that they have been asked to do those five things, and they could always go beyond and
21 provide additional information – that is fine. He said they really do need a determination on those five
22 things first and foremost.

23
24 Mr. Randol suggested that the Board start out with number one and go through them in numerical order,
25 one through five. He said the first is dealing with the Right to Farm Resolution and then work down the
26 page, so they are not jumping all over the board.

27
28 Mr. Elwell asked if there were any other thoughts from the Board.

29
30 Mr. Randol said if not, he would move on.

31
32 Mr. Elwell said that he was hoping that they would get someone else to say something.

33
34 Mr. Herbert said that he thinks that was a lot to digest and he knows he is pretty new to this, but he guesses
35 if they are talking about amending that, correct him if he is wrong, so based off what Mr. Anderson was
36 saying, he asked if they take that and fine tune that stuff – he is trying to ask the direction here.

37
38 Mr. Hall said the Findings of Fact is the way to pass this information along to the County Board. He said
39 for example, Mr. Anderson might like to add item 18. regarding the adequacy of current setbacks and a
40 brief comment mentioning that Dr. Punch's information was pretty substantial and convincing. He said
41 that it would be good to mention the evidence that causes them to believe that, and that way when this
42 goes to ELUC, they can go right to the handout that Mr. Anderson was reading, and read it for themselves.
43 He said that they could help the Board put the information together, but they need to have direction.

44
45 Mr. Bates asked how he could get a copy of that because Mr. Herbert and he don't have a copy of that.

46
47 Mr. Hall said that they would get copies to them.

48
49 Mr. Elwell asked if there was any questions or comments from the Board. Seeing none, he moved to the

1 Witness Register. He said the one thing that he would like to ask is if someone didn't get the opportunity
2 to present testimony at the last public hearing two weeks ago, if someone that had would be willing to go
3 to the end of the line so that everyone has an opportunity to speak for testimony, he would be greatly
4 appreciative of that. He said that he would be keeping a note if someone had spoken last week but would
5 want to speak again, then he would make sure that was noted and they would come back to them. He
6 called Mr. Stephen Smith to testify.

7
8 Mr. Smith stated that he had spoken at the last meeting, but he does have something he wanted to say
9 tonight, so if they want to have someone else go first or he can go now.

10
11 Mr. Elwell said thank you and they would come back to him, and asked if that was okay.

12
13 Mr. Smith said that's fine.

14
15 Mr. Elwell called Jed Gerdes to testify.

16
17 Jed Gerdes, 1448 County Road 2700 East, Ogden, asked what they are doing here. He said he is a farmer,
18 and he didn't farm because he liked to drive tractors; in fact, he really didn't think he wanted to be a
19 farmer, but he knew if he wasn't it would end with him. He said the reason he is here is for the next
20 generation; he has tried to make his farm operation about as green as possible. He said he started cover
21 crops back in 1998 before it was cool, and they even have organic ground going into production as he
22 speaks. He said that Champaign County has the best soils here on Earth and asked what they are doing
23 with them. He said this proposed wind farm is all about windmills and no, it is not a wind farm, because
24 there is no farming involved in it – he doesn't see any plants growing out there. He said that it is an
25 electrical and industrial generating facility that the developer wants to install in a community that is
26 already living there and paying the County tax dollars. He said that there was a little experiment here in
27 Champaign County over at the Ogden School, and he is good friends with the Superintendent named Jeff
28 Eisenhower, and he was a big proponent at the time of getting their windmill, so he asked him yesterday
29 how that turned out for him. He asked everyone at the meeting if they would like to know how efficient a
30 windmill is here in Champaign County. He answered that the windmill cost \$500,000; granted, they got a
31 federal grant that paid for the whole thing, and that is how they ended up with it. He had told Mr.
32 Eisenhower that was interesting, and asked him how much electricity it generates for them each year; he
33 told him that it generates about \$12,000 worth of electricity each year, but it costs about \$2,000 to \$2,500
34 of maintenance every year to keep it running. He said that net effectively it makes less than \$10,000 a year
35 for the school district. He said that at that rate, with 0% interest it would take over 50 years for that wind
36 turbine to pay for itself.

37
38 Mr. Gerdes asked if that was the kind of investment that they want to make in Champaign County –
39 burning tax dollars. He said the only reason these things exist is because government officials look for
40 ways to open up tax dollar coffers to pay companies to get kickbacks. He said that is the only reason they
41 exist, because they are not efficient and they don't make electricity to the degree that they even pay for
42 themselves. He said that he has friends, and his parents live next to wind turbines, but if you have an
43 autistic kid that hears the thud... thud...thud... thud... thud all night long it will drive them into a rage.
44 He asked the Board if they were against handicapped people and said no handicapped people could ever
45 live in southern Champaign County. He said that is mother is 80 some years old and every time she sits
46 out on her porch to read a book, drink a glass of lemonade, go work in the garden, or whatever she wants
47 to do, the windmills are in Douglas County, and they live close to the county line, so it is a little over
48 3,000 feet away from their house. He said that even his father, who has poor hearing from many years of
49 driving tractors without mufflers, can still hear the thud...thud...thud...thud all day long. He asked why

1 they were here, they have the best soil on earth, and he would continue with them, that the county that
2 keeps the wind turbines farms out will be the county that is highly sought after in generations to come. He
3 said nobody wants to live around these things, and they want to pillage and rape the very people that pay
4 the tax dollars to support the seats they sit in. He said people live here and asked the Board if they wanted
5 to make Champaign County better, and isn't Champaign County ground always supposed to pull a
6 premium. He said if they get a bunch of wind turbines they are just like everybody else, and once they've
7 tattooed up that landscape they would never recover it. He said anybody that has farmed through an old
8 building stead, that's why the county has these 3-acre maximum limits and once they turn it over it would
9 never be the same, and he could show them on any yield map. He said that anything around those wind
10 turbines would never be the same. He said they are running into a real food shortage this year in the world,
11 and they are looking to try and destroy more farm ground – some of the best on Earth; he asked why they
12 would want to do that. He said if they want to rape and pillage their neighbors like their fellow Russians
13 do, he thinks they should be treated as so if they think they need to push this agenda forward.

14

15 Mr. Roberts asked who was selling their land to the windmill companies.

16

17 Mr. Gerdes said that is usually people that don't live in the area.

18

19 Mr. Roberts asked if he knew who these people were.

20

21 Mr. Gerdes said that he doesn't have a list of names at the moment, but he has been involved in these
22 projects before like the one down in Douglas County; only 40% of landowners sold their land. He said
23 none, he shouldn't say none because there was one, but hardly any of the actual residents that lived there
24 actually sold their land, but they are the ones that have to live with it. He said it was people from California,
25 Arizona, and other places, but the thing he is saying is they are destroying the best dirt on Earth.

26

27 Mr. Roberts said excuse me.

28

29 Mr. Gerdes said yes.

30

31 Mr. Roberts said that he is feeling a little attacked here because...

32

33 Mr. Gerdes interjected you should be if you support it...

34

35 Mr. Roberts said he has been, and he is not doing.....

36

37 Mr. Gerdes interjected that he is attacking the people that live behind him.

38

39 Mr. Roberts said he is not, he is not...

40

41 Mr. Gerdes interjected anyone that supports this does. He said pardon, if he supports putting windmills in
42 Champaign County next to somebody's house, not giving them the enjoyment of their property to their
43 property line.

44

45 Mr. Roberts said he has nothing to do with the people selling their land to these windmill companies –
46 they have nothing to do with that.

47

48 Mr. Elwell said excuse him, Mr. Hall...

49

1 Mr. Roberts said that he is feeling personally attacked by this and he doesn't know how the rest of the
2 Board feels.

3
4 Mr. Elwell said that they already have a Zoning Ordinance in place that allows this to happen, and this
5 was passed before his tenure here.

6
7 Mr. Gerdes said that he was here the last time.

8
9 Mr. Elwell said right, and thank you for that. He said it is really important to have this type of input into
10 the Board's decision. He said they are not for or against destroying, raping, pillaging, and stuff like that –
11 that is not what they are here for. He said what they are here for is to protect the Best Prime Farmland and
12 to protect the public's private property rights, and that is on one side of the property line as well as the
13 other. He said if someone who wanted to sell their land because they had every right to sell their land to
14 this project, and if they want to come here and testify why they couldn't sell their land for something like
15 this – it is their private property.

16
17 Mr. Gerdes said because they are affecting the neighbor that owns the one next to it – that's why. He said
18 if someone can't sleep at night...

19
20 Mr. Elwell said that the Board's role here...

21
22 Mr. Gerdes said is to protect the people that live there as well.

23
24 Mr. Elwell said correct, and that is why they need this public opinion...

25
26 Mr. Gerdes interjected that he thought Mr. Anderson was perfectly correct. He said that 1.25-to-1.5-mile
27 setback was awesome – he thinks he was right. He said that he is proud of him for standing up and saying
28 so, but that is what he is here for. He said if the Board is trying to lessen setbacks and make it easier for
29 the windmill companies to get in here, raise the height of the towers so they can function and do what they
30 want to do. He said so they can leapfrog over peoples properties that they can't get to join, that is where
31 the raping and pillaging comes in, but having a normal setback of 1.25 miles from a property line he thinks
32 is an awesome idea. He said then if the wind companies can figure out how to do it, then they can do it,
33 but the thing is they have to be able to protect the people and think about the next generation 20 to 30
34 years down the road. He asked them what their PC was from 1995 worth – it's about what that windmill
35 is going to be worth in that many years. He said all it will be out there is degrading, resting, and if someone
36 looks at some of the old ones, they have oil running down the wind turbine blades, because they get into
37 disrepair. He said there is ground down in Douglas County and they couldn't even harvest the corn last
38 year because the wind company busted all the drainage tile up; it's been two years and they haven't fixed
39 it yet and can't even harvest the crops out of there – it's a mess. He said that is all he has to say because
40 they are not good for the County, and they are not going to improve the land value; they are going to drag
41 people away from the County rather than to it.

42
43 Mr. Elwell asked if there were any questions from the Board for this witness. Seeing none, he called
44 Michael Mooney to testify.

45
46 Michael Mooney, 1731 County Road 300 North, Philo, said he has lived and farmed in Crittenden
47 Township in Champaign County for all of his soon to be 76 years. He would like to express his strong
48 opposition to saddling the farms and residences in Champaign County with another wind farm. He said
49 remember, there is already an existing wind farm approximately 5 to 6 miles south of the location of the

1 proposed wind farm past the southern border of Champaign County into Douglas County. He said first
2 off, he is all in favor of green energy and agrees that global warming may be a real threat; however, he
3 does not believe it is prudent to place another wind farm on Champaign County Best Prime Farmland,
4 some of the richest food producing soil on planet Earth. He said there must be marginal land available,
5 which will not so much affect the food production for planet Earth, because the population of planet Earth
6 has doubled since the 1960's and will only continue to escalate; they will need every acre available to feed
7 the hungry in the coming years. He said it was claimed that the wind farm only marginally affects
8 agricultural production, but do not believe it, because he has traveled through the Douglas County Harvest
9 Ridge Wind Farm and talked to the residents/farmers surrounded by the wind turbines – they tell a
10 different story. He said here are some of the conditions caused by their experience in a wind farm: the first
11 and largest is drainage; all of the southeastern quadrant of Champaign County was once swampy, so much
12 so that it was once was referred to as Frog Pond Township on an old Champaign County map; they
13 absolutely depend on subsurface tile drainage. He said the construction of the Douglas County wind farm
14 has done immeasurable damage to the tile drainage and the company refuses to fix the problem unless the
15 farmer can prove it was a direct result of the wind turbine towers – this comes from a Douglas County
16 farmer experiencing damage to his tiling systems. He said damage to the road was a major problem that
17 has not been fixed since the departure of the wind farm construction company. He said please drive down
18 to Douglas County road intersection 1350 North and 2350 East and see the road conditions. He said roads
19 which were oil and chip are now loose gravel and washboarded. He said the residents are subjected to
20 vehicle damage from the rough roads, sodium chloride, and water used to stabilize the roads after the
21 heavy equipment destroyed them. He said in talking to a resident/farmer in the middle of the Douglas
22 County Harvest Ridge Wind Farm, his last comment to him was, and he quotes, "they were raped." He
23 said please don't let them saddle them down in Frog Pond Township with something that is only
24 marginally affective in promoting green energy. He said thank you for your time and consideration.

25
26 Mr. Elwell asked him if he could give staff a copy of what he had written for his testimony.

27
28 Mr. Mooney said he certainly can and they could have this copy.

29
30 Mr. Elwell thanked him and asked if he wouldn't mind giving his written testimony to Ms. Burgstrom, he
31 would appreciate it. He asked if there were any other questions from the Board or staff for this witness.
32 Seeing none, he thanked Mr. Mooney. He called Dirk Rice to testify but seeing that Dirk Rice had already
33 testified at the last public hearing, he then called Kelly Vetter to testify.

34
35 Ms. Kelly Vetter said she spoke at the last meeting, but she could tag team off what Mr. Mooney was
36 testifying, if she would be allowed to do that.

37
38 Mr. Elwell said absolutely.

39
40 Kelly Vetter stated she was representing the family farm at 525 County Road 2400 East, Broadlands. She
41 said she and her husband have both been Village Board members in Homer before the Board's term. She
42 said that they were residents there for 30 years, so she understands what it's like to do something that is
43 controversial; they stopped a landfill in their community that the County wanted to put out there. She said
44 they talked at the last public hearing about doing the Board's due diligence and gathering information
45 from the communities that have been with wind farms for longer term, shorter term, for the money, and
46 what is happening there in Douglas County. She said they would like to put together a citizen task force
47 for the Board, because they know the Board's time is limited. She said to record information with
48 photographs, recordings of people who are on County Boards, and other things like that so the Board has
49 some real time information about what is going on in the outlying communities of people who are doing

1 this already and have done it for some time. She said they would like to make that available to the Board,
2 so they can make a better decision for their own community. She said she was just offering that out and
3 would like to be able to put that together for them.

4
5 Mr. Elwell asked if there were any questions from the Board for this witness.

6
7 Mr. Wood asked Mr. Hall about the mitigation agreement with the State of Illinois and asked what that
8 covers.

9
10 Mr. Hall said that it covers repair of tiles; how the soil is removed for excavation and the order it is put
11 back in; allows no construction when the soil is wet, so the soil structure isn't destroyed; depth of wires;
12 how much of the concrete needs to be removed from the foundation when the tower is being
13 decommissioned, and basic decommissioning requirements. He said it doesn't go as far as their Zoning
14 Ordinance, but it does provide some back up.

15
16 Mr. Wood asked if it covered anything having to do with road repair or anything like that.

17
18 Mr. Hall said that he doesn't believe it does because it is only dealing with farm ground and not roads.

19
20 Mr. Wood said with farm ground, okay, but that is something that they don't have in Douglas County.

21
22 Mr. Hall said that he asked the County Engineer about that and had told him they were getting a lot of
23 comments about how bad the roads were in Douglas County where they built the wind farm. He said the
24 County Engineer agreed that it's not a good situation and he pointed out that they didn't have that in
25 Champaign County where the California Ridge Wind Farm was built. He said that none of these Board's
26 members were on the Board when they did that wind farm, but the County Board would not approve that
27 wind farm until there were signed road agreements and went right up to the County Board meetings. He
28 said they finally got signed road agreements when the County Board was ready to take action, so the
29 County Board supported the highway commissioners, and the County Engineer worked with those
30 highway commissioners to get good road agreements – they didn't have any problems.

31
32 Mr. Wood said that he wanted to make sure that everyone is aware of the difference between what is
33 taking place here and what took place in Douglas County, and probably a lot of other counties around that
34 didn't do the same due diligence in setting this up.

35
36 Mr. Hall said that he really has not heard any situation described quite like it is in Douglas County and
37 thinks it's an especially bad example, unfortunately.

38
39 Ms. Vetter asked if staff had gotten any of the agreements that they had with the wind farms to know what
40 actually happened in Douglas County. She said to look at what their agreements were and what the wind
41 farm really did, because sometimes that is the information that is different. She said the wind farm said
42 they were going to do it, but they didn't live up to it; that is the kind of real information that she is talking
43 about getting for the Board – it's the difference. She said by knowing what the wind farm's agreements
44 were, the Board will know what to steer away from or what they have to be careful of in making their own
45 agreements.

46
47 Mr. Elwell asked if there were any other questions from the Board or staff for this witness. Seeing none,
48 he thanked Ms. Vetter. He called Dennis Riggs to testify.

49

1 Dennis Riggs, 410 County Road 2200 East, Broadlands, said he is 67 years old and has lived there all his
2 life except for a few years during his college pursuit of a degree in Electrical Engineering. He said that he
3 had to come back to Mr. Anderson's comments about the submarine; his oldest son was a commander,
4 and he was last stationed on the USS San Francisco Nuclear Submarine for 6 years out in the Pacific
5 Ocean.

6
7 Mr. Anderson asked what submarine his son was on.

8
9 Mr. Riggs said the San Francisco nuclear power submarine.

10
11 Mr. Anderson said that he was on 15 submarines and 2 destroyers.

12
13 Mr. Riggs said they are something, he got to take a ride on his son's submarine for a full day – it was cool.

14
15 Mr. Elwell said that is news to him and he wants to thank Mr. Anderson for his service.

16
17 Mr. Riggs said yes, and his son is over in Italy right now on a surface ship for a few more months.

18
19 Mr. Elwell apologized for interrupting.

20
21 Mr. Riggs said no, no, he is fine. He said he has always farmed but officially took over the farming
22 operation in 1977 as the fourth generation of our Maple Lawn Farm. He said he is now in the process of
23 turning the reins over to the fifth and sixth generations that live on the farm. He said as he talks to the
24 Board this evening about power generation equipment, he just has to point out that his grandfather, Henry
25 Mohr, was one of the first farmers to have electric lights in his home back in the 1920's; he installed a
26 Delco battery system with a generator system that ran a series of batteries that were down in the basement
27 and they were charged by a gas engine generator out behind the farmhouse. He said that he and his grandpa
28 share a loving respect of electricity, however, this evening they need to discuss the long-term negative
29 effects of using farmland to build commercial wind power complexes. He said these are not windmills,
30 because windmills were the simple single 50-foot-tall structures that farmers used to run a mechanical
31 pump jack above their well to draw water for their livestock. He said the zoning process they are discussing
32 tonight refers to a multiple site commercial power generation stations synchronized together to feed a high
33 voltage connection to the national power grid. He said this is a serious multi-generational and multi-
34 property owner-affecting complex. He said he realizes the tough job this committee has to do; the Board
35 is being asked to come up with complex rules that they all have to live with for many years down the road.
36 He said even in the best of scenarios not everyone will be happy, so he asks them to favor the people who
37 pay the bills to keep Champaign County running, and that is the property tax paying property owners of
38 Champaign County. He said in the end he hopes the good folks in this room will hold the policy makers
39 of their state and nation responsible for the jaded laws that provide lop-sided financial incentives to the
40 large companies that build the wind complexes. He said it is easy to expound upon the beauty of a green-
41 deal wind generator when someone is standing in Springfield, Illinois, or Washington D.C., but not when
42 someone is living 24/7 between 63 of these huge machines that stretch across the back of someone's
43 farmland and a neighbor's field. He said that he hopes this committee will listen to the commonsense
44 numbers that are being presented by those within wind complex practical experience, and they are
45 recommending these structures be limited to 500 feet tall. He said there always has to be a limit because
46 unlimited is not acceptable. He said that the nonparticipating neighbors need to have a buffer of at least
47 3,250 feet from their property lines; this setback seems to be the bare minimum to protect against the
48 problem of unsightliness, noise, air pressure fluctuations, and light flicker. He said that he wants to
49 challenge this committee to take a lead in adopting strong, direct use in the area of agricultural impact

1 mitigation agreements. He said the history of Champaign County is firmly based on the establishment of
2 drainage districts, drainage tiles, and farmer controlled drainage districts that have turned the flooded
3 marshes of Frog Pond/Crittenden Township to some of the world's best producing farmland over the past
4 100 years. He said that he has talked to farmers in the areas that have already been developed in wind
5 complexes; the common problem is that the roads and the underground drainage tile systems have been
6 seriously disrupted by these developments. He said that he hopes Champaign County can take the lead in
7 writing lawyer-proof agriculture mitigation agreements with financial stipulations that protect the drainage
8 systems that they cannot easily see, but these will affect the future production of their land. He said lastly,
9 when these machines reach the end of their useful life, he would hope that financial arrangements could
10 be negotiated that would already provide for the timely and complete removal of this equipment and return
11 the land to as close as possible to the productivity that it was previously. He said thank you for their time
12 and consideration.

13
14 Mr. Elwell thanked Mr. Riggs and asked if he would provide his written testimony to staff. He asked if
15 there were any questions from the Board for this witness.

16
17 Mr. Wood asked if the decommissioning standards that they have in place now are adequate.

18
19 Mr. Riggs said no, and there will never be such a thing. He said that when someone puts that much
20 concrete, that much wire and disruption into the ground, and move these cranes that have to go in there to
21 both build and repair these units, because they just mess it up and there is no way they'll get it back – he
22 doesn't know if they could ever get it back.

23
24 Mr. Elwell asked him what his recommendation was then, because they have to recommend something.

25
26 Mr. Riggs said the only thing that he has ever heard is that the farmers in that area have historical records
27 of what that farm ground produced, whether it be 190 or 200 bushels an acre, or whatever. He said if they
28 could compare those records to what the farm ground is doing once it has been violated, there could be a
29 financial incentive to replace. He asked how farmers make their money; he said their paycheck comes
30 from the grain that they sell, and that grain comes from the crops that they grow. He said that the only
31 way he could ever think of is trying to set a historical standard from the past, and then compare that to
32 what is going on after the windmills are produced and/or decommissioned, and try to have some type of
33 mitigation there.

34
35 Mr. Elwell asked if there were any other questions from the Board.

36
37 Mr. Wood said that what they have heard so far, and particularly all the stuff he tried to get through here
38 in the last two weeks, is that it seems like the average out there in terms of setbacks is somewhere in that
39 3,000 foot range and a little over a 0.50 mile. He thinks that mitigates the noise, and he isn't sure he read
40 anything about how well it mitigated problems with the low frequency vibration or other things that might
41 affect health, and he doesn't have a sense for that yet.

42
43 Mr. Riggs said he thinks the analogy that was given earlier about the subprops being 12 cycles per minute
44 and his son, Darren, would tell him about that. He said when they came out of the Harbor at San Diego
45 and they went underwater, wow it was cool, and they identify the ships around them by the sound signature
46 those boats were making, whether it be surface or submarine. He said that his point is that the folks in this
47 room don't know what the frequencies are and what those are doing, and the high and low pressures those
48 blades create; they are in an area where none of them have any expertise – he sure doesn't. He said that
49 these people are being affected by it and all someone can do is say, "gosh there must be something there."

1 He thinks there needs to be more study and looking into what those low frequencies do, and of course they
2 are variable to the speed of the wind turbines; they need to keep an eye out for that and just set these things
3 as far back as possible, or just not have them.

4
5 Mr. Wood said they don't use low frequencies for subliminal stimulation now.

6
7 Mr. Riggs said absolutely.

8
9 Mr. Wood said just go to the nearest movie house.

10
11 Mr. Riggs said yes that's right.

12
13 Mr. Elwell asked if there were any other questions from the Board for this witness. Seeing none, he
14 thanked Mr. Riggs. He called Charlie Mitsdarfer to testify but seeing that Charlie Mitsdarfer had already
15 testified at the last public hearing, he then called David Reel to testify.

16
17 David Reel said he and his wife live at 1623 County Road 2100 East, Sidney, and after attending and
18 listening to everyone's testimonies at the public hearing two weeks ago, he and his wife walked out of
19 there thinking how did all of this start and what prompted the need to revise the wind ordinance in the first
20 place. He said that they done some research prior to the last public hearing and some afterwards, and they
21 came across YouTube recordings specifically of the December 9, 2021 ELUC meeting. He said watching
22 that recording, it became apparent that this started as a result of the ELUC chairman, Eric Thorsland,
23 tasking the Planning & Zoning Director, John Hall, to look into updating the County's Zoning Ordinance
24 to make sure that it complied with the new FAA lighting requirements for wind turbines. He said due to
25 the fact that the wind farm developers now prefer to install larger, but fewer wind turbines, that is actually
26 helped with the siting requirement. He said after reviewing the January 6, 2022 ELUC meeting YouTube
27 recording, the Director, Mr. Hall, told ELUC that he had heard rumors about an expansion of the California
28 Ridge Wind Farm or another wind farm in the northeast part of Champaign County. He asked how much
29 of a rumor was it when on October 15, 2021, a submission was made to the FAA for 134 proposed wind
30 turbine sitings for the expansion of the California Ridge Wind Farm in Champaign and Vermilion
31 Counties, and ironically the height of these proposed wind turbines is 519 feet tall, thus requiring the need
32 for revisions to be made to the wind ordinance permit in excess of 500 feet tall. He said that based on
33 these facts, it is clear that there needs to be a moratorium issued that will prevent the issuance of any
34 Special Use Permits for the building of any new wind turbines within the county for a minimum of at least
35 18 months, in order to insure that any revisions to the wind ordinance are not hastily created without due
36 diligence as to what is the best interest of the county including the residents in unincorporated Champaign
37 County that will be residing in close proximity to those wind turbines. He said that from his standpoint,
38 he understands obviously that people talk and there are probably bugs that are put in ears maybe way
39 down the line. He said there is movement here and he knows a lot of members here hadn't heard about all
40 of the contact that had been made to a lot of these folks here in the room tonight by energy companies,
41 and it is continuing to happen. He said there is movement behind the scenes, and he doesn't think they
42 need to be naive to that fact, so he would ask the Board to take the time to do the due diligence and
43 research, and they are willing to help, because of their friends, family, and community – they all want the
44 right thing done here. He does not feel that the current setback requirements are sufficient, and he thinks
45 all of this should be reviewed fully, so he asked the Board to please do that.

46
47 Mr. Elwell thanked Mr. Reel and asked if there were any questions from the Board.

48
49 Mr. Wood asked how a process like that would work to stop the issuing permits.

1 Mr. Hall said that the County Board would have to adopt literally an amendment to the Zoning Ordinance
2 to put a moratorium in place.

3
4 Mr. Wood told Mr. Reel that is who he needs to talk to.

5
6 Mr. Elwell thanked Mr. Wood.

7
8 Mr. Hall said specifically ELUC is where it would start.

9
10 Mr. Elwell asked if there were any questions from staff. Seeing none, he thanked Mr. Reel and called
11 Justin Leerkamp to testify, but seeing that Justin Leerkamp had already testified at the last public hearing,
12 he then called Phillip Luetkehans to testify, but seeing that his law partner had testified at the last public
13 hearing, he then called Kris Petersen to testify.

14
15 Kris Petersen, 9092 East 2500 North Road, Cornell, Illinois, said he was with Pontiac Flying Service
16 located in Pontiac, Illinois. He said that they are an agricultural air application service in the area that
17 treats mostly corn and soybeans for fungal diseases and insect pest infestations by aircraft. He said that
18 they have been in business since 1997 and provide many application services in surrounding counties like
19 Champaign, Douglas, Piatt, Vermilion, and Edgar. He said he holds a commercial pilot license with an
20 instrument rating and has over 3,600 hours total time in an aircraft and over 3,000 hours being low level
21 agricultural operations. He said he holds a bachelor's degree in Crop Agribusiness from the University of
22 Illinois, and he is a certified airframe and powerplant mechanic. He said that they have concerns with the
23 towers getting taller, as the text amendment says it here that they are changing the ordinance from 500
24 feet maximum height to unlimited. He said that they spend most of their time at 1,000 feet above the
25 ground in the aircraft and below. He said their operating season is short and they have a short time window
26 to treat the crops, so the farmers' landowners can get the most return on investment for their treatments.
27 He said that is why they stay low, to save time, fuel, and be efficient. He said that by law they have to stay
28 500 feet above the ground unless they are treating a field and entering or exiting the field. He said they
29 will go to work with a 1,000 to 1,200 foot cloud layer, so a cloud layer 1,000 feet above the ground. He
30 said in an area such as this, they are allowed to legally go with less. He said a tower maximum height with
31 500 feet gives them some room above the wind towers to fly over them, and in some cases to remain
32 below the cloud layer to get to the field they need to treat. He said that at times they need to fly over the
33 wind farms to get to fields they are trying to treat, and taller towers will not allow this; taller towers usually
34 mean longer blades, which also affects them at low levels, and they may say that well up higher they can
35 be safe, but when they put taller towers, then they usually add longer blades, so that affects them down
36 low when they are treating the crops. He said allowing these tall towers to become taller will make their
37 job more dangerous and less efficient; these communities are built around agriculture, as they have heard.
38 He said that if towers are allowed to go taller, it is much more difficult and dangerous to work in those
39 areas for agricultural pilots. He said that not being able to treat these crops safely or possibly at all could
40 have major impacts to the agricultural communities and this could negatively impact those people in favor
41 or not in favor of the wind farms. He said in wind farm areas there are many other obstacles they fly
42 around; the wind towers are very dangerous but the added infrastructure at lower levels increases danger
43 to their applicators and limits applications even more. He said with wind farms comes more substations,
44 powerlines that are large and small, and meteorological towers that receive wind data. He said these towers
45 and powerlines have been the fate of many agriculture pilots across the nation. He said from their national
46 association from the year 2008 to 2018 there were 22 agricultural aviation accidents and collisions with
47 wind meteorological towers, communications towers, towers supporting powerlines, and wind turbines
48 resulting in 9 fatalities. He said for all general aviation which are part 91 aircraft, which would include
49 mostly leisurely aircraft that are flying around for fun who enjoy flying for travel, business, or enjoyment,

1 there have been 40 tower related incidents and accidents resulting in 36 fatalities over the same 11 year
2 period. He said in 11 years there were 36 general fatalities and 9 fatalities from the agriculture community,
3 so 45 fatalities overall. He said that the area is already extremely obstacle heavy from small powerlines,
4 large transmission lines, and communications towers. He said their aircraft are important for those areas
5 because they can treat more acres more efficiently than most ground machines and large infestations of
6 insects need to be treated immediately, and usually over large areas. He said that with heavy insect
7 infestation or diseases, they could talk about the economic impact, yield losses could be drastic with
8 historic commodity prices in yields, and average untreated acres could lose upwards of \$150 to \$200 per
9 acre on average depending on the insect and disease that is pressuring the crop; that is \$15,000 to \$20,000
10 per 100-acre field and in some cases it could be as much as \$300 per acre loss. He said that changing the
11 wind turbine height from 500 feet to unlimited seems absurd to him and gives the wind farm way too
12 much freedom, and his opinion is that 500 feet tall is enough as it is already and makes his job already
13 very dangerous. He said that in regard to the lighting system, this concerns himself and the aviation
14 community; he thinks current wind farms in the area are already breaking the law and not following what
15 they are supposed to be doing. He said that structures over 200 feet are require by the FAA to be lighted
16 at the highest point to provide safety to airmen. He said if you look at current wind farms, not all the
17 windmills are lighted at night and likely only about 85% of them are, and asked how they get away with
18 this. He said that the windmills are not lighted at the top of the structure either, they only light at the top
19 of the power generator, so the blade extends in most cases 125 feet up to 175 feet above the generator;
20 they should be required to light the tip of the blade when it's at its highest point in his opinion. He said as
21 far as the aircraft detection lighting system, he understands it could be a good compromise for light
22 pollution; however, what is the cost going to be for aviators to have the proper equipment for these
23 detection systems to work. He said aircraft in this area where the proposed wind farms may be at that
24 altitude are not required to have equipment that these detection systems would detect, and how far away
25 would they detect them; some aircraft such as the agriculture aircraft that they operate fly 150mph, so at
26 5 miles away they could be there in 2 minutes within a wind farm. He asked what the cost on safety was,
27 what if the system fails, what if the aircraft has a total engine and electrical failure at night, and its only
28 option is to make an emergency landing in the middle of the wind farm. He said small aircraft or large,
29 the system may not be able to detect the aircraft if it has no electrical power. He asked how they would
30 like to land in the dark knowing there are hundreds of turning windmill blades to navigate around that
31 they couldn't see and try to make an emergency landing. He said this is already an issue with current
32 lighting systems and in his opinion by the wind farms not illuminating every tower and not illuminating
33 the tip of the blade. He said that a dear friend of theirs was killed spraying mosquitos at night when a
34 storm took out the power source for a cell tower light and the backup generator did not come on or work;
35 they could not see the tower and ran into it, killing both pilots – systems can and will fail. He said nighttime
36 operations do happen in Illinois for agricultural operations and other aviation operations also across the
37 nation, and if these systems fail, that presents a very dangerous situation for applicators in their industry
38 across the nation. He said that's all he had.

39
40 Mr. Elwell thanked Mr. Petersen and said it had been about 10 years since he had flown, so he is dating
41 himself here, but asked what technology he was referring to inside the aircraft.

42
43 Mr. Petersen said that right now aviation in certain airspaces for a good example would be Champaign
44 airspaces is a Class Charlie Airspace, and to be inside the airspace someone would have to have what is
45 called ADSB out; it is a transmission signal from an aircraft transponder that the radar at the airport can
46 pick up and identifies someone's aircraft specifically to their registration number. He said that those are
47 required in that operating area, the Class C Airspace, but the Class E, G, or agricultural communities are
48 normally not required, so it's out there, but it's not required – that goes for agricultural airplanes and
49 nonagricultural general aviation airplanes.

1 Mr. Elwell asked if there were any questions from the Board or staff. He asked Mr. Petersen if he would
2 be willing to give staff a copy of what he read, he would greatly appreciate it, thank you.

3
4 Mr. Petersen said yes.

5
6 Mr. Elwell called Roger Negangard to testify.

7
8 Roger Negangard, 1719 County Road 2000 East, Sidney, said that they have six generations of farming
9 that area, and they have a pumpkin patch where they grow close to 100,000 pumpkins and sell every year
10 out of the yard to customers. He said that the customers are always telling them how beautiful the farm is
11 and the countryside looks, and they won't be saying that when there are windmills in the background of
12 it. He said that another issue he has was that he understands when these windmill companies are done,
13 they only take out whatever they put 46 inches below the ground. He said where those towers stand, they
14 know that concrete is a lot deeper and huge, and he asked wouldn't that to be a landfill where every one
15 of those towers stand and all that cable that is left behind and is that something that they should let these
16 companies do – he thinks not. He said that he understands that to keep from devaluing someone's
17 property, and he knows no one that would want to move out and buy a place in a wind farm or solar farm,
18 nobody wants them in their backyard, and he doesn't think anyone here tonight does either. He said that
19 they have some chemicals that they spray that have ideal conditions to keep them from drifting and asked
20 if there had been any studies on this that would affect the spray drift when those windmills are turning.
21 He said that if some of these questions have already been asked then he apologizes because he just can't
22 hear with this audio system in the back of this meeting room and his brother has his hearing aids up as
23 high as they can go, and he still can't hear. He said he wants to thank the Board for their time and asked
24 if they have any questions.

25
26 Mr. Elwell asked if there were any questions from the Board or staff for this witness.

27
28 Mr. Negangard said that he thinks there needs to be more setback and to limit the height; the height limit
29 now is more than adequate. He said that all of the people here tonight that live in Champaign County care
30 about Champaign County, because these windmill farms or solar farms – they don't care. He said they
31 don't care about them or their County, but they do, and they are here for the long haul – thank you.

32
33 Mr. Elwell called Donald Carter to testify but seeing that Donald Carter had already testified at the last
34 public hearing, he called Jenny Eisenmenger to testify.

35
36 Jenny Eisenmenger, 1798 County Road 700 North, Sidney, said that she usually likes to be a listener so it
37 is sort of out of her comfort zone to speak to the Board today, but she wanted to say that she could see the
38 Board is listening to them and she appreciates that. She said that she wants to make sure that she is
39 understanding correctly and asked the Board when they are asked to make these evaluations of these text
40 amendments do they have the option for example of saying instead of 2.4 times; could the Board if they
41 were of mind suggest instead of an increase of that, and could they make those sorts of recommendations
42 for these or do they just have to say no based on exactly what they say.

43
44 Mr. Elwell said that the Board does have to say yes or no with what is in front of them, but they can make
45 recommendations and that is the reason why they are here, and that they have public input and stuff like
46 that.

47
48 Ms. Eisenmenger said okay, and the only other thing she would like to add since the public has done such
49 a good job already with their testimonies, so she doesn't need to talk long, is she thinks as they discuss

1 wind energy it is important to talk about the environment. She said she is very concerned about the
2 environment, and honestly if industrial wind energy was a valuable asset to their environmental impact
3 she would make a sacrifice. She said that she thinks as people look more closely it has become
4 industrialized to a point that it is not sustainable for what it takes to implement these wind farms, maintain
5 them, and transport the parts, because all of that takes so much fossil fuel that it really mitigates the
6 benefits. She said plus what happens when technology changes and they become obsolete in the current
7 form, which is already happening. She said she wonders what happens to the mitigation plans when wind
8 farms go out of business because the subsidies are already diminishing. She said she really hates to think
9 of this all happening 15 to 20 years from now all of these are completely obsolete, so when they are talking
10 about the beautiful countryside and the green spaces, she just hopes the Board will consider that when
11 they make their recommendations in regard to these important points that the County Board is going to
12 need to hear about. She said she appreciates them and hopes they have allies amongst them.

13
14 Mr. Elwell thanked Ms. Eisenmenger and asked if there were any questions from the Board or Staff.
15 Seeing none, he called Heidi Leerkamp to testify.

16
17 Heidi Leerkamp, 548 County Road 1900 East, Sidney, said she is here to ask the Zoning Board of Appeals
18 to abandon its proposed changes to Special Use Permits for industrial wind energy complexes. She said
19 siting wind turbines in rural areas in the middle of Best Prime Farmland as well as near homes is a short-
20 sighted and ill-considered solution to a long-term problem. She said that transitioning to green energy is
21 necessary and it is the future, and she is very happy about that, but what she cannot condone is creating
22 other problems in the process. She said the human, animal, and environmental health effects of living
23 among wind turbines have not been adequately or independently studied over the long term. She said that
24 they have all heard anecdotal evidence of the harms caused by living near wind turbines, and these claims
25 should be taken seriously and studied before their county moves to expand potential development of wind
26 generation. She said if a safe distance to live from a wind turbine exists, it is not currently known or
27 implemented in the industry, and these ideas should be studied and modeled to assess their impact in their
28 area before any further development occurs in Champaign County. She said the recently passed bipartisan
29 infrastructure bill has provisions for wind generation facilities to be built on federal lands or on the sites
30 of decommissioned mines, and she agrees with this approach which would spare rural residents from
31 having to live among wind turbines with no concern for the long-term health and safety. She said that
32 there are indeed other forms of green energy that are being developed that would not require as large a
33 footprint on the rural landscape as a wind energy facility. She said the infrastructure plan also includes
34 \$9.5 billion to develop the hydrogen industry to decarbonize transportation and heavy industry, which are
35 examples they see daily in the MTD buses that run on hydrogen, and these are initiatives that Illinois can
36 participate and which would not be detrimental to our farm families. She said decisions made by farming
37 operations are made on a timeline that exceeds the expected lifetime of a wind project, and they plan in
38 decades and make everyday decisions with the long view in mind, because they think in generations and
39 how the decisions they make today will affect those in the future who work this land; there are too many
40 unknowns of too great a size to leave to the future. She said in a well-intentioned rush to improve the
41 amount of green energy produced in their country, they may create untold damage to their rural landscape,
42 economy, and farm families. She said this land is their legacy and one that has been carefully managed
43 over the last 175 years to feed the world. She asked for a pause in wind energy development in the county
44 to protect their greatest asset of Best Prime Farmland until wind energy development is studied more fully;
45 this is in the best interest of the rural residents of Champaign County – thank you.

46
47 Mr. Elwell thanked Ms. Leerkamp and asked her if she would be willing to email the staff what she read
48 tonight.

49

1 Ms. Leerkamp said she would.
2

3 Mr. Elwell said thank you and he would greatly appreciate that. He asked if there were any questions from
4 the Board or staff.
5

6 Mr. Randol asked how many people were left on the Witness Register to testify at tonight's meeting.
7

8 Mr. Elwell informed him there were 10 people left on the Witness Register to testify at tonight's meeting.
9

10 **Mr. Randol moved, seconded by Mr. Wood to have a 10-minute recess at 8:10p.m. The motion**
11 **carried by voice vote.**
12

13 Mr. Elwell called the meeting back to order at 8:20p.m. He called Bryan Schluter to testify.
14

15 Brian Schluter, 2357 County Road 2900 North, Gifford, said he is the Road Commissioner there and has
16 been for a little over 2.5 years, so he has to try and stay neutral for a lot of his comments. He said that he
17 is mainly here tonight for information, and he is just going to put down what he has learned that he feels
18 he can speak to. He said when he took office there, he believed like probably a lot of people that an energy
19 company sometimes might be a wind farm or a wind turbine, but in a lot of the cases they end up getting
20 sold, resold, and resold again, so they end up being owned by private equity groups. He said that he is
21 talking about a private wind turbine with an agreement with a private landowner and that is a transaction,
22 so what they have is an agreement to use their land for money – there is a trade-off. He said that they are
23 talking about the Zoning Ordinance though, so he is going to try and stay on point; they got some variances
24 they are asking for, well who is asking for them, the wind farm, why are they asking for them, well they
25 need height restrictions lifted, setback areas lifted, and why is that, well it's money, that is why they are
26 here is about the money. He said that money is one part of it and the other part of it is it does affect people,
27 so the people that live around the wind turbines will be affected by them or the decision the Board makes
28 later on down the road about the ordinances, so it does come at a cost. He said, for example, the question
29 might be does the overall good of the wind turbine farms outweigh the people that live in an area affected
30 by them, that is a question he cannot answer on record. He said talking about lifting current height
31 restrictions, so they currently have something in place that works, it's not the best. He said he works with
32 the wind farms off and on, works with the county, they all have to work together, and they have to make
33 it work; however, sometimes it does not work because there are a lot of problems. He said that some of
34 the things he has learned is that someone doesn't always go into a project and understand the full
35 ramifications of what is coming down the road, so they have a lot of lessons learned as they go along. He
36 said that he learns as they go a lot of the time; for instance, they are looking to possibly lift the restrictions,
37 the reason is he spoke with some lobbyist. He said a lobbyist is involved in the process that has to do with
38 money and the wind farms. He said the way it works, whether they know it or not, is that they have a full
39 time crew of them working down in Springfield, Illinois and their job is to make it more beneficial for the
40 wind farms. He said that they and he as taxpayers have local and county government, that's all they have
41 – that's it. He said they might have a few lobbyist groups working over there, but not what they have, and
42 a lot of the deals are made back door, a lot of them are made already, and there are a lot of deals currently
43 made that have to do with tonight's meeting that have been talked about and discussed way before this
44 meeting tonight. He said what does a landowner with a house do that has a wind turbine go up and they
45 don't like it, they are like his neighbor down the road; he shuts his power off two to three days ago and
46 puts a glass of water on the floor, and it vibrates like someone threw a stone in it. He said that isn't right,
47 so what does someone do, well it is too late, their wind turbines have been up for over eight years, but
48 there is no recourse, so he would like people to know, and the wind farms should know, they should reach
49 out to these people that have their good neighbor agreements, which means they should be able to reach

1 out to the people that don't really care for them and offer them funds. He said that as a taxpayer, if he had
2 one in his backyard he would probably not like it and this is the other thing, he has to look out for the
3 people in their area. He said that they want to lift the ordinance and height restriction, they currently have
4 a wind farm and 18 wind turbines in their area; they are going to do a repower they tell him, well a repower
5 of what, the same thing that is there, they won't tell him. He said what does a repower mean, it means the
6 heads are junk, the blades are junk, they are made in China, and they are not working out, so they replaced
7 three of them within the last month in their township. He said 3.7 megawatts, 3.4 megawatts is what they
8 have; if they lift the height restriction or allow it to be unlimited, the lobbyist told him in Springfield that
9 there is a proposal of wind turbines, and he doesn't know how they are measuring the height or how he
10 got this height, but a 750 foot structure, that is called a mega tower, but they don't have any here yet. He
11 said that if that happens, the setbacks would not really be enough for the current wind turbines that they
12 have in place, so his concern is this: they have a wind turbine that they have to take the head off and they
13 place the blades on the ground, if they do a repower they are able to add feet to that tower and put a larger
14 head on if engineering allows that. He said that he doesn't know that for a fact, they have never discussed
15 that, but they don't know, so this in a way affects what the current neighbors would have for height in a
16 setback. He said that what the County has sort of works currently and he likes with what they have done,
17 and he wasn't involved in the process at all, but like he said they learn on the go and have to change things.
18 He said honestly if they wanted to put a 750 foot tall wind turbine and they have a couple farms that are
19 320 acres and 640 acres, and there are no neighbors around them, they do have some of those, that is the
20 place to put those towers. He said that maybe they got to tweak the ordinance a little bit to be beneficial
21 so you're a good neighbor and they're a good neighbor. He is not saying that it is impossible, but they
22 have to think a little bit, he just doesn't like a blanket ordinance. He said that is about all he has.

23
24 Mr. Elwell thanked Mr. Schluter and asked if there were any questions from the Board or staff for this
25 witness. Seeing none, he thanked Mr. Schluter and called Darrel Rice to testify, but seeing that he had
26 already testified at the last public hearing, he then called Mr. Hartke to testify, but seeing that he was
27 absent and still had hopes to attend the meeting, he then called Aaron Fenter to testify.

28
29 Aaron Fenter, 2140 County Road 700 North, Sidney, said that he appreciates the Board taking their time
30 to consider his thoughts and comments. He said regarding the height limitations, the only explanation he
31 caught off the last meeting about they would even consider changing that to unlimited is that they don't
32 want to review it again, again, again, and again. He said that his contention with that would be that
33 reviewing the policy as times and technology change is kind of the job of the P & Z Department and he
34 doesn't see any justification for even going unlimited. He said that it seems to him that as things change
35 they should review them periodically – he doesn't see any justification for that. He said to put that into
36 perspective, the tallest building in Champaign-Urbana he believes stands at 267 feet tall and is 309 Green
37 Street. He said if anyone goes down there and stands, that is a big building; now if you doubled that and
38 then made the whole top of it move that is something to behold. He said they should definitely consider
39 that, he says that to say that 500 feet tall is a lot and he doesn't know why they would go over that yet and
40 he doesn't even know why it is limited at that right now to be honest, but that is a different point. He said
41 skipping over a couple points to reduce redundancy, one thing he hasn't heard as many people as he
42 thought mention is property values; he thinks it is nearly inarguable that property values go down if
43 someone is in or near the footprint of a wind farm. He said that they got the benefit of several of these
44 coming in within five or six surrounding counties and they know what happens. He thinks that fact alone
45 the Board should take into consideration, and they are supposed to be representing them – the residents.
46 He said the fact that making this ordinance easier for the wind farms is definitely going to give them a
47 negative effect. He said that the public said a lot of good stuff tonight and took away most of his points,
48 and he would say those two are what he had left. He said he really appreciates the Board considering it
49 and if they change the ordinance, he thinks they should probably go to something more closely resembling

1 what Livingston County has with the six times multiple seems reasonable to him. He said that the multiple
2 they have if he understands it right is at 500 feet they could actually reduce it slightly. He said that is what
3 he had to say.

4
5 Mr. Elwell thanked Mr. Fenter and asked if there were any questions from the Board for this witness.

6
7 Mr. Anderson said this manuscript that they distributed last meeting is a collection of decreasing property
8 values, it comes up to 8.3% on the average.

9
10 Mr. Fenter said that he has not perused that, so he is not familiar with it and asked if he was saying that it
11 does diminish the property values.

12
13 Mr. Anderson said yes, and he needs to get a copy of this and spend some time with it.

14
15 Mr. Fenter asked where he could obtain that.

16
17 Ms. Burgstrom said she could see what she could do, she doesn't know which one Mr. Anderson is
18 referring to.

19
20 Mr. Anderson said how to farm...

21
22 Mr. Herbert said he doesn't have enough paper.

23
24 Mr. Wood said it is a manuscript on Dewitt County and a review that was done there, and the estimate
25 was somewhere in the neighborhood of 7 to 9% reduction, but there is a lot of information in there and it
26 is a really thick manuscript.

27
28 Mr. Fenter said he hasn't taken the time to put together his own evaluation of that, but like he said, he
29 thinks it is pretty much inarguable that it does go down, to what number he is not going to attest to that.

30
31 Mr. Elwell told Mr. Fenter that this past weekend he was in Springfield for a capital conference because
32 he is a real estate agent. He said that he was looking at the National Association of Realtors and specifically
33 looking at property value, because property value for his profession is really important. He said he would
34 be more than happy to send him this particular article, but it was cited on the National Association of
35 Realtors Website. He thinks it was referring to the University of Illinois in 2014, that in 2010 in Illinois
36 there were 3,851 transactions and the findings of this said there were no long term impacts, and it was a
37 hydatic hedonic analysis, so he could only imagine that was the statistics that they used and that the
38 reliability was high.

39
40 Mr. Fenter asked if he was talking about real estate transactions of residences in the footprint of a wind
41 farm.

42
43 Mr. Elwell said that it was his understanding of the study and it was multinational including United
44 Kingdom, Canada, Australia, and United States. He said the one in the United Kingdom was in 2014 and
45 there was over 1 million transactions in the findings of no impact; it was a regression analysis, and the
46 reliability was high. He is not saying this is the honest to God truth, but he also doesn't think they can say
47 that there is a huge impact on a property value.

48
49 Mr. Fenter said that again, he believes that it is inarguable, but Mr. Elwell has proven him wrong. He said

1 that in Illinois he thinks the surrounding counties, from what he has personally seen, and again he hasn't
2 taken the time to compile a list and maybe between this meeting and the next meeting he will do so, there
3 is probably 4 or 5 different wind farms and counties that range in ages from 3 to 25 years old. He said that
4 there is data here and he is sure they could figure it out, but he doesn't think people want to buy a house
5 in a wind farm.

6
7 Mr. Elwell said thank you.

8
9 Mr. Fenter asked if there were any other questions.

10
11 Mr. Elwell thanked Mr. Fenter and called Adam Watson to testify.

12
13 Adam Watson, 1590 County Road 400 North, Philo, thanked them for taking the time to hear all of their
14 testimony tonight. He said that he has a lot of concern for the changes being proposed for the wind farm
15 ordinances. He said the change from 500 feet tall to unlimited height seems to be a bit irresponsible, and
16 with the amount of change and uncertainty with the direction of wind energy he feels there needs to be
17 limits on height; if 500 feet tall has been working then why not keep it. He said in the December 9, 2021
18 ELUC meeting, Eric Thorsland spoke of current height limits regarding the wind farm that has 30 towers
19 in northeast Champaign County and stated that the county has not received a single noise complaint – that
20 sounds like a great win. He said the part he questions regarding no noise complaints is if the houses that
21 are near the towers and are around that 1,000 foot distance away, if there are any participating dwelling
22 owners within that and participating dwelling owners have invested interest typically in the wind tower
23 and would not complain. He would like to know if a nonparticipating dwelling that is within the 1,000
24 feet has signed a good neighbor agreement and is not willing to complain based on being paid off in a
25 contract – he thinks that is a fair ask. He asked if Champaign County has had any studies done by any
26 company that is not sponsored by or hired by a wind company to review any of the wind study effects that
27 can happen in Champaign County – is that a question that can be answered.

28
29 Mr. Hall said no, there has not been.

30
31 Mr. Watson asked never.

32
33 Mr. Hall said that he doesn't know exactly what he is asking about.

34
35 Mr. Watson said height limits and noise levels.

36
37 Mr. Hall said the County hasn't spent any money asking a consultant to review any of that, no, if that is
38 what he is asking.

39
40 Mr. Watson said yes and asked if that is something that the County has ever considered doing.

41
42 Mr. Hall said that he asked the County Board to spend money for consultants to help them review the
43 California Ridge Wind Farm and they did not do it.

44
45 Mr. Watson said so no.

46
47 Mr. Hall said that the County Board didn't do it then and it's 12 years later now, but he really wouldn't
48 expect them to spend money again. He said that his experience from that time was he won't ask again,
49 because they said no. He said Mr. Watson could go to the County Board and ask them to hire and spend

1 money on consultants for wind farms – he might have better luck than him.

2

3 Mr. Watson said he might try.

4

5 Mr. Hall said good.

6

7 Mr. Watson said that his family’s home is the safety zone for his family, and it is where they can relax,
8 sleep soundly, and gather with friends and family. He said that he feels their county should be the most
9 concerned about the health and safety of its residents. He said why take the chance of ruining the ability
10 for a family to call their home a safe place with changing the height restrictions and the distances. He said
11 on the distances themselves on how far back, he feels like they are too lenient now and if there is
12 information out there like what Mr. Anderson has and there are studies that are being done that could place
13 a residence in a zone outside of any known area that they are going to feel a vibration, noise, or anything
14 like that – he thinks that needs to be considered. He said to not have any sacrifices that homeowners have
15 to have whether they are in favor of them or not to be able to have a kid get off the bus and go in their
16 house, and not have to dread going home after school just because of what a vibration could do to the
17 mental health of a kid or adult even, he thinks that really needs to be taken into consideration. He said
18 moving on to the aircraft lighting of Section 6.1.4 (R.) in the document he believes; he is in agreement
19 with needing to use aircraft detection lighting systems and he is not an expert on them, but he thinks
20 anything they could do to help increase the safety of the airplanes in the sky is much needed. He said as
21 the Board moves toward a recommendation to ELUC, please consider these concerns; the health of
22 Champaign County residents should be at the top of the list of concerns and he feels like safety of
23 someone’s own home should not be compromised by a lack of knowledge about the true effects of
24 windmill noise and light flicker, the Board owes it to the residents of Champaign County. He said changing
25 rules just because of what wind farms tell them they want is not a reputable way to propose changes –
26 thank you.

27

28 Mr. Elwell asked if there were any questions from the Board or staff for this witness.

29

30 Mr. Wood said that there are several articles here that were included in the packet they received at the last
31 meeting if he is interested that involve the health effects on human beings and of course there are enough
32 wind farms around now at this point in time that they ought to have some and get some good information
33 about those overall effects - more good reading material he is sure Ms. Burgstrom would be happy to copy
34 him on it.

35

36 Mr. Watson said thank you.

37

38 Mr. Elwell said thank you sir. He said that he just wants to thank everyone for allowing the opportunity
39 for people who didn’t have an opportunity to speak last week to speak this week – very much appreciated.
40 He asked if there was anyone else that has not spoken tonight that would like to speak. Seeing none, he
41 went back to the beginning of the Witness Register and called Mr. Stephen Smith to testify.

42

43 Stephen Smith, 454 County Road 2400 East, Broadlands, said he would like to thank Mr. Anderson for
44 serving their country and also for not covering up that study about the setback distance of 1.5 miles – it’s
45 much appreciated. He said that he had looked up the FAA regulations on the lighting, that was one of the
46 things that was supposed to be discussed tonight and according to FAA Publication AC70/746-1M
47 Chapter 2., Section 2.1 says, “Any temporary or permanent, including all appurtenances, that exceeds any
48 obstruction standard contained in 14 CFR Part 77 or an overall height of 200 feet (60.96m) above ground
49 level (AGL) should be marked and/or lighted.” He said that one of the things he would like to recommend

1 would be keeping these windmills under 200 feet if they do put them in the area, that would reduce
2 harmful, environmental, and aesthetic impact, and it would also keep from the shadow flicker occurring,
3 which affects homes. He said that it would be a simple matter; by reducing that height, it reduces the area
4 that the shadow flicker affects. He said that is all he has to say tonight.

5
6 Mr. Elwell thanked Mr. Smith and asked if there were any questions from the Board or staff for this
7 witness. Seeing none, he called Dirk Rice to testify.

8
9 Dirk Rice, 1752 County Road 800 North, Philo, said he would like to start out by thanking the Board for
10 the time they spend here, he has spent all his adult life on volunteer boards, and he understands that it can
11 be frustrating at times when they feel like people don't appreciate the time that they are giving up and
12 commitment, and he understands that the Board is here to make a judgment, recommendation, and nothing
13 more. He said that main thing he wants to talk about is science; one thing through the whole COVID
14 pandemic that they got hammered with was science, they should believe in science, they don't want to be
15 a science denier, they need to trust the science, and they need to trust the people that know how to make
16 the science. He said that as he looks at the proposal for these changes in the regulation, there is no science
17 behind it. He said the numbers they had back when the California Ridge Wind Farm was done, that was
18 the best information they had at the time and there is a lot of new information that says those numbers are
19 nowhere near what they need to be, and he is very aware that many of them have spent time educating
20 themselves on this; that makes him feel good and hopeful. He said that he hopes the Board can continue
21 to look at that and to consider there is a lot of science out there that says they know a lot more about these
22 windmills now, and the setback and height requirements are very important. He said the company that is
23 proposing to place towers in his area now, the people will be signing a 50 year lease with option of two
24 20 year extensions, so this could be a 90 year decision; consider that when they are making their
25 recommendation, that this is something that could affect their area for a minimum of 90 years. He said the
26 only other thing he wanted to talk about was when they talked about property values, he is sure he could
27 come up with studies that show that these things kill their property values; if they are for them he has little
28 doubt that they could come up with a study that says they don't hurt their property values at all. He said
29 he doesn't know the answer to this, but people that live up in the California Ridge Wind Farm area he
30 thinks the ultimate test would be if there have been any new houses built in the footprint of those windmills
31 since they went up. He said that he suspects he knows the answer to that, but he would love to hear from
32 people up in that area who could tell us if there has been any new construction happen, because if there
33 hasn't then that kind of tells them – to him that is the ultimate arbiter of what is actually happening; do
34 people want to live there or not. He said that there are new houses going up around him all the time, there
35 are a lot of people that want to move to the country, but if they are not moving to where they are going to
36 be under a windmill, then that kind of tells him what the future is for the areas that a wind farm moves
37 into their area – thank you.

38
39 Mr. Elwell thanked Mr. Rice and asked if there were any questions from the Board or staff for this witness.
40 Seeing none, he called Mr. Charlie Mitsdarfer to testify.

41
42 Charlie Mitsdarfer, 1587 County Road 300 North, Tolono, said like Mr. Rice had said, he thinks mostly
43 everything he wanted to say has been said already, but just for the sake of making sure it hits home how
44 important it is to everybody here. He said there is some folks that have mentioned green energy or being
45 environmentally friendly and all that, but the Board is looking at a room full of the best stewards of the
46 land they'll ever meet in their life, right behind and on the sides of him – everybody. He said no matter
47 what practice they employ they all have to look at the future, they are all trying to make sure it is there for
48 future generations, so he thinks they are all here for the right reasons: to protect their livelihood, family,
49 history, progeny, and however they want to look at it – looking forward and backwards. He said that he

1 has a couple concerns with the Agriculture Impact Mitigation Agreement, and he agrees that it is
2 important, but he has a lot of reservations about how it is going to get enforced. He said that right now if
3 his understanding is correct, it is on the state level as far as they are concerned in this county, right.

4
5 Mr. Hall said yes.

6
7 Mr. Mitsdarfer asked if they turn it over to the county, who was responsible for enforcing that on the
8 county level.

9
10 Mr. Hall said he said the State will continue to do what they do. He said what is proposed is that it would
11 also become a local regulation and they could enforce it as well.

12
13 Mr. Mitsdarfer asked him what benefit that gives them; they could do it locally, but will there be an entity
14 in place to do that.

15
16 Mr. Hall said their department.

17
18 Mr. Mitsdarfer said okay, and the manpower is there if they increase wind turbine generation in this
19 county.

20
21 Mr. Hall said the manpower there is not unlimited, but they would follow up if they got a call.

22
23 Mr. Mitsdarfer said okay, that is kind of hitting home because they are talking about Best Prime Farmland
24 and Dennis Riggs had already mentioned how it is never going to get back to where it was before no
25 matter what. He said that they were looking at land values and it came up as well if they take 80 acres and
26 they throw a 0.25 mile easement into it to stick a wind turbine in the middle of that field, it has to get there
27 somehow, it is probably not just going to be that easement where the gravel roadway is put that will never
28 come back to where it was. He said he knows the mitigation agreement states that they would fix field
29 tiles, compaction of soils and they would never be able to fix that completely, returning topsoils as they
30 belong that seems like a little bit of a gray area, but he has not read the entire policy so he doesn't know
31 what that actually means if retuning the topsoil just means putting it on top or if it is bringing in enough
32 to make it close to what it was previously – so he is worried about that. He said that they are also talking
33 about roadways, and he knows that is not under that purview, but that is how the wind farms get to each
34 site. He said that if the Board does go down to Douglas County and that has come up a couple of times
35 already, he thinks they just approved \$12.5 million dollars to fix all that if he is not mistaken, but he can
36 try to get a number for the Board by next meeting, but he knows it is over \$12 million. He said man that
37 is a lot, and it is worth a lot less in today's dollars than it was when they started, and it is only going to get
38 worse. He said those are some concerns and he is also worried about drainage, he has some reports he can
39 send the Board, he hasn't read through them all or emailed them in time today. He said there are some
40 studies up in Ontario, Canada where a wind farm is located in Chatham-Kent, it was originally installed
41 by Pattern Energy, but he will have to see if it has changed hands by now or not. He said that they had a
42 lot of problems with wells and quality of water up there where there is a lot of sedimentation going on in
43 shallow, deep aquifers, and dug wells. He said that what happened there is the vibrations of both
44 construction and the wind turbines in action afterwards basically shook sediment loose within those
45 aquifers and wells and slowed the flow or basically sent more sediment through the well to the source, so
46 they would have to empty the filter in the house for example or actually stop them up completely; he
47 would be happy to send those articles to them just for reference if they would like – that concerns him. He
48 said that what they noticed in that construction was when they were putting the pilings in for some of
49 those bases, they were able to affect drainage straight into the ground water, so everyone behind him

1 knows that is a big concern, right. He said that they already have their hands tied a lot of times if they are
2 within 50, 100, and 300 feet of a well for spraying chemicals on their fields and they have to be good
3 stewards about that. He said that he can only imagine what that is going to do if they have a wind turbine
4 in the middle of a field, then what would their setbacks be for spray applications, so that is a concern to
5 him as a producer; that is something to think about as well. He said that he does agree with most everyone
6 that has talked about setbacks that what is already prescribed is not enough for all the reasons stated
7 already. He said one of those also being how they define that, he really thinks they should go to the
8 property line, not just a dwelling, because if that were the case he would pitch a tent on every corner of
9 every field he owns and there is his dwelling. He said what if he is working ground at the back of the field
10 and he is .75 miles away from a road where a wind turbine on the other end of that property, dwelling, or
11 whatever it is; he is still in the damage path perhaps if one of these wind turbines fails, so he really doesn't
12 think there is a safe distance between their square miles, that is just his personal opinion. He said that they
13 also talked about property values, and he will have to bring more information next time if they have
14 another meeting, but he was looking at the online resource of the Champaign County Plat Maps the other
15 day; he went up by the California Ridge Wind Farm to just look there to see what was going on. He said
16 that if they have looked at the plat maps lately, they could get online to the online GIS portal, or he is sure
17 a current plat map would have the California Ridge Wind Farm on there. He said that there was one he
18 was looking at in particular in Compromise Township, he thinks it is the 40 or 60, but he can't remember.
19 He said that easement is actually a separate parcel number as far as tax purposes go and he doesn't know
20 about them, but he has never seen an easement between a neighbor's field that has its own property tax
21 bill and parcel number, and he would really like to have some information on that. He said that he doesn't
22 know all of it and would have to look into it, but he would be happy to report back to them what he finds,
23 that was just off the County website. He said that on that particular parcel he looked at, he thinks it was
24 0.34 acres they said, that was enough of an easement to get back to the wind turbine off the main road in
25 the middle of this person's field. He said that it really concerns him that there is a separate PIN number
26 for that, and he really doesn't like that idea, and who is the owner, right, but on the tax bills it actually
27 listed the California Ridge Wind Energy LLC itself as the taxpayer in care of Peter J. Crossett, Esquire
28 Barclay Damon LLP Syracuse, New York. He said since 2013 it changed hands a couple different times,
29 a couple of them were still California Wind Energy LLC, and a couple of them he would have to get to
30 them next time, because he doesn't have it printed off, sorry, he ran out of paper. He said it not only
31 changed entities but also location and he is pretty sure Chicago was in there, and more recently it has a
32 local address in Fithian, Illinois, but addressed to the California Wind Energy LLC, so that is who gets
33 the tax bill. He doesn't know what kind of lease they have or what happened there, but he couldn't imagine
34 that someone actually sold him that piece of ground; from what he has all heard it has been leases – he
35 could be wrong. He said when they are looking at property taxes for that exact little 0.34-acre easement
36 there, if they look at 2013, the taxable value of that piece of ground was \$223,040 and in 2020 it had gone
37 down every year but one, and it went down to \$180,040. He said that was the wind turbine easement itself
38 for where the actual structure sits and that value has gone as far as taxable value. He said if something
39 else goes into that, that he doesn't know behind the scenes, he has no idea if there was a cut or break, but
40 that is the taxable value. He said that the tax rate has also gone down over that time occasionally and that
41 could be fire districts or school boards, he doesn't know, but it's hovered around that 8.1% to 8.4%. He
42 said that even on that structure, the value is going down; what does that tell them about those structures,
43 they are going down in value. He said what does that mean about the surrounding farm ground dwellings
44 or whatever; he thinks it is worth looking into a little bit more and he would be happy to do a little bit of
45 leg work on that for them. He said the tax bills have gone down considerably as well, so not just what the
46 estimated value was, but the actual taxable bill that they have to write the check for has gone down over
47 \$4,000 on 0.34 acres in the last 7 years; he asked if they liked that kind of reduction in taxes, then stated
48 him too, but not at the expense of the value of his farm ground. He said that he wanted to mention that
49 and put it out there, he said he would do a little bit more leg work for them, but just something to think

1 about, and why that happened he doesn't know, but he is going to ask.

2
3 Mr. Hall said that he believes that is all required by the state and the Supervisor of Assessments, Paula
4 Bates, could help him understand better what is going on there, because she knows a lot more than he does
5 about that.

6
7 Mr. Mitsdarfer said he would be happy to find out, and thanked Mr. Hall.

8
9 Mr. Elwell asked if there were any questions from the Board or staff for this witness. Seeing none, he
10 thanked Mr. Mitsdarfer and called Justin Leerkamp to testify.

11
12 Justin Leerkamp, 548 County Road 1900 East, Sidney, said that he would like to first speak on the
13 Agriculture Impact Mitigation Agreement in addition to the zoning. He said Mr. Mitsdarfer pretty well
14 covered the enforcement questions that he had, but going into it a little bit deeper, and Mr. Wood
15 referenced it earlier. He said that out of all the things that he has researched and read over the last 3 or 4
16 weeks in preparing for these meetings this was the easiest to read; it was 12 pages and maybe it is his
17 background as a farmer, but a lot of the things made the most sense to him in it versus some of the zoning
18 that they are all more fluent in than he is. He said that getting into the Agriculture Impact Mitigation
19 Agreement, generally he thinks it is good and he supports it, and he would like to see it added to their
20 county zoning, because there is a lot of good items in it to protect their land like the drainage that they
21 have already talked about, how construction debris is removed, rocks that have been dug up, and a lot of
22 things that property owners and farmers would be concerned about. He said that he knows it had a lot of
23 impact at the state level rather than impact from various farm organizations, so generally he thinks it is a
24 good thing to be added. He said that he does have concerns about these requirements that are laid out in
25 this agreement being enforced and not just at the county level, but the state level as well; he feels that both
26 agencies are short of staff that would be required. He said that he wanted to read one segment to try to
27 illustrate why he would have that concern of these things being enforced. He said that number 9.
28 Construction During Wet Weather from the Agriculture Impact Mitigation Agreements says, "Except as
29 provided below, construction activities are not allowed on agricultural land during times when normal
30 farming operations, such as plowing, disking, planting, or harvesting, cannot take place due to excessively
31 wet soils. With input from the landowner, wet weather conditions may be determined on a field by field
32 basis." He said the two exceptions talk about prepared services where topsoil has been removed and the
33 other one on unprepared services is only when work would not result in rutting, which results in a mixture
34 of the subsoil and topsoil. He said that it does go on to say that it could be approved with consulting the
35 landowner or the tenant. He said that is a pretty strong statement, he thinks it is needed, and he thinks it is
36 a good statement, but a 0.50 inch of rain would stop his harvesting operations, and a 0.25 inch would stop
37 his planter. He said often in the small area that he farms of 15 miles one end to the other from east to west
38 and north to south; he might have rain on one end and not on the other or rain on half of the field and not
39 the other, because the weather in Illinois is very unpredictable. He said that he has never seen a contractor
40 stop for wet weather, and a few years ago when the additional high tension powerline was added between
41 Sidney and Bondville, they were pulling concrete trucks with large dozers. He said there was nothing
42 anywhere near this type of respect given to the farmland and he applauds the effort to add this, and he
43 thinks it is a huge task to try to enforce and that is not to say not to add it, but he feels like it is a huge
44 burden to try to do. He said that he doesn't expect the P & Z Department to watch the weather to know
45 how much it rained, call him up and say hey Justin how much did it rain and is construction okay or not;
46 they are going to rely on him to report that or whatever landowner. He said the reality is those construction
47 companies are there to do a job in a timely manner and move on to the next. He said that if it is not
48 enforced, then where does negligence fall and obviously the Department of Agriculture or the P& Z
49 Department can't enforce a problem that they don't know about, so there is burden on the landowner as

1 well and he thinks that is important to remember. He said that he has one suggestion on how to help
2 enforce that; part of their text amendment is the fee increase and Mr. Hall spoke in the January 2021 ELUC
3 meeting about the fee increases when he presented it there, and Mr. Hall had said that generally as a rule
4 that Champaign County does not have the highest fees compared to other counties, not the lowest, but
5 generally the middle of the road. He said that he doesn't want to take Mr. Hall's words out of context, but
6 he thinks that was the sentiment, so a similar approach was applied here, and he would argue that they
7 could be bold and let's have higher fees. He said in often cases they have valuable or more valuable land
8 than comparable counties, so he would say raise the fees extraordinarily high and then set aside a portion
9 of those funds to control the Agriculture Impact Mitigation Agreement, other burdens on the P & Z
10 Department, and the remainder could go to the county. He said he would think a portion of whatever fee
11 structure that they have, and he realizes maybe that is not up for debate where the fees go, but they should
12 definitely consider adding the fees back to help control the problem that this could potentially create. He
13 said that if they could take the fees and hire an independent contractor to come in during the construction
14 periods, something on that order should certainly be looked at. He said that moving onto the lighting
15 segment, generally he agrees from his perspective it is probably a good thing; they heard from an
16 agricultural pilot tonight and he knows way more about what is safe for planes than he does. He said that
17 he would not like to look at the blinking lights at night, but if it is not safe, then a pilot is in trouble or has
18 an accident and loses their life that is not worth it to anybody. He said that he did do a little research on
19 where they kick in and he is not sure he has the right answer, but it looked like he saw a 1,000 feet
20 minimum and 3 miles out was when the lights would come on, that is one thing he read, but that doesn't
21 mean it is true. He said the FAA does have final approval on an individual wind turbine basis for the lights
22 and he lives southeast of Willard Airport where the planes come in often times fairly low making their
23 turn to line up for the ILS approach. He said the jets are fast, but the prop planes are quite a bit slower,
24 but they are coming in fast and low, and he would expect that the planes would be within that minimum
25 fairly often for the jets planes to come in, and how many of them are at night he doesn't know. He said
26 moving on, he did a little bit of reading on the Champaign County's Land Management Resource Plan of
27 when it listed out the uses of agricultural for their county and how they are going to protect those. He said
28 that Goal 4, Objective 4.1, Policy 4.1.1 in Volume 2. of the Champaign County LMRP it says,
29 "Commercial agriculture is the highest and best use of land in the areas of Champaign County that are by
30 virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land
31 uses except under very restricted conditions or in areas of less productive soils." He said keeping that in
32 mind it obviously does allow for those other uses, but only under the very restricted conditions, so he
33 doesn't think they have to feel bad about having good solid and restricted zoning, because that is what the
34 County has laid out. He said to try and keep in mind what the best use, most profitable use, and productive
35 use of their valuable land resource. He said he understands the decommissioning is not under current
36 review and referred to Mr. Wood asking a question two weeks ago at the last public hearing, and Mr. Hall
37 talked about the escrow account that is currently at \$3 million, and the payments have been made on time
38 was his understanding. He said that \$3 million, with 30 wind turbines currently in Champaign County,
39 they are talking about a \$100,000 per wind turbine for decommissioning.

40
41 Mr. Hall said that he forgot to mention that there is also about a \$1.5 million letter of credit that they are
42 still converting.

43
44 Mr. Leerkamp said the letter of credit is above and reduces as the escrow account raises and asked if that
45 was right.

46
47 Mr. Hall said yes.

48
49 Mr. Leerkamp said he thought that is what he read.

1
2 Mr. Hall said they are still in the process of converting it all to an escrow.
3
4 Mr. Leerkamp said the current goal that is reviewed by the engineer is \$4.5 million if they add those two
5 together for decommissioning.
6
7 Mr. Hall said he thinks it is around \$5.5 million.
8
9 Mr. Leerkamp said \$5.5 million, okay, so that would raise it to \$150,000 to \$200,000 per wind turbine for
10 decommissioning. He said that he guesses he would like to see the math on that, he doesn't know, those
11 cranes are big, and he thinks that they have to be awful expensive to come in and take them down. He
12 asked if that report was publicly available, is it just submitted to the County, or how does that work.
13
14 Mr. Hall said that it is due to be reviewed next in January 2023 for the next update.
15
16 Mr. Leerkamp asked if they were moving to every two years now, is that right.
17
18 Mr. Hall said he thinks they will after this year, they are still on the 3 year renewal at this point.
19
20 Mr. Leerkamp said the 3 year initial phase, okay, but is that report available to see when it comes out and
21 asked if it was publicly made at all.
22
23 Mr. Hall said sure, it is reviewed at ELUC.
24
25 Mr. Leerkamp said okay it is, he will look for that next time. He said that he doesn't support an increase
26 in height, and he doesn't feel their current setbacks are large enough. He said that Mr. Hall talked in ELUC
27 about how he came up with the formula; he doesn't support the formula, but it is on the agenda, so they
28 need to talk about it. He said to start at 500 feet tall wind turbine and 1,200 feet setback to get the 2.4 ratio,
29 but he also mentioned that in practice none of those wind turbines in California Ridge Wind Farm were
30 actually at the 1,200 feet setback to a primary residence, so in practice they have been further back. He
31 said that he did a little Google Earth survey and this little measuring tool, not scientific by any means, but
32 to try and determine what that number was, and it was really hard to tell. He said that you get up in that
33 part of the county and it is hard to tell, and he is not as familiar there as he is in his area. He said that
34 where the Vermilion and Champaign County line is and in general he thinks the Vermilion County wind
35 turbines looked closer to residences versus the Champaign County ones. He said it did look to be that the
36 wind turbines setbacks were further than 1,200 feet, maybe a 1,500 feet setback might be an average for
37 the wind turbines that were close and the ones that were further might have a 2,000 feet setback or more;
38 if they had further information he would listen, because he doesn't know what that actual real number is.
39 He said when he thought about the formula and where they started from his thought was they should start
40 from what that actual number is rather than the minimum setback. He said if the wind companies aren't
41 putting wind turbines as close as they allowed 10 to 15 years ago and asked why they would allow them
42 to start with that formula; let's start with what they are really using and run their formula from there. He
43 said that he doesn't think that is enough for what they know today, he thinks that was probably good
44 zoning at the time, but they have a lot more information available today. He said that he would like to see
45 the property values and asked Mr. Elwell if he was going to have that survey available from 2010.
46
47 Mr. Elwell said absolutely.
48
49 Mr. Leerkamp asked if he remembered off hand what the average price was for those houses in that survey.

1 Mr. Elwell said the heading just said year, organization, geography, transactions, findings, methods, and
2 reliability.
3
4 Mr. Leerkamp said okay, and that was backed by the Realtor's association.
5
6 Mr. Elwell said this was all from Median.com, but it was referenced in the National Association of
7 Realtors. He said that he would be more than happy to get him that survey.
8
9 Mr. Leerkamp said that not unlike wind farms that the Realtors have the best of interest in higher property
10 values and home values, so he thinks they would find studies on both sides of the issue.
11
12 Mr. Elwell said sure.
13
14 Mr. Leerkamp said depending on the backing and the agenda of the organization. He said that is all he
15 has, and he would take any questions.
16
17 Mr. Elwell asked if there were any questions from the Board or staff for this witness. Seeing none, he
18 thanked Mr. Leerkamp.
19
20 Mr. Leerkamp said thank you for their time and he appreciates it.
21
22 Mr. Elwell called Mr. Phillip Luetkehans to testify.
23
24 Mr. Luetkehans stated he was probably going to speak more than 15 minutes and he was going to be back
25 again for the next public hearing, so maybe there are other residents that would rather speak tonight.
26
27 Mr. Elwell said that they roughly have 13 more minutes left of the meeting.
28
29 Mr. Luetkehans asked if they should get a number of people in to speak because he is going to have to
30 come back.
31
32 Mr. Elwell said that they were not going to be able to come to a conclusion tonight.
33
34 Mr. Luetkehans said if they wanted him to wait he is happy to do that, that is all he is trying to say.
35
36 Mr. Elwell said okay sounds good. He called Mr. Donald Carter to testify.
37
38 Mr. Donald Carter stated that he was going to yield to the next person on the list and stand on his previous
39 testimony.
40
41 Mr. Elwell said thank you sir. He called Mr. Darrel Rice to testify.
42
43 Darrel Rice, 726 County Road 1800 East, Philo, said he wanted to thank the Board for their service to
44 their community and it is very much appreciated. He said that there are a lot of unpleasant things that they
45 have to do in their lives sometimes and he bets they are getting tired of hearing about wind farms, but to
46 them it is a very personal thing, because they are talking about their homes, so if they get a little bit
47 passionate then please forgive them, but this is really close to their hearts and it is going to affect them.
48 He said like his cousin Dirk Rice said, for the next 90 years plus six years of them with options upfront,
49 so they are talking about the next 96 years for multiple generations in their families. He said that he

1 appreciates the Board being willing to hear them out and serve their community. He said that he was going
2 to talk to them tonight about water quality, shadow flicker, and general health issues, but he thinks the
3 Board has heard on all those items and he knows they have reference materials in front of them that they
4 have made note of. He said that he would like to spend a little bit of time describing to the Board from a
5 personal sense of this on why this is such a personal issue to them. He said that in their part of the county
6 they got a wind farm actually knocking on their doors, and it's not the California Ridge Wind Farm. He
7 said it is one from 200 to 900 North and from 1600 East clear over into Vermilion County. He said they
8 have had people come and present easements to them and requesting them to sign up. He said that they
9 believe that they are checking in more closely with absentee landowners and that makes sense, because
10 those are the people most likely and willing to sign up because it is not going to affect them personally.
11 He said that there are a lot of farmers back behind him tonight that have land in that footprint that haven't
12 even been contacted, because it makes sense that the farmers would be more likely to have a negative
13 viewpoint of this whole thing. He said that this could actually go in place without the people that live there
14 even supporting it, and that is why they have come to the Board for a desperate plea, because the Board
15 are the ones that can help them out with this and there is only so much they can do for themselves. He said
16 if that does happen and there are enough absentee landowners or present landowners that give the green
17 light to this and they do end up living in this footprint, they ask the Board to give them the best possible
18 restrictions to that to ensure their lives are the most pleasant they could have living within this footprint.
19 He said that means lower height limits and larger setbacks, and Mr. Anderson's viewpoint of 1.5 miles
20 seems too good to be true, but at least don't lessen the setbacks from what they are, and they really would
21 encourage the Board to increase the distance as much as they can, because height limit and distance is
22 what restricts these things like health issues, shadow flicker, and water quality. He said that if the Board
23 could get setbacks from those windmills far enough, it reduces the effect on the property owners, not the
24 landowners if they are absentee. He asked if the Board understood that they are having people that don't
25 live here make these decisions for them to a large extent. He said that is why they all have to plead to the
26 Board, because it won't be them signing up for these contracts with this wind company. He said that he
27 would really encourage the Board if they haven't to go down to Douglas County or at least look on
28 YouTube and Google shadow flicker and watch a video of that for several minutes; and they will watch
29 that shadow coming by the window of a house, and someone couldn't avoid that if they were anywhere in
30 that room whether they were looking outside the window or not. He said that it is just every few seconds
31 that they would see that shadow flicker and it would drive them crazy just watching it on YouTube, but
32 he would encourage the Board to drive down there, park their car, and shut it off so they can hear it, and
33 just observe what that is really like, and imagine what it would be like living in that 24 hours a day and
34 365 days a year – he just really asked them if they would be willing to do that. He said go down there and
35 check it out, he would think at least the culverts would be part of the Agriculture Mitigation Agreement,
36 because that is on road easement right-of-way, so he would hope those would be part of the Agriculture
37 Mitigation Agreement that the Board is considering, because they are just a mess down there and affect
38 the drainage of the water from the fields to the ditches. He said that he would just like to leave the Board
39 with they are here to ask them for their help, because they are their advocates in this and they can't do this
40 themselves or they would. He said that they would like to say that enough of them won't sign these
41 contracts so this thing will just go away, but if that doesn't happen and people decide to force, and he is
42 still talking about absentee landowners, the Board are the ones that would make it more tolerable for them,
43 so they would appreciate very much if they could consider that and do what they can for them – thank
44 you.

45
46 Mr. Elwell asked if there were any questions from the Board or staff for this witness. Seeing none, he
47 thanked Mr. Rice.

48
49 Mr. Randol asked him if he needed a 10 to 15 minute extension at tonight's meeting, he doesn't know

1 what his list is there.

2
3 Mr. Elwell said that Mr. Hartke is left on the Witness Register, and he has to be up at 3:30a.m. tomorrow
4 morning, and he needs to give his little girl a kiss on the forehead before he goes to bed.

5
6 Mr. Randol said that they would finish at 9:30p.m. tonight.

7
8 Mr. Elwell said that is what he was hoping – thank you. He called Ted Hartke to testify.

9
10 Ted Hartke, 1183 County Road 2300 East, Sidney, said that he prepared this slide and showed this to the
11 Ford County Board in January of 2019, and he hasn't changed it, that is why it still says Ford County's
12 flawed thinking that the IPCB noise regulations will protect citizens. He said that Dr. Paul Schomer was
13 a graduate student intern when the IPCB noise limits were created, and he does the wind farm noise
14 measuring. He said that Dr. Schomer was there when those limits were put in place and he has testified in
15 a lot of places, and throughout Illinois, and when the IPBC noise limits were created that wind turbines
16 were never imagined or fathomed. He said that when Dr. Schomer is asked about it he has always said
17 that using the IPCB noise limits are improper and should not be applicable for wind turbines, and the
18 reason for that is because of the low frequency noise content. He said that when Dr. Schomer was on that
19 as a graduate student and all the other PhD's were there working on this, included in this blue slide is a
20 2015 presentation from Dr. Schomer to Boone County and this was just one slide he picked out, and he
21 wants to point something out here. He said that the IPCB is only responsive to the first bullet point of this
22 list of items, and the first bullet point was annoyance, that is the only thing that the IPCB noise levels are
23 addressing. He said the IPCB noise levels do not address any health effects, sleep disruption, and those
24 items are the elements of the wind turbine noises – the infrasound and audible sound. He said the sleep
25 disruption is from both the audible and the infrasound; both pieces of it.

26
27 Mr. Elwell told Mr. Hartke that it was 9:30p.m.

28
29 Mr. Hartke said okay, and he thinks he could get this done in about 15 minutes.

30
31 Mr. Wood asked about how much more time would he need.

32
33 Mr. Hartke said 15 minutes and he would be done with this, and he just got one minute into it here, that is
34 why he said he would do it later if they wanted.

35
36 Mr. Elwell said that they are going to move this meeting to a different date.

37
38 Mr. Hartke said that he was willing to come to the next meeting if the Board wants to cut the meeting off
39 now – he's okay with that.

40
41 Mr. Elwell said okay sounds good.

42
43 Mr. Hartke said they would pick up right here at the next meeting.

44
45 Mr. Elwell said that he would have to sign the Witness Register.

46
47 Mr. Hartke said that is fine and he could do that; all understandable, just follow the rules and he is good.
48 He said he would see the Board in two weeks or whenever the Board decides the next meeting is – thank
49 you and have a good evening.

1 Mr. Elwell entertained a motion to move Case 037-AT-22 to the April 14, 2022 meeting.
2

3 **Mr. Roberts moved, seconded by Mr. Randol, to continue Case 037-AT-22 to the April 14, 2022**
4 **meeting. The motion carried by voice vote.**

5
6 **6. New Public Hearings**

7
8 **Case 042-V-22**

9 **Petitioners: Jeffery Gamboa and Carol Ghiselli**

10
11 **Request: Authorize a variance for a proposed 3.43-acre lot in lieu of the maximum allowed 3 acres**
12 **in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning**
13 **District, per Section 5.3 of the Champaign County Zoning Ordinance.**

14
15 **Location: An existing 3-acre lot plus 0.43 acre of a 140.84-acre tract in the Southwest Quarter of the**
16 **Southwest Quarter of Section 31, Township 18 North, Range 14 West of the Second Principal**
17 **Meridian in South Homer Township, commonly known as the residence with an address of 612**
18 **CR 2500E, Homer.**

19
20 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
21 the witness register for that public hearing. He reminded the audience that when they sign the witness
22 register, they are signing an oath.

23
24 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
25 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
26 show of hands from those who would like to cross-examine, and each person will be called upon. He said
27 that those who desire to cross-examine do not have to sign the Witness Register, but will be asked to
28 clearly state their name before asking any questions. He noted that no new testimony is to be given during
29 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws
30 are exempt from cross-examination. He asked if the petitioner would like to outline the nature of their
31 request prior to introducing evidence.

32
33 Mr. Jeffery Gamboa, 612 County Road 2500 East, Homer, Illinois, said he was here tonight because he is
34 the owner of the property and when he purchased the property in 2020 the original homestead that was
35 part of the 80+ acres or so that was split off to sell by Carol Ghiselli was 3.43 acres. He said that was grass
36 to grass, one side to the next, and he was hoping he could buy that, he thought that was what was for sale,
37 but there is the law of course that says someone can't have more than three acres on Best Prime Farmland.
38 He said that he went ahead and purchased the property because he enjoyed it, liked it, and wanted to have
39 it. He said that the Kilian family live across the street from him, they are really nice people. He said that
40 as time went on he spoke with Ms. Ghiselli and asked her if she would be interested in doing anything
41 with this 0.43 acres, and she came out, and they looked at it and she determined that they would never till
42 it. He said that one thing she liked about it was that there is a 75-foot-tall oak tree that her dad planted that
43 means a little something to her, that is in a mature tree line, and there is an existing well in that section.
44 He said that Bruce Block leases the adjacent farmland right there and they have been taking care of it, but
45 when he moved in he told them he would mow it, because it is a part of his yard. He said that the two
46 things they are trying to do when he applied for this variance was they wanted to go ahead and square the
47 east side property line where there is about a 70-foot indent. He said to improve tillage along there they
48 thought if they were going to do the variance let's go ahead and straighten that property line out. He said

1 that the second part of the request was to reintegrate the original farmstead’s south side to include the
2 mature tree line and the existing well; basically, that is what he is here for tonight.

3
4 Mr. Elwell thanked Mr. Gamboa, he referred to Attachment B, page 1 of 1, in the Preliminary
5 Memorandum, and asked him if he could describe parcel “A” and “C” to him.
6

7 Mr. Gamboa said that exhibit one is the Plat of Survey, so parcel “A” is currently a part of his property,
8 but parcel “C” is not. He said that parcel “C” is the parcel that has the existing well, mature trees, and stuff
9 like that, that is a part of the grass that went with the original homestead. He said that he is going to give
10 Carol Ghiselli parcel “A” and they are going to give him parcel “B”, that is going to square up that east
11 side, so that is all they are doing there with parcel “A” and “B”.
12

13 Mr. Elwell asked him if that was the indent that he was referring to.

14
15 Mr. Gamboa said yes.

16
17 Mr. Elwell said thank you, that helps. He asked him if there was anything else.
18

19 Mr. Gamboa said not unless the Board or Staff has other questions, he thinks that explains what he is
20 trying to do.
21

22 Mr. Elwell asked if there were any questions from the Board or Staff. Seeing none, he asked if anyone
23 else would like to cross-examine this witness. Seeing no one, he asked if anyone would like to testify in
24 Case 042-V-22. Seeing no one, he asked how the Board would like to proceed.
25

26 **Mr. Randol moved, seconded by Mr. Roberts, to accept the Preliminary Draft, Documents of**
27 **Record, and move to the Findings of Fact for Case 042-V-22. The motion carried by voice vote.**
28

29 Mr. Elwell said that he would be reading the Findings of Fact for Case 042-V-22 from Attachment F, page
30 8 of 9 in the Preliminary Memorandum, as follows:
31

32 Mr. Gamboa said that he didn’t have a copy of that with him.
33

34 Mr. Elwell informed him it would be on the projector screen. He entertained a motion to close the Witness
35 Register for Case 042-V-22.
36

37 **Mr. Randol moved, seconded by Mr. Roberts, to close the Witness Register for Case 042-V-22. The**
38 **motioned carried by voice vote.**
39

40 **FINDINGS OF FACT FOR CASE 042-V-22**

41 From the documents of record and the testimony and exhibits received at the public hearing for zoning
42 case **042-V-22** held on **March 31, 2022**, the Zoning Board of Appeals of Champaign County finds that:
43

- 44 **1. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the land**
45 **or structure involved, which are not applicable to other similarly situated land and**
46 **structures elsewhere in the same district because:**
47

48 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
49 structure involved, which are not applicable to other similarly situated land and structures elsewhere in

1 the same district because: the 1973 aerial of the farmstead shows it was approximately 4.75 acres there
 2 originally and included the south tree line. He said the current owner at that time was not able to buy the
 3 total acreage and had to settle for 3 acres.

4
 5 Mr. Elwell thanked Mr. Randol and asked if he agreed that squaring up this parcel would be easier for the
 6 adjacent farmer.

7
 8 Mr. Randol said that it would definitely be easier on the farmer with the size of today's equipment to not
 9 have to make those 75 to 100-foot offsets.

10
 11 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
 12 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
 13 **the land or structure or construction because:**

14
 15 Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the
 16 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 17 structure or construction because: without the variance, the petitioner could not add the 0.43 acres to the
 18 lot and save the mature tree line, therefore it would be more difficult for the farmer.

19
 20 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
 21 **result from actions of the applicant because:**

22
 23 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
 24 from actions of the applicant because: the 3-acre lot that the owner currently owns was created prior to his
 25 purchase of that property and he had nothing he could do other than to purchase the property as it was,
 26 and in order to make the changes by adding the mature tree line that they are talking about tonight, they
 27 would have had to create the variance anyway.

28
 29 **4. The requested variance {IS / IS NOT} in harmony with the general purpose and intent of**
 30 **the Ordinance because:**

31
 32 Mr. Wood said the requested variance IS in harmony with the general purpose and intent of the Ordinance
 33 because: the 3.43-acre lot would represent a very small change from the original 3-acre maximum area
 34 for only a variance of 14%. He said that no on the ground changes are being made so there is really no
 35 change in the tillable agricultural land there and the variance is not prohibited by the Zoning Ordinance.

36
 37 **5. The requested variance {WILL / WILL NOT} be injurious to the neighborhood or otherwise**
 38 **detrimental to the public health, safety, or welfare because:**

39
 40 Mr. Randol said the requested variance WILL NOT be injurious to the neighborhood or otherwise
 41 detrimental to the public health, safety, or welfare because: all the relevant jurisdictions within the
 42 township have been notified of this case, and no comments have been received back.

43
 44 **6. The requested variance {IS / IS NOT} the minimum variation that will make possible the**
 45 **reasonable use of the land/structure because:**

46
 47 Mr. Randol said the requested variance IS the minimum variation that will make possible the reasonable
 48 use of the land/structure because: the 3.43 acres will include the mature tree line along the south and it
 49 squares off the property making it more useable for the farming operation as well.

1 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**

2
3 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the
4 Findings of Fact for Case 042-V-22.

5
6 **Mr. Roberts moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of**
7 **Record, and the Findings of Fact for Case 042-V-22. The motion carried by voice vote.**

8
9 Mr. Elwell informed Mr. Gamboa that tonight they actually had a full Board, and he is really excited to
10 say that. He asked the Board how they wanted to proceed.

11
12 **Mr. Randol moved, seconded by Mr. Roberts, to move to the Final Determination for Case 042-V-**
13 **22. The motion carried by voice vote.**

14
15 Mr. Elwell said that he would be reading the Final Determination for Case 042-V-22 from Attachment F,
16 page 9 of 9 in the Preliminary Memorandum, as follows:

17
18 **FINAL DETERMINATION FOR CASE 042-V-22**

19 **Mr. Wood moved, seconded by Mr. Randol, that the Champaign County Zoning Board of Appeals**
20 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
21 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**
22 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of**
23 **Appeals of Champaign County determines that:**

24
25 **The Variance requested in Case 042-V-22 is hereby GRANTED to the petitioners, Jeff Gamboa**
26 **and Carol Ghiselli, to authorize the following:**

27
28 **Authorize a variance for a 3.43-acre lot in lieu of the maximum allowed 3 acres in area for a**
29 **lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per**
30 **Section 5.3 of the Champaign County Zoning Ordinance.**

31
32 Mr. Elwell requested a roll call vote.

33
34 The vote was called as follows:

35 **Randol- yes Roberts- yes Anderson- yes Herbert- yes**
36 **Elwell- yes Wood – yes Bates- yes**

37
38 **The motion carried.**

39
40 Mr. Elwell congratulated Mr. Gamboa and told him that he had received his four affirmative votes that
41 were required for approval of Case 042-V-22. He said that there may be further communication coming
42 from staff, and they would reach out if needed.

43
44 Mr. Gamboa said thank you very much and thanked the Board for their time.

45
46 **7. Staff Report – None**

47
48 **8. Other Business**

49

1 Mr. Hall said that they added the amendment to the Bylaws, which would be good to get mentioned so
2 that it actually gets into the minutes.

3
4 Mr. Wood asked if they needed an extension on time.

5
6 Mr. Elwell said that they are going to need to move this to another date and asked Mr. Hall or Ms.
7 Burgstrom if there were any recommendations on dates.

8
9 Mr. Hall said that there would be time on April 14, 2022. He said there were two other variances, but he
10 wouldn't think they that they would take a long time.

11
12 Mr. Elwell entertained a motion to move Case 037-AT-22 to April 14, 2022.

13
14 **Mr. Roberts moved, seconded by Mr. Randol, to move Case 037-AT-22 to April 14, 2022. The**
15 **motion carried by voice vote.**

16
17 Mr. Elwell entertained a motion to adjourn.

18
19 **Mr. Roberts moved to adjourn the meeting.**

20
21 Mr. Hall said at this point they can't have a discussion about it without extra time – 5 minutes.

22
23 Mr. Wood said that they should probably have a short discussion on it, so they know what they are going
24 to be voting on and asked how much time they needed – 10 minutes.

25
26 Mr. Hall said that he thought that would be more than enough.

27
28 **Mr. Wood moved to extend the meeting for another 10 minutes until 9:45p.m to discuss that.**

29
30 **Mr. Roberts amended his motion to adjourn the meeting.**

31
32 Mr. Elwell said thank you Mr. Roberts and there is a motion on the table to extend the meeting until
33 9:45p.m.

34
35 **Mr. Randol seconded the motion to extend the meeting until 9:45p.m. The motion was denied.**

36
37 Mr. Hall said that they could put it off until next meeting if the Board wanted.

38
39 Mr. Elwell said yes.

40
41 **A. Review of Docket**

42
43 Mr. Elwell asked if there were any absences anticipated, and there were none anticipated.

44
45 **9. Audience participation with respect to matters other than cases pending before the Board**

46
47 **10. Adjournment**

48
49 Mr. Elwell entertained a motion to adjourn the meeting.

1 **Mr. Roberts moved, seconded by Mr. Randol, to adjourn the meeting. The motion carried by voice**
2 **vote.**

3
4 The meeting adjourned at 9:30p.m.

5
6 Respectfully submitted,

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10 Secretary of Zoning Board of Appeals

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