

**CHAMPAIGN COUNTY BOARD
COMMITTEE OF THE WHOLE – Highway/Facilities/ELUC Agenda**
County of Champaign, Urbana, Illinois
Tuesday, March 2, 2010 – 6:00 p.m.

*Lyle Shields Meeting Room, Brookens Administrative Center
1776 East Washington Street, Urbana, Illinois*

	<u>Page Number</u>
I. <u>Call To Order</u>	
II. <u>Roll Call</u>	
III. <u>Approval of County Board Resolution to Meet as Committee of the Whole</u>	
IV. <u>Approval of Minutes</u>	
A. Committee of the Whole Minutes – February 4, 2010	*1-13
V. <u>Approval of Agenda/Addenda</u>	
VI. <u>Public Participation</u>	
VII. <u>Communications</u>	
VIII. <u>Highway & Transportation:</u>	
A. <u>Monthly Reports</u>	
1. County & Township Motor Fuel Tax Claims – February 2010	*14
B. <u>County Engineer</u>	
1. Resolution for Award of Contract for Various Signs and Sign Posts - Section #09-00427-00-SG	*15-16
2. Resolution Appropriating County Motor Fuel Tax Funds for the Salary and Estimated Expenses of the County Engineer for FY2010	*17-18
3. Resolution Appropriating \$500,000.00 from County Motor Fuel Tax Funds for the County's Share of County Highway 18 (Monticello Road) Improvement from County Highway 19 Easterly to U.S. Route 45 - Section #07-00419-00-RS	*19-20
4. Resolution Appropriating \$3,000,000.00 from County Motor Fuel Tax Funds for the Improvement of County Highway 18 (Monticello Road) from County Highway 19 Westerly to the Piatt County Line – Section #07-00419-01-RS	*21-22
5. Resolution for Contract Award Authority for the Improvement of County Highway 18 (Monticello Road) – Section #07-00419-01-RS	*23
C. <u>Other Business</u>	
1. Semi-Annual Review of Closed Session Minutes	*24-25
D. <u>Chair's Report</u>	

Highway, continued

E. Designation of Items to be Placed on County Board Consent Agenda

IX. County Facilities

A. Downtown Correctional Center – Chiller Replacement

1. Updated Project Schedule *26
2. Approval of Installation Contract & Approval for a Notice to Proceed for the Successful Bidder *(To Be Distributed)*

B. Courthouse Exterior/Clock & Bell Tower Restoration Project

1. Project Update *27

C. Facility Director/County Administrator

1. Physical Plant Monthly Report – January 2010 *28-31
2. Courthouse Parking Lot Pay Station Update
3. State of Illinois DCEO Energy Grant Update
4. Chamber of Commerce Energy Purchasing Cooperative Information *32

D. Other Business

1. Semi-Annual Review of Closed Session Minutes *33-34
2. Approval of County Facilities Closed Session Minutes
 - a. August 11, 2009 7:17 p.m.
 - b. August 11, 2009 7:30 p.m.

E. Chair's Report

F. Designation of Items to be Placed on County Board Consent Agenda

X. Environment & Land Use

A. Update on Transportation Coordination Process to Provide Countywide Public Transportation *35-36

B. Request to Designate CRIS Rural Transit as the Main Transportation Provider *36

C. Land Resource Management Plan *37

1. Review of Public Comments on Land Management Plan
(Please refer to February 18, 2010 memorandum from Susan Chavarria on LRMP Public Comments Content)
2. Recommendation of Land Resource Management Plan to the County Board
(Please refer to draft LRMP document distributed at February 18, 2010 Champaign County Board meeting)

D. Zoning Ordinance Amendments

1. Request to Amend Champaign County Zoning Ordinance *38-57
Zoning Case 658-AT-09 Petitioner: Champaign County Zoning Administrator
2. Request to Amend Champaign County Zoning Ordinance *58-105
Zoning Case 634-AT-09 Part B Petitioner: Champaign County Zoning Administrator

E. Direction to Zoning Administrator Regarding Necessary Zoning Ordinance Text Amendments

1. Request to Conduct a Champaign County Zoning Ordinance Text Amendment Clarifying Standard Conditions and Clarifying Wind Farm Shadow Flicker Requirements *106-109
2. Request to Conduct a Champaign County Zoning Ordinance Text Amendment to Make the Ordinance Consistent with State Law Regarding the Number of Affirmative ZBA Votes *110-112
3. Proposed Champaign County Zoning Ordinance Text Amendment Changing Maximum Fence Height Limits *113-115

F. Nuisance Enforcement Productivity *116-118

G. Monthly Report

1. February 2010 (*To Be Distributed*)

H. Other Business

1. Semi-Annual Review of Closed Session Minutes *119

I. Chair's Report

J. Designation of Items to be Placed on County Board Consent Agenda

XI. Adjournment

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CHAMPAIGN COUNTY BOARD COMMITTEE OF THE WHOLE MINUTES

Tuesday, February 4, 2010
Lyle Shields Meeting Room, Brookens Administrative Center
1776 E. Washington St., Urbana, Illinois

MEMBERS PRESENT: Carol Ammons, Steve Beckett, Ron Bensyl, Thomas Betz, Lorraine Cowart, Stan James, John Jay, Greg Knott, Ralph Langenheim, Diane Michaels, Alan Nudo, Steve O'Connor, Michael Richards, Giraldo Rosales, Larry Sapp, Jonathan Schroeder, Samuel Smucker, C. Pius Weibel, Barbara Wysocki

MEMBERS ABSENT: Jan Anderson, Lloyd Carter, Chris Doenitz, Matthew Gladney, Brad Jones, Alan Kurtz, Brendan McGinty, Steve Moser

OTHERS PRESENT: Jeff Blue (County Engineer), Kat Bork (Administrative Secretary), Deb Busey (County Administrator), John Hall (Planning & Zoning Director), Cameron Moore (RPC Chief Executive Officer), Alan Reinhart (Facilities Director)

CALL TO ORDER

Wysocki called the meeting to order at 6:03 p.m.

ROLL CALL

Bork called the roll. Ammons, Beckett, Bensyl, Betz, Cowart, James, Jay, Knott, Michaels, Nudo, O'Connor, Sapp, Schroeder, Smucker, Weibel, and Wysocki were present at the time of roll call, establishing the presence of a quorum.

APPROVAL OF COUNTY BOARD RESOLUTION TO MEET AS COMMITTEE OF THE WHOLE

MOTION by Beckett to approve the County Board Resolution to meet as a committee of the whole; seconded by Betz. **Motion carried with all ayes.**

APPROVAL OF MINUTES

MOTION by Smucker to approve the Committee of the Whole minutes of January 5, 2010; seconded by James. **Motion carried with all ayes.**

APPROVAL OF AGENDA/ADDENDA

MOTION by Betz to approve the agenda and addendum; seconded by O'Connor. **Motion carried with all ayes.**

48 Richards entered the meeting at 6:05 p.m.

49

50 **PUBLIC PARTICIPATION**

51

52 Leslie Cooperband spoke about the proposed Olympian Drive extension in context of
53 Champaign County's Land Resource Management Plan (LRMP). She applauded the LRMP
54 Steering Committee for developing the plan in favor of farm land preservation and promoting urban
55 growth within existing boundaries. She urged the County Board to consider the roads within the
56 CUUATS Long Range Transportation Plan compared to the LRMP. Many roads in the LRMP do
57 not mesh with the transportation plan, especially in regards to preservation. Cooperband was
58 concerned because the Olympian Drive extension would come within a hundred feet of her property
59 line and could adversely affect her farm. She continued to speak about the potential for agriculture
60 areas in surrounding Champaign and promoting local foods agricultural as means for local
61 economic development. She argued there is growing evidence from the Leopold Center
62 documenting the impact on local foods agriculture and read highlights from an Iowa study that
63 included cities of similar size to Urbana. She spoke about how local agriculture could support local
64 jobs and the economy. She felt this land should be preserved for agricultural economic
65 development instead of industrial economic development. Cooperband advised that the time is ripe
66 to begin thinking outside the box concerning economic development because once soil is paved
67 over there is no turning back.

68

69 Stephen Grierson spoke about family farming and growing up on a farm that would be
70 affected by the Olympian Drive project. He encouraged Board members to drive to project region
71 and view the wooded areas as they now stand. Grierson indicated there is already capacity for
72 development and existing roads can support heavy loads without the Olympian Drive extension. He
73 did not see the need for a new road in the area and suggested the Olympian Drive project funds
74 would be more efficiently used to repair existing roads.

75

76 Eric Thorsland spoke about the memo prepared by RPC CEO Cameron Moore provided in
77 the agenda packet about the Olympian Drive project. There are good mission statements and plans
78 in the Long Range Transportation Plan. Thorsland encouraged Board members to visit the area that
79 will be affected, but understood it would be difficult to alter the use for the allotted money. He
80 spoke about existing roads and the lack of traffic congestion compared to big cities. Thorsland
81 acknowledged some development will eventually need to take place north of Lincoln Avenue. He
82 suggested taking redirecting some of the \$5 million allotted for the project to really study the plan,
83 do another traffic study, and reconsider Olympian Drive.

84

85 Robert Lakey, an Olympian Drive resident, supported constructing the extension. He read a
86 letter from William Bates, who could not attend the meeting. In his letter, Bates supported
87 completing the Olympian Drive extension and encouraged the County Board to complete the
88 project, arguing that it was not a ring road and that objections to the project come from residents
89 and businesses that were aware of the project before they moved into the area. The proposed
90 Olympian industrial zone is necessary to attract high tech start-up and satellite companies generated
91 by the University of Illinois.

92

93 Rosales entered the meeting at 6:25 p.m.

94 Laurel Prussing, Mayor of Urbana, spoke in favor of the Olympian Drive project. She
95 described the long-term planning that has benefited Champaign County, including public works and
96 drainage laws that enabled agricultural growth. Farmers and other businesses need roads to
97 transport goods and for customers to reach them. She did not think the contraction would destroy
98 all the woodlands along the stream. The Olympian Drive project will provide a bridge over the
99 railroad tracks, which is a large share of the construction costs. Prussing hopes to have high speed
100 rail in the future and that kind of development needs bridges over railroad tracks. She views the
101 project as an opportunity the governmental entities have worked towards for many years and
102 CUUATS has done excellent planning. The Urbana City Council unanimously approved Olympian
103 Drive. In response to the argument that a lot of people could be employed in agriculture, she stated
104 the community would never return to the days when most people were worked in agriculture. The
105 major employers in Champaign County are the University of Illinois and Carle Clinic. Prussing
106 emphasized that Olympian Drive had been carefully studied to minimize the impact on people, but
107 there has never been any road construction that did not inconvenience someone. She stressed there
108 could not be an economy without roads and Olympian Drive is a badly needed development. She
109 expressed sympathy for Century Farms, but it was not reasonable for someone who knew this road
110 would be built to suddenly object because they would be inconvenienced. Prussing urged the
111 County Board to support the project because it would help Urbana, Champaign, Rantoul, and the
112 entire county. Prussing read a letter from the Somer Township Supervisor and Road Commissioner
113 in support of Olympian Drive. They township officials are seeing an increase in traffic on the roads
114 that the township has to maintain. They support Olympian Drive extension because it could divert
115 truck traffic away from township roads.

116
117 Bill Cope described Olympian Drive as the classic case of a road to nowhere and described
118 how farmland would be turned into an industrial wasteland. He listed reasons why this was a
119 disastrous road project, including that it would destroy 81.7 acres of farmland, cut through wildlife,
120 encourage people to drive further and faster, is a really bad design. Cope had a more modest
121 alternative plan drawn by Berns Clancy & Associates. He said the local residents do not object to
122 industry, but there is other industrial land available should industry come to the area. He questioned
123 why industrial purpose was considered a better use for the land than farming. Cope felt the project
124 was an incredible waste of money that would spend local money in addition to federal dollars. He
125 encouraged the County Board to consider the limited approach to the project, which would get a
126 bridge over railroad line for less. Cope stated the decision to proceed with the Olympian Drive
127 project was based on an old model of the economy that is no later applicable.

128
129 John Dimit, Executive Director of the Champaign County Economic Development
130 Corporation, stated the EDC approved the Olympian Drive extension. Dimit shared the EDC's
131 letter with the Board. He said the EDC was concerned about the creation of hundreds of jobs. The
132 community's economic development strategy has been very good for holders of advanced degrees
133 and not as good for youth without advanced education. He spoke about how the Cities of Urbana
134 and Champaign and the County, through its zoning ordinance, have promoted the North Lincoln
135 area for an industrial development for many years. Millions have been spent to ensue the area is
136 properly served by electricity, water, and sewer and now the infrastructure is needed. The
137 Olympian Drive project is about accessibility, even beyond a connection between I-45 and I-57. No
138 alterative to the project can be done for \$5 million. It will cost \$16 million just to construct a bridge
139 across railroad and another bridge across the creek. Dimit advised imaging what the south side of

140 Champaign-Urbana would be without Windsor Road or Curtis Road. The north side lacks an
141 equivalent road. Dimit indicated the community's north side should be a matter of concern because
142 there will be growth. In regards to agriculture, profitable farms involve large, uninterrupted tracks
143 of land that are highly "airable." The areas affected by the project are the least efficient to farm.
144 Dimit defended the project as compact and contiguous growth, not sprawl, since the road will be
145 within a few miles of downtown Urbana. A large employer has two facilities in the affected area
146 and presently has to travel through residential neighborhoods to transport between the facilities.
147

148 Bill Ziegler, a farmer who resides north of Urbana, shared his thoughts on how unlikely
149 regular vehicle traffic would use the Olympians Drive extension.
150

151 Virginia Ziegler stated she and her husband were the fifth generation to farm his family's
152 ground. While going green is popular concept, she advised the Olympian Drive project would not
153 promote staying green because it will lay concrete over farmland.
154

155 Harold Scharlau acknowledged that long-range planning is not an easy job and he would not
156 want it. However, plans have to change when needs change. He spoke about the projected traffic
157 study and how underlying economic factors have not materialized as predicted when the Olympian
158 Drive project was studied years ago. He questioned what specific plans were in place to make the
159 projected economic development a reality and what new industry the City of Urbana has attracted in
160 the last ten years. Scharlau spoke about how the City of Urbana was the lead agency for the project,
161 yet Urbana is foregoing extending Florida Avenue to divert \$700,000 in stimulus money received
162 for that project to fund its deficits in FY2010 and FY2011. He asked where the City of Urbana's
163 interest in economic development and job creation for current and future residents was consistent
164 with community planning.
165

166 Langenheim entered the meeting at 6: 55 p.m.
167

168 Janet Scharlau said the time has come to see the value of land and how the Olympian Drive
169 project will bisect two centennial farms. She spoke about motivations mentioned by Dimit and
170 Prussing and how they are dissimilar. They indicated interest in more than a truck route and
171 Scarlau felt their motivations were greed and ambition because the City of Urbana wants an
172 expanded tax base that will solve their financial woes. She stated Urbana is already full of unused
173 industrial space. She questioned whether enough people would travel on this route to warrant the
174 cost. Scharlau called the project a relic. While the time to do the project may have been thirteen
175 years ago, the Urbana Mayor backed out because most of the road was in a Champaign school
176 district. She encouraged the County Board to not let the City of Urbana, which is \$1.4 million in
177 debt, tell them what to do because the Board was the voice of the people.
178

179 Habeeb Habeeb, CEO of Benefit Planning Consultants, voiced the Champaign County
180 Chamber of Commerce's support for the Olympian Drive expansion project. The extension will
181 open up land to new economic development and jobs could be created. The alternative Harris Road
182 extension presented by the opposition is not feasible because a new I-57 interchange would need to
183 be completed and the existing sewer and water lines do not cover the adjacent land, which hinders
184 economic growth. Habeeb stated the project has been in the works for decades and been a key focal
185 point for economic development of northern Urbana-Champaign. The road will help reduce the

186 traffic congestion on I-74 and open up hundreds of acres to economic development. State funding
187 in the amount of \$5 million has been secured for the project. Congress will soon be reauthorizing
188 the federal transportation funding bill and the community must continue to show a united front for
189 Olympian Drive to secure the necessary federal funding to complete the project. Habeeb spoke of
190 his personal experience with the congested traffic on Springfield and Green before the Windsor or
191 Curtis Roads were built. He advised the County Board to be aware that transportation requires
192 long-range planning and they should look to the future.

193
194 Herb Schildt, Chairman of the Newcomb Township Planning Commission, spoke about his
195 concerns regarding the changes to the zoning ordinance John Hall is presenting tonight. The
196 request is to change Section 9.1.11.D.1 so it refers to Section 6.1 of the zoning ordinance rather than
197 to Section 6.1.3. Section 9.1.11.D.1 defines situations for a special use permit waiver. Section
198 6.1.3 contains a table depicting the schedule of standard conditions for special types of special uses.
199 This table does not include wind farms, which are handled separately by Section 6.1.4. His problem
200 is with the rationale for making the change. He understood the reason for the change was the
201 opinion that standard conditions for all special uses described in Section 6.1 are subject to waiver,
202 not just those in Section 6.1.3. Schildt said requested change is an attempt to make Section
203 9.1.11.D.1 consistent with the view that all special uses are subject to waiver. Schildt disagrees
204 with this premise because the ordinance expressly states that not all standard conditions for special
205 uses are subject to waiver. The change looks like an attempt to make the requirement for wind
206 farms subject to waiver and the ordinance does not allow this. Zoning ordinance is clear that the
207 standard conditions related to wind farms cannot be waived. Schildt recommended the Board not
208 adopt the amendments to the zoning ordinance.

209
210 After asking if anyone else wished to speak, Wysocki declared public participation closed at
211 7:20 p.m. She informed the public there were no actionable items about Olympian Drive on
212 tonight's agenda.

213
214 **COMMUNICATIONS**

215
216 Weibel listed the Board members who informed him they would not be attending the
217 meeting: Alan Kurtz, Matthew Gladney, Jan Anderson, Chris Doenitz, Brad Jones, and Brendan
218 McGinty. Wysocki encouraged the Board members to read the information in their mail packets
219 about upcoming conferences and workshops about wind farms and rural economic development.
220 The *News-Gazette* carried an article yesterday on a sustainability conference that will be held on
221 campus. Events will be spread out between February and March in different locations. Wysocki
222 encouraged the County Board to keep watch for more conference information in the newspaper.
223 There will be a panel discussion on local governments' sustainability efforts on February 23rd, 5:30
224 p.m., at the Illinois Terminal Building in downtown Champaign. On February 24th at 5:30 p.m., a
225 discussion will be held on locally produced foods at the Urbana Civic Center.

226
227 **HIGHWAY & TRANSPORTATION**

228 **Monthly Reports**

229
230 **MOTION** by Beckett to receive and place on file the County & Township Motor Fuel Tax
231 Claims Monthly Reports for January 2010; seconded by Rosales. **Motion carried with all ayes.**

232 **County Engineer**

233 **Bridge Petition – Compromise & Ogden Road Districts**

234
235 Blue explained the bridge petition is for a small culvert project between Ogden and
236 Compromise Townships. County bridge funds will be used to pay for 50% of the project.

237
238 **MOTION** by Jay to approve the bridge petition for Compromise & Ogden Road Districts;
239 seconded by Sapp. **Motion carried with all ayes.**

240
241 **Resolution Appropriating \$450,000.00 from County Motor Fuel Tax Funds for the Replacement of**
242 **Structure #010-0117 on County Highway 16 – Section #07-00944-00-BR**

243
244 Blue stated the bridge on St. Mary’s Road is in poor condition with severely deteriorated
245 beams. Overweight trucks are not allowed on the bridge and the structure has to be specially
246 inspected due to the deterioration. Major state bridge programming funds have been received in the
247 amount of \$1,161,000. The total project cost is estimated at \$1.6 million and \$450,000 will be
248 appropriated from the County Motor Fuel Tax Fund.

249
250 **MOTION** by Jay to approve the Resolution Appropriating \$450,000.00 from County Motor
251 Fuel Tax Funds for the Replacement of Structure #010-0117 on County Highway 16 – Section #07-
252 00944-00-BR; seconded by Schroeder.

253
254 Schroeder asked when the bridge was constructed and noted the road experienced heavy
255 traffic. Blue said the bridge was put in when St. Mary’s Road was completed. Schroeder
256 commended Blue and his staff for acquiring state funds for the rebuild. Ammons asked if the
257 County would have to wait for reimbursement on the state funds. Blue explained the project’s
258 engineering will be paid by the County. The State of Illinois bids the project and pays the
259 contractor. The County then reimburses the state for its portion of the project. O’Connor asked
260 what straw broke the camel’s back. Blue said the bridge is constructed of a precast, pre-stressed
261 material that does not mix well with road salt used in the winter. The road salt caused deterioration
262 and the beams have started to rust. The County no longer uses this type of material to construct
263 bridges.

264
265 **Motion carried with all ayes.**

266
267 Richards exited the meeting at 7:31 p.m.

268
269 **Olympian Drive Informational Discussion**

270
271 Blue would not take sides on the Olympian Drive project; he was here to let the County
272 Board know the project’s status and what the County’s responsibility is with the project. The
273 project design report was completed in 1997. Ten different alignments were considered, including a
274 no build alternative. Blue distributed a map showing the selected option. Blue stated the fact the
275 design report is old should not negate the finding because the same procedure would be followed
276 today. The Olympian Drive project was in the original 1994 fringe road agreement between the
277 County and the Cities of Urbana and Champaign. The County passed a new resolution in 2006 to

278 participate in the funding, planning, and design of fringe road projects. The County and Cities are
279 currently partnering on the Windsor Road project in Urbana and the Curtis Road project in
280 Champaign. Once those projects are complete, it will be at least FY2013 before the County's 35%
281 of Motor Fuel Tax Fund set-aside for fringe roads returns from the red. The Olympian Drive
282 project was slated as the next project to be funded with Motor Fuel Tax Funds. The Motor Fuel Tax
283 Funds can only be used to build roads and cannot be used for any other expenditure, regardless of
284 the County's financial state. Blue has spoken with the Cities of Urbana and Champaign to arrange
285 to the reimbursement for the County's portion of the Olympians Drive project, if it is approved.
286 The Cities understand the County has roughly \$900,000-\$1 million per year set aside for fringe
287 roads and the County will make payments as it can from Motor Fuel Tax Funds beyond FY2013.
288

289 Blue stated the majority of the Olympian Drive project is not within the cities' boundaries so
290 the County will have to be the lead agency for right of way acquisition. This means whatever
291 decisions come up through right of way negotiations will need to come before the County Board.
292 Regarding the project funding, people are mentioning \$27 million as the project total. A majority of
293 that money will be spent on the railroad overpass. The project will receive \$5 million from the state
294 capital bill. This \$5 million cannot be used on other road projects because the capital bill
295 specifically named the projects it was funding. This funding will be used for engineering services
296 and right of way acquisition. Any money left over will possibly be applied to the project's
297 construction. A vocal group has been going to Washington D.C. trying to obtain federal funding for
298 the project. The County's commitment to the project is paying 1/3 of the local share remaining
299 after federal money has been paid. The amount the County will be asked to pay is unknown. Blue
300 acknowledged the project has been through the long-range transportation planning for years and he
301 did not think it was relevant to restudy the alignment of the project because it would be very costly
302 to redo the work. An intergovernmental agreement will possibly come before the County Board,
303 Urbana City Council, and Champaign City Council for the project sometime in March. The City of
304 Urbana will draft the agreement as the lead agency so the City can sign an IDOT agreement to
305 receive funds for the project design and engineering.
306

307 Richards returned to the meeting at 7:42 p.m.
308

309 Beckett said the intergovernmental agreement Blue described sounded similar to the
310 agreements made for the Windsor Road and Curtis Road project. It seemed the only way for
311 County to not go forward is to reject the fringe road agreement to which they are already a party.
312 He asked Blue if his assessment was accurate. Blue stated he was not a lawyer, but the new fringe
313 road agreement basically says the County will cooperate with the other entities to build fringe road
314 projects. The old fringe road agreement has been interpreted multiple ways. Beckett thought the
315 2006 fringe road agreement's purpose was for Champaign and Urbana to recognize the County's
316 cash flow limitations, not to back out of the original fringe road agreement. Blue stated that was
317 correct.
318

319 James has heard the original study was done in the 1980's or 1990's, but he does not think
320 anything is in stone just because words have been said or studies have been done. He spoke about
321 how things change. It would be one thing if the road was desperately needed and the economic
322 growth was for certain. He sees blighted areas everywhere with empty stores, where back in 1997
323 people were spending money like crazy on projects. Chanute Air Force Base is a prime example of

324 land that has been used and now sits. James thought people should retrofit abandoned areas before
325 using more land for more buildings. He wanted to relook at the issue because he did not see the
326 economic growth that has been discussed coming anytime soon.
327

328 Jay said many people thought the Olympian Drive project was finished when Urbana pulled
329 out years ago. It is surprising to hear the County cannot pull out of the project when one of the
330 partners previously did. He would like to be able to decide whether this is a good project and
331 whether the County Board should support it, instead of being obligated by something that happened
332 several years ago. Jay was reminded by a colleague that the Olympian Drive project would have
333 been completed for a fraction of the present cost if it had been built when it was originally planned.
334 He was also bothered because, when Blue was hired, the County was in a mess of being
335 overcommitted to fringe road projects beyond its capacity to afford those projects. The Board lost
336 sight of the fact that the County Motor Fuel Tax money for intended for use on County roads. He
337 does not see the 35% of Motor Fuel Tax money going to fringe roads forever because that money
338 will be needed for County roads. He pointed out the County has to pay some money to obtain
339 stimulus money, so the federal stimulus money should not be viewed as free money. He felt the
340 road should be needed if the County was going to proceed.
341

342 Weibel placed four letters on the record from the Champaign County Economic
343 Development Corporation, the Champaign County Farm Bureau, the Lincoln-Oak & North Market
344 Industrial Roundtables, and Leslie Cooperband & Wes Jarrell.
345

346 Sapp said vehicle traffic and road usage can be different than the study dated years ago
347 would indicate. The previous planners could not have realized the country would be in the financial
348 meltdown of current circumstances. He recommended to stop spending money and relook at the
349 statistics and road's uses.
350

351 Ammons described her experience driving on Olympian Drive and could not figure out why
352 the road is being built because she has never been stuck in traffic traveling on Lincoln Avenue. She
353 was fundamentally against right of way acquisition for no apparent reason. Ammons asked what
354 jobs will be created for skilled labor with this project.
355

356 Nudo understood no stimulus money will fund this project and Blue confirmed he was
357 correct. Nudo asked if there was any indication if the federal funding would come in a lump sum or
358 be distributed in piecemeal. Blue introduced RPC CEO Cameron Moore who has been involved
359 with those conversations. Moore said the numbers were still fluid, with \$27.5 million floating
360 around as the project total. He estimated the final number would be \$30 million. There is \$5
361 million available in the Illinois capital bill and they have submitted an application to the Interstate
362 Commerce Commission for \$9.6 million that would pay for most of the railroad crossing. There is
363 \$2.5 million in federal money presently committed to the project in FY2013. This amount
364 represents the federal money they receive every year to plan and program. There is \$5-6 million in
365 local matches. This leaves a gap of \$8-10 million for which they hope to obtain federal funding.
366 Moore described the two options for federal funding. One is through the regular federal budget
367 process and the other is through the federal transportation authorization bill done every six years. It
368 is unknown how much the federal funding will be received. They have requested Senator Durbin
369 and Congressman Johnson fill the \$8-10 million gap.

370 Bensyl asked if the \$5 million frequently referred to was in the County's hands or just
371 earmarked in the state capital bill. Blue explained the \$5 million would go to the City of Urbana as
372 the lead agency, not the County. Moore confirmed the money was in hand.
373

374 Langenheim asked if Blue saw any difficulties in funding this project and if the project
375 would receive the money that has been indicated. Blue said it appeared they would receive the
376 money. Langenheim asked if the project would stretch the County's budget out of shape. Blue
377 explained he has worked with the Cities who understand how much the County has set aside for the
378 project. Langenheim asked where the County would put the money if it does not go towards the
379 Olympian Drive project. Blue answered it would fund the next fringe road project selected by
380 CUUATS.
381

382 O'Connor inquired if the total project cost was \$27 million or closer to \$30 million. Blue
383 said that is why they need to hire a consultant to run the numbers. The \$27 million number was
384 based on a lot of assumptions and without having done any design. He would wait until seeing the
385 design engineer's report to estimate the cost.
386

387 Schroeder wondered who would perform maintenance on the road. Blue replied the Cities
388 of Champaign and Urbana will own the road. Schroeder asked who would work with the Canadians
389 on the railroad. Blue said the Illinois Commerce Commission will work with the railroads to get all
390 the agreements done. Schroeder expressed skepticism and asked if Blue had the original project
391 numbers from 1997. Blue said he could not find any documents with any numbers whatsoever
392 attached to a design. He could find out the construction costs for the piece of Olympian Drive that
393 was built in 2000's.
394

395 Michaels asked if the funding included construction on Lincoln Avenue. Blue said the
396 current project just has a build out of the Lincoln Avenue intersection. There will not be any
397 building of the Lincoln roadway beyond the intersection. Beckett pointed out that Lincoln Avenue
398 not a fringe road.
399

400 Beckett noted that someone had foresight to convince the County Board as a body politic to
401 enter the intergovernmental agreements for Windsor Road and Curtis Road. Those decisions have
402 proven to be a wonderful vision for road construction in Champaign County. He described the
403 development that is occurring, such as at the north end of Prospect Avenue. Beckett has seen
404 intergovernmental agreements work during his ten years on the Board when the entities stand by
405 their word. He was disappointed when the City of Urbana stalled on this project and the delay will
406 add cost. He encouraged the Board to keep its word and participate in the project to move forward
407 with a vision of the County.
408

409 Wysocki appreciated the memo about the project included in the agenda packet. In regards
410 to the answer to Question 4 that refers to environmental and agricultural studies that were
411 undertaken, Wysocki asked what conclusions the studies reached because the answer given failed to
412 address the question. Blue responded that all those studies had to be evaluated at time the
413 alignment was chosen and funded by the Federal Highway Administration. Wysocki asked if
414 someone could direct her to the studies. She wanted to know what the studies said about the impact

415 on the environment and agriculture in the area. Blue agreed to locate the studies in the design report
416 and make them available.

417
418 Betz inquired if all the parties were committed to the intergovernmental agreement that may
419 be coming in March or April for the Olympian Drive project. He spoke about watching the project
420 fall through when the Urbana Mayor Tod Satterthwaite backed out after assuring Betz up to ten
421 minutes before the meeting that the city had the money and would support the project. Betz was
422 unwilling to walk the plank again and wanted to be sure the funding was absolutely solid if the
423 County committed to the project. Langenheim said he also felt betrayed when the City of Urbana
424 pulled out of the Olympian Drive project. At the time, Tod Satterthwaite told the County Board the
425 City of Urbana was pulling out to put the City's money into the Windsor Road project instead of
426 Olympian Drive. Langenheim believed an entity should follow through with the agreements it
427 makes.

428
429 Ammons asked if the agreement was still legal binding after it did not move forward since
430 the City of Urbana backed out of it. Blue said there was no agreement and Betz confirmed what
431 feel through was the approval of the agreement by the parties.

432
433 **Other Business**

434
435 There was no other business.

436
437 **Chair's Report**

438
439 There was no Chair's report.

440
441 **Designation of Items to be Placed on County Board Consent Agenda**

442
443 Agenda items 8B1&2 were designated for the consent agenda.

444
445 **MOTION** by O'Connor to suspend the rules to allow a member of the public to speak after
446 public participation had been closed; seconded by James. The voice vote was inconclusive and a
447 show of hands showed a majority in favor. **Motion carried.**

448
449 George Boyd claimed a lot of the discussion about Olympian Drive was not open to the
450 public and wanted to see a show of hands from Board members. Wysocki stated his request was
451 inappropriate and he could not interact with the Board during the meeting. Boyd continued to talk
452 about projects have been undertaken that have not ended with the expected results.

453
454 **COUNTY FACILITIES**

455 **Courthouse Exterior/Clock & Bell Tower Renovation Project**
456 **Project Update**

457
458 **MOTION** by Betz to receive and place on file the February project update; seconded by
459 Rosales. **Motion carried with all ayes.**

460

461 **Facility Director/County Administrator**
462 **FY2009 Year End Report & Physical Plant Monthly Reports**

463
464 **MOTION** by Sapp to receive and place on file the Physical Plant December 2009 monthly
465 report and the FY2009 year end report; seconded by Bensyl. **Motion carried with all ayes.**

466
467 **Other Business**

468
469 There was no other business.

470
471 **Chair's Report**

472
473 There was no Chair's report.

474
475 **Designation of Items to be Placed on County Board Consent Agenda**

476
477 No items were designated for the consent agenda.

478
479 **ENVIRONMENT & LAND USE**

480 **Request to Amend Champaign County Zoning Ordinance Zoning Case 658-AT-09: Petitioner:**
481 **Champaign County Zoning Administrator**

482
483 **MOTION** by Beckett to amend the Champaign County Zoning Ordinance at the request of
484 the Champaign County Zoning Administrator; seconded by Weibel.

485
486 Hall distributed a memo to the Board with the amendments the Zoning Board of Appeals
487 approved on Monday. He offered to walk the Board through the diagrams because it was first time
488 the County Board had seen this text. Beckett asked if this could wait until next month because the
489 Board needed time to review the highly technical amendment language. Hall said there was no
490 reason this cannot wait, however, next month Board would be presented with the small wind turbine
491 amendment which would be ten times this amount of material. Beckett stated the members needed
492 to get the amendments in advance of the meeting to have sufficient time to consider the language.
493 He asked about Hall's response to Schildt's concerns raised during public participation. Hall
494 disagreed with Schildt's assertions. He stated the only purpose of the amendment was to eliminate
495 the chances of these types of disagreement with the wind farm approval. He respects Schildt's
496 ability to interpret the written word and his argument showed Hall that more changes are needed on
497 Part B. Hall volunteered to withdraw Part B and return with an expanded version to prevent these
498 disagreements. Beckett said allowing Hall that opportunity was another reason to defer it.

499
500 **MOTION** by Beckett to defer the Champaign County Zoning Ordinance amendments;
501 seconded by Langenheim.

502
503 Hall asked if the County Board wanted him to re-advertise Part B or wait until the Board
504 discussed it next month. Beckett thought it would be helpful to hear if Hall has any ideas based on
505 Schildt's statement. The Board discussed the amendments. Weibel asked if the sections have to go
506 back to ZBA to make changes. Hall confirmed Part B would have to return to the ZBA. He would

507 re-advertise Part B because they should work on the issues. Nudo asked who should pay for the
508 studies. He was told the County Board could not unwind the document, but now it seems they can.
509 Hall said the discussion was about making a wind farm developer get a third person to do the study.
510 The ordinance would have to be amended, but it could be done. Weibel supported Hall's
511 interpretation of what he had told the Board at a previous meeting.

512
513 **Motion to defer carried with all ayes.**

514
515 Update on Proposed Ameren 138kV Transmission Line from Bondville Substation to Southwest
516 Campus Substation

517
518 Hall explained this was just an update on transmission line from the Bondville Substation
519 and did not require any action. Weibel asked if the Board would ever have to make decision on this
520 project. Hall said they would not according to the regular procedures.

521
522 **Monthly Reports**

523
524 Hall distributed the January 2010 monthly report to accompany the December 2009 monthly
525 report included in the agenda packet.

526
527 **MOTION** by Beckett to receive and place on file the December 2009 and January 2010
528 monthly reports; seconded by James.

529
530 Nudo asked how many staff remained in the Planning & Zoning Department. Hall stated the
531 department went from six staff to five staff. Nudo asked last month for some measure of numbers
532 of investigations per week from other counties. He noted the department expects to complete just
533 short of one compliance or inspection per week with a staff of five when they averaged 0.4
534 inspections or compliances per week when the staff was at six. Nudo was concerned with the
535 backlog of 583 open cases and asked if the employees' time was being maximized. He would like
536 to know on what activities staff spend their time. Hall planned to bring those numbers along with
537 comparable information from other counties to next month's meeting.

538
539 **Motion carried with all ayes.**

540
541 **Other Business**

542 Request Approval of Intergovernmental Agreement to Share the Costs Associated with the 2010
543 Countywide Residential Electronics Collection Events Between Champaign County, City of
544 Champaign, City of Urbana, & Village of Savoy

545
546 **MOTION** by Langenheim to approve the Intergovernmental Agreement to Share the Costs
547 Associated with the 2010 Countywide Residential Electronics Collection Events Between
548 Champaign County, City of Champaign, City of Urbana, & Village of Savoy; seconded by
549 Schroeder.

551 Beckett asked where the County's \$1,934 share was coming from and Busey stated it would
552 come from the Solid Waste Fund. Betz asked where the recycling center would be located. Busey
553 said that was addressed in the next item.

554

555 **Motion carried with all ayes.**

556

557 Request Approval of Lease for 2010 Countywide Residential Electronics Collection Events
558 Between Champaign County, City of Champaign, City of Urbana, Village of Savoy, & The News-
559 Gazette, Inc.

560

561 **MOTION** by Beckett to approve the Lease for 2010 Countywide Residential Electronics
562 Collection Events Between Champaign County, City of Champaign, City of Urbana, Village of
563 Savoy, & The News-Gazette, Inc; seconded by Weibel. **Motion carried with all ayes.**

564

565 Request Approval of Agreement Regarding Provision of Recycling and/or Refurbishing Services
566 for the 2010 Countywide Residential Electronics Collection Events Between Champaign County,
567 The News-Gazette, Inc., & Advanced Technology Recycling

568

569 **MOTION** by Ammons to approve the Agreement Regarding Provision of Recycling and/or
570 Refurbishing Services for the 2010 Countywide Residential Electronics Collection Events Between
571 Champaign County, The News-Gazette, Inc., & Advanced Technology Recycling; seconded by
572 Smucker. **Motion carried with all ayes.**

573

574 **Chair's Report**

575

576 Wysocki reminded the Board the public comment period over the Land Resource
577 Management Plan ends on February 9th at the close of business day. Comments can be submitted
578 online.

579

580 **Designation of Items to be Placed on County Board Consent Agenda**

581

582 Agenda items 10.D.1-3 were designated for the consent agenda.

583

584 **ADJOURNMENT**

585

586 **MOTION** by Ammons to adjourn; seconded by James. **Motion carried with all ayes.** The
587 meeting was adjourned at 8:42 p.m.

588

589 Respectfully submitted,

590

591 Kat Bork

592 Administrative Secretary

593

594 *Secy's note: The minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.*

CHAMPAIGN COUNTY HIGHWAY DEPARTMENT

JEFF BLUE
COUNTY ENGINEER

1605 E. MAIN STREET

(217) 384-3800
FAX (217) 328-5148

URBANA, ILLINOIS 61802

March 2, 2010

COUNTY MOTOR FUEL TAX CLAIMS FOR FEBRUARY

Req No.	Payee	Description	Amount
8	Varsity Striping	Pay Estimate #2 - Pavement Striping Section #09-00000-01-GM	14,515.00
9	Sodemann & Associates	Engineering Fees - CH. 18 (Monticello Road) Section #07-00419-00-RS	137.90
10	Sicalco, Ltd.	4,222 Gal. Liquid Calcium	2,744.30
11	Cargill, Inc.	994.27 T. De-Icing Salt	66,506.70
12	Jeff Blue	Airline Tickets - NACE Conference Ft. Worth, TX 4/25-4/29-10	415.40
13	University of Illinois	T.H.E. Conference Registration & Lunch 2/23 & 2/24/10	92.00
14	Allied Municipal Supply	Bridge Weight Limit Signs	301.80
15	Open Road Asphalt Company	8.85 T. Cold Mix	840.75
16	Allied Municipal Supply	Stop Signs	489.11
			<hr/> \$86,042.96 <hr/>

TOWNSHIP MOTOR FUEL TAX CLAIMS FOR FEBRUARY

Req No.	Payee	Description	Amount
2	Tuscola Stone Company	Brown- 998.92 TN CA-15 F&D	17,211.52
3	Tuscola Stone Company	Compromise- 1,503.33 TN CA-15 F&D	26,383.50
4	Tuscola Stone Company	Crittenden- 1,499.51 TN CA-14 F&D	18863.92
5	Tuscola Stone Company	Sadorus- 1,013.41 TN CA-14 F&D	13,103.50
6	Tuscola Stone Company	Tolono- 1,010.13 TN CA-15 F&D - 204.02 TN CA-06 F&D	16,216.22
7	Langley Trucking	Sadorus- 808.36 TN CA-16 F&D	10,395.51
8	Langley Trucking	Pesotum- 1,541.28 TN CA-15 F&D	19,620.49
9	Tuscola Stone Company	Hensley- 899.36 TN CA-16 F&D	12,909.66
10	Tuscola Stone Company	Rantoul- 2,602.35 TN CA-16 F&D	40,544.80
11	Tuscola Stone Company	Urbana- 1,899.83 TN CA-16 F&D	17,587.84
12	Limestone Transit Inc	Newcomb- 1,033.50 TN CM-6/10 F&D -646.80 TN CM-11 F&D -408.83 TN CM-16 F&D	28,313.43
13	Cargill Inc	Urbana- 300.08 TN Salt Delivered	20,072.37
14	Tuscola Stone Company	Urbana- 499.713 TN CA-16 F&D	7,105.95
			<hr/> \$248,328.71 <hr/>

RESOLUTION NO. _____

RESOLUTION AWARDING OF CONTRACT
FOR THE PURCHASE OF
VARIOUS SIGNS AND SIGN POSTS
BY THE CHAMPAIGN COUNTY HIGHWAY DEPARTMENT
SECTION #09-00427-00-SG

WHEREAS, The following bids was received at a Public Letting held on February 22, 2010, in Urbana, Illinois, for the purchase of Various Signs and Sign Posts for Champaign County Highway:

Allied Municipal Supply – Taylorville, Illinois.....\$261,930.96; and

WHEREAS, The County Highway Engineer recommends to the County Board that the above bid be awarded; and

WHEREAS, The County Board of Champaign County concurs in the action recommended by the County Highway Engineer;

NOW, THEREFORE, BE IT RESOLVED, That the County Board of Champaign County does hereby award the above listed bid to Allied Municipal Supply - Taylorville, Illinois.

BE IT FURTHER RESOLVED, That the County Clerk is hereby directed to transmit three (3) certified copies of this resolution to the Illinois Department of Transportation, Springfield, Illinois.

PRESENTED, ADOPTED, APPROVED and RECORDED this 18th day of March A.D., 2010.

C. Pius Weible, Chair
County Board of the County of
Champaign, Illinois

ATTEST: _____
Mark Shelden, County Clerk and
ex-Officio Clerk of the County Board

Prepared by: Jeff Blue
County Engineer

Resolution No.

I, Mark Sheldon, County Clerk in and for said County, in the State aforesaid and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the County Board of Champaign County at its County Board Meeting held at Urbana, Illinois, on March 18, 2010.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Urbana in said County, this _____ day of _____ A.D., 2010.

(SEAL) _____ County Clerk

APPROVED

Date

Department of Transportation

District Engineer

RESOLUTION NO. _____

**RESOLUTION APPROPRIATING COUNTY MOTOR FUEL TAX FUNDS
FOR THE SALARY AND ESTIMATED EXPENSES
OF THE COUNTY ENGINEER FOR
THE PERIOD FROM DECEMBER 1, 2009 THRU NOVEMBER 30, 2010**

WHEREAS, Legislation enacted by the 58th General Assembly amending the law with reference to County Engineers permitting the payment of salary and expenses for the County Engineer out of any general or highway funds of the County; and

WHEREAS, Motor Fuel Tax funds allotted to the County, are considered as highway funds; and

WHEREAS, The County has sufficient Surface Transportation Program funds available and desires to use a portion of said funds to pay a portion of the County Engineer's salary;

NOW, THEREFORE, BE IT RESOLVED, By the County Board of Champaign County, Illinois, the sum of One Hundred Twenty-three Thousand Two Hundred Eighty-six Dollars and Sixty-six Cents (\$123,286.66) for Salary from December 1, 2009 thru November 30, 2010. Also, the sum of Twenty Thousand Nine Hundred Fifty-two Dollars and Sixteen Cents (\$20,952.16) for Estimated Expenses of the County Engineer, which are approved by the Champaign County Highway and Transportation Committee in accordance with the Champaign County Personnel Policy, be and it is hereby appropriated as follows:

From Motor Fuel Tax Funds: One Hundred Forty-four Thousand Two Hundred Thirty-eight Dollars and Eighty-two Cents (\$144,238.82) for the period from December 1, 2009 thru November 30, 2010; and

BE IT FURTHER RESOLVED, That the County hereby authorizes the sum of Sixty-one Thousand Six Hundred Forty-three Dollars and Thirty-three Cents (\$61,643.33) of their Surface Transportation Program Funds to be made available to the Illinois Department of Transportation for the State's use in exchange for an equal amount of State Funds. The State funds shall not exceed Fifty Percent (50%) of the County Engineer's annual salary; and

Resolution No. _____

BE IT FURTHER RESOLVED, By the County Board of Champaign County, Illinois that the Department of Transportation, Division of Highways of the State of Illinois, be and they are hereby requested to forward a certification, covering the above appropriation to the County Treasurer, as soon as possible; and

BE IT FURTHER RESOLVED, That the County Clerk is hereby directed to transmit two (2) certified copies of this resolution to Mr. Joseph Crowe, District Engineer, Illinois Department of Transportation, Paris, Illinois, for approval.

PRESENTED, ADOPTED, APPROVED AND RECORDED This 18th day of March A.D., 2010.

C. Pius Weibel, Chair
County Board of the County of
Champaign, Illinois

ATTEST: _____
Mark Sheldon, County Clerk and
ex-Officio Clerk of the County Board

Prepared by: Jeff Blue
County Engineer

RESOLUTION NO. _____

RESOLUTION APPROPRIATING \$500,000.00 FROM
COUNTY MOTOR FUEL TAX FUNDS
FOR THE IMPROVEMENT OF
COUNTY HIGHWAY 18
SECTION #07-00419-00-RS

BE IT RESOLVED, By the County Board of Champaign County, Illinois, that County Highway 18 (Monticello Road) from County Highway 19 (Sadorus Road) easterly to U.S. Route 45, in Champaign County is in need of improvement; and

BE IT FURTHER RESOLVED, That the type of improvement shall consist of the widening and resurfacing and shall be designated as Section #07-00419-00-RS; and

BE IT FURTHER RESOLVED, That the improvement shall be by contract.

NOW, THEREFORE, BE IT RESOLVED, That there is hereby appropriated the sum of Five Hundred Thousand Dollars (\$500,000.00) from the County's Motor Fuel Tax Funds for the County's share of the widening and resurfacing costs of this improvement, and

BE IT FURTHER RESOLVED, That the County Clerk is hereby directed to transmit three (3) certified copies of this resolution to Mr. Joseph E. Crowe, District Engineer, Illinois Department of Transportation, Paris, Illinois

PRESENTED, ADOPTED, APPROVED and RECORDED this 18th day of March A.D., 2010.

C. Pius Weibel, Chair
County Board of the County of
Champaign, Illinois

ATTEST: _____
Mark Sheldon, County Clerk and
Ex-Officio Clerk of the County Board

Prepared by: Jeff Blue
County Engineer

Resolution No.

I, Mark Shelden, County in and for said County, in the State aforesaid and keeper of the records and files thereof, as provided by statute do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the County Board of Champaign County at its County Board Meeting held at Urbana, Illinois, on March 18, 2010.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Urbana in said County, this _____ day of _____ A.D. 2010.

(SEAL) _____ County Clerk

APPROVED

Date

Department of Transportation

District Engineer

RESOLUTION NO. _____

RESOLUTION APPROPRIATING \$3,000,000.00 FROM
COUNTY MOTOR FUEL TAX FUNDS
FOR THE IMPROVEMENT OF
COUNTY HIGHWAY 18
SECTION #07-00419-01-RS

BE IT RESOLVED, By the County Board of Champaign County, Illinois, that County Highway 18 (Monticello Road) from County Highway 19 (Sadorus Road) westerly to the Piatt County Line, in Champaign County is in need of improvement; and

BE IT FURTHER RESOLVED, That the type of improvement shall consist of the widening and resurfacing and shall be designated as Section #07-00419-01-RS; and

BE IT FURTHER RESOLVED, That the improvement shall be by contract.

NOW, THEREFORE, BE IT RESOLVED, That there is hereby appropriated the sum of Three Million Dollars (\$3,000,000.00) from the County's Motor Fuel Tax Funds for the widening and resurfacing costs of this improvement, and

BE IT FURTHER RESOLVED, That the County Clerk is hereby directed to transmit three (3) certified copies of this resolution to Mr. Joseph E. Crowe, District Engineer, Illinois Department of Transportation, Paris, Illinois

PRESENTED, ADOPTED, APPROVED and RECORDED this 18th day of March A.D., 2010.

C. Pius Weibel, Chair
County Board of the County of
Champaign, Illinois

ATTEST: _____
Mark Sheldon, County Clerk and
Ex-Officio Clerk of the County Board

Prepared by: Jeff Blue
County Engineer

Resolution No.

I, Mark Shelden, County in and for said County, in the State aforesaid and keeper of the records and files thereof, as provided by statute do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the County Board of Champaign County at its County Board Meeting held at Urbana, Illinois, on March 18, 2010.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Urbana in said County, this _____ day of _____ A.D. 2010.

(SEAL) _____ County Clerk

APPROVED

Date

Department of Transportation

District Engineer

RESOLUTION NO. _____

RESOLUTION FOR CONTRACT AWARD AUTHORITY

WHEREAS, Sealed bids will be received in the office of the County Engineer until 10:00 a.m. March 17, 2010, for the widening and resurfacing of CH. 18 (Monticello Road) Section 07-00419-01-RS, and at that time will be publicly opened and read, and

WHEREAS, it is in the best interest of Champaign County to award the contract as early as possible, and

WHEREAS, the Champaign County Board agrees to allow Jeff Blue, P.E., Champaign County Engineer to accept the low bid for construction of Monticello Road on behalf of Champaign County if the low bid is within 10% of the engineer's estimate.

NOW, THEREFORE, BE IT RESOLVED, by the Champaign County Board that the above will be accepted to expedite the contract with the low bidder.

PRESENTED, ADOPTED, APPROVED, and RECORDED this 18th day of March A.D., 2010.

C. Pius Weibel, Chair
County Board of the County of
Champaign, Illinois

ATTEST: _____
Mark Shelden, County Clerk and
Ex-Officio Clerk of the County Board

Prepared by: Jeff Blue
County Engineer

**Closed Meeting Minutes Review – Highway & Transportation Committee
March 2, 2010**

Is it necessary to protect the public interest or privacy of an individual?

Date of Minutes	Yes, Keep Confidential	No, Place in Open Files
January 14, 2000		
August 11, 2000		
November 27, 2000		
October 11, 2002		
April 25, 2003 – Minutes opened February 10, 2006		
October 24, 2003 – Minutes opened February 10, 2006		
November 7, 2003		
May 24, 2004 – Minutes opened September 7, 2007 <i>County Engineer Selection Committee</i>		
June 7, 2004 <i>County Engineer Selection Committee</i>		
June 14, 2004 <i>County Engineer Selection Committee</i>		
June 21, 2004 <i>County Engineer Selection Committee</i>		
June 29, 2004 <i>County Engineer Selection Committee</i>		
July 8, 2004		
July 8, 2004 <i>County Engineer Selection Committee</i>		
July 30, 2004 <i>County Engineer Search Committee</i>		
August 5, 2004		
August 23, 2005 <i>Performance Appraisal Subcommittee</i>		
August 31, 2005 <i>Performance Appraisal Subcommittee</i>		
October 7, 2005		
August 31, 2006 <i>Performance Appraisal Subcommittee</i>		

Date of Minutes	Yes, Keep Confidential	No, Place in Open Files
September 14, 2006 <i>Performance Appraisal Subcommittee</i>		
October 6, 2006		
October 12, 2007 <i>Performance Appraisal Subcommittee</i>		
November 9, 2007		
February 8, 2008		
March 7, 2008		
June 6, 2008		
*April 17, 2009		

***Minutes not previously approved in semi-annual review.**

Chiller Replacement Schedule

GHR Original Proposed Schedule	Start	Finish	Working Days
Decide Air or Water	12/31/2009		
County Bid & order Chiller	1/13/2010		
A/E Prepares Installation Docs	1/4/2010		
Out for Bids	1/25/2010		
Receive Bids (2 wks)	2/8/2010		
Work Begins onsite	2/15/2010		
Chiller Arrives (12 wks)	4/7/2010		
Substantial Completion	4/28/2010		
Final Completion	5/12/2010		
Total Days			93

County Adjusted Schedule

Concept & Contract Approved	1/6/2010		
County Bid & Order Chiller	1/27/2010	2/10/2010	
A/E Prepares Installation Docs	1/11/2010	2/15/2010	
Out for Bids (2 wks)	2/15/2010	3/1/2010	
County Facilities Approval (with approval to proceed with project)		3/2/2010	
Work Begins onsite	3/8/2010	5/19/2010	
Chiller Arrives (12 wks)		4/21/2010	
Substantial Completion		5/19/2010	
Final Completion		6/2/2010	
Total Days			106

COURTHOUSE MASONRY STABILIZATION & RESTORATION PROJECT

Prepared By: E Boatz 3/02/10

	ORIGINAL CONTRACT	CHANGE ORDERS	CONTRACT TOTAL	PAYMENTS THIS MONTH	PAYMENTS YEAR TO DATE	BALANCE TO FINISH
Original Project Budget	\$6,747,552.14					
Current Budget w/Change Orders	\$7,202,421.33					
<i>Architect Fees-White & Borgognoni</i>						
Basic Service	\$425,641.74			\$0.00	\$416,291.46	\$9,350.28
Amend #1-Option 4 Tower		\$43,425.00		\$0.00	\$42,413.60	\$1,011.40
Amend #2-Temp Cool/Jury Assembly		\$853.40		\$0.00	\$853.40	\$0.00
Amend #3-Tower Exit		\$6,221.74		\$0.00	\$6,221.74	\$0.00
Amend #4-Security Camera		\$4,130.73		\$0.00	\$4,130.73	\$0.00
Amend #5-Clk Face Stone;Lightning Prot		\$10,129.12		\$0.00	\$10,129.12	\$0.00
Amend #6-Bollard Security/Crthse Plaza		\$2,845.00		\$0.00	\$2,845.00	\$0.00
Amend#7-South Security; Energy Mod		\$23,388.00		\$0.00	\$23,388.00	\$0.00
Amend #8-Pathways & landscaping		\$11,738.20		\$0.00	\$11,738.20	\$0.00
Amend #9 - Emergency Masonry Repair		\$3,077.50		\$0.00	\$3,077.50	\$0.00
Total Architect Fees	\$425,641.74	\$105,808.69	\$531,450.43	\$0.00	\$521,088.75	\$10,361.68
<i>Reimbursables-White & Borgognoni</i>						
Analysis/Testing; On-site Observation	\$98,092.72			\$0.00	\$85,847.53	\$12,245.19
Amendment #1 - Option 4 Tower		\$7,494.18	\$105,586.90			\$7,494.18
Miscellaneous Reimbursable Expenses	\$39,839.50			\$0.00	\$35,595.71	\$4,243.79
Amendment #1- Option 4 Tower		\$20,593.82	\$60,433.32	\$0.00	\$1,692.22	\$18,901.60
Total Reimbursable Expenses	\$137,932.22	\$28,088.00	\$166,020.22	\$0.00	\$123,135.46	\$42,884.76
<i>Building Const - Roessler Const</i>						
Existing Building	\$2,787,950.00	\$348,314.88	\$3,136,264.88	\$0.00	\$2,958,334.31	\$177,930.57
Tower	\$2,804,150.00	\$350,338.19	\$3,154,488.19	\$0.00	\$2,975,148.66	\$179,339.53
Owner Items			\$170,197.61	\$925.46	\$170,197.61	
Contingency	\$591,878.18	-\$106,774.89	\$0.00			\$0.00
Total Building Construction	\$6,183,978.18	\$698,653.07	\$6,460,950.68	\$925.46	\$6,103,680.58	\$357,270.10
<i>Additional Contracts</i>						
Todd Frahm - Gargoyles		\$44,000.00	\$44,000.00	\$0.00	\$44,000.00	\$0.00
Total Additional Contracts	\$0.00	\$44,000.00	\$44,000.00	\$0.00	\$44,000.00	\$0.00
PROJECT TOTAL	\$6,747,552.14	\$284,671.58	\$7,202,421.33	\$925.46	\$6,791,904.70	\$410,516.54

% of Project Paid to Date

94.30%

Physical Plant Monthly Expenditure Report
January, 2010

EXPENDITURE ITEM	FY2009 YTD 1/31/2009	FY2009 ACTUAL 11/30/2009	FY2009 YTD as % of Actual	FY2010 ORIGINAL BUDGET	FY2010 BUDGET 1/31/2010	FY2010 YTD 1/31/2010	FY2010 YTD as % of Budget	FY2010 Remaining Balance
Gas Service	\$82,142	\$410,906	19.99%	\$547,793	\$547,793	\$44,939	8.20%	\$502,854
Electric Service	\$59,659	\$879,648	6.78%	\$974,737	\$974,737	\$56,509	5.80%	\$918,228
Water Service	\$2,341	\$47,286	4.95%	\$57,000	\$57,000	\$6,351	11.14%	\$50,649
Sewer Service	\$3,422	\$41,186	8.31%	\$35,800	\$35,800	\$3,433	9.59%	\$32,367
All Other Services	\$46,669	\$261,866	17.82%	\$241,743	\$287,610	\$50,166	17.44%	\$237,444
Cths R & M	\$4,840	\$39,649	12.21%	\$30,113	\$30,113	\$9,571	31.79%	\$20,542
Downtown Jail R & M	\$5,799	\$52,714	11.00%	\$26,498	\$26,049	\$1,293	4.96%	\$24,756
Satellite Jail R & M	\$7,108	\$54,266	13.10%	\$27,342	\$27,342	\$2,472	9.04%	\$24,870
1905 R & M	\$2,530	\$13,601	18.60%	\$10,075	\$10,075	\$2,069	20.53%	\$8,006
Brookens R & M	\$3,334	\$27,275	12.22%	\$31,020	\$30,171	\$3,272	10.84%	\$26,899
JDC R & M	\$1,173	\$6,037	19.42%	\$11,366	\$11,366	\$39	0.34%	\$11,327
1701 E Main R & M	\$5,665	\$26,980	21.00%	\$45,000	\$45,000	\$2,837	6.30%	\$42,163
Other Buildings R & M	\$15	\$13,676	0.11%	\$7,520	\$8,502	\$2,212	26.01%	\$6,290
Commodities	\$20,537	\$69,679	29.47%	\$64,207	\$65,056	\$17,787	27.34%	\$47,269
Gas & Oil	\$412	\$6,369	6.47%	\$10,810	\$10,810	\$670	6.20%	\$10,140
S. Hwy Garage Remodel	\$206	\$108,755	0.19%	\$0	\$5,299	\$16	0.31%	\$5,283

Prepared by:
Ranae Wolken
2/18/2010

Electric Utilities - FY2009

Period	Courthouse	204 E Main	502 S Lierman	JDC	1905 E Main	1701 E Main Rear EMA/METCAD	Nite Lite	Brookens	ITC	1705 E Main North Garage	1705 E Main South Garage	Monthly Totals
December	\$15,098.34	\$7,346.38	\$8,776.98	\$4,351.68	\$4,371.47	\$149.44	\$254.17	\$5,172.19	\$7,225.78	\$80.68	\$117.27	\$52,944.38
January	\$15,939.57		\$9,520.51	\$4,741.26	\$5,302.29	\$154.44	\$248.64		\$7,481.97	\$65.21	\$144.95	\$43,388.68
February												\$0.00
March												\$0.00
April												\$0.00
May												\$0.00
June												\$0.00
July												\$0.00
August												\$0.00
September												\$0.00
October												\$0.00
November												\$0.00
Total to Date	\$31,037.91	\$7,346.38	\$18,297.49	\$9,092.94	\$9,673.76	\$303.88	\$502.81	\$5,172.19	\$7,481.97	\$0.00	\$262.22	\$89,171.55

Prepared by Ranae Wolken
2/22/2010

Gas Utilities - FY2009

Period	Courthouse	204 E Main	502 S Lierman	JDC	1905 E Main	1701 E Main Rear EMA/METCAD	Brookens	ITC	1705 E Main North Garage	1705 E Main South Garage	Monthly Totals
December	\$12,146.91	\$2,768.92	\$7,849.04	\$2,036.89	\$1,370.26	\$366.53	\$3,500.41	\$14,358.77	\$376.97	\$164.02	\$44,938.72
January	\$17,577.70	\$3,790.73	\$12,163.62	\$3,198.80	\$1,808.75	\$648.46	\$6,322.46	\$23,179.19	\$583.06	\$1,151.07	\$70,423.84
February											\$0.00
March											\$0.00
April											\$0.00
May											\$0.00
June											\$0.00
July											\$0.00
August											\$0.00
September											\$0.00
October											\$0.00
November											\$0.00
Total to date	\$29,724.61	\$6,559.65	\$20,012.66	\$5,235.69	\$3,179.01	\$1,014.99	\$9,822.87	\$37,537.96	\$0.00	\$1,315.09	\$114,402.53

Prepared by Ranae Wolken
2/22/2010

Building/Grounds Maintenance work hour comparison

FY2010

Weekly Period	Repair & Maintenance	Scheduled Maintenance	Nursing Home	Special Project	Grounds Maintenance	Other Tenants	TOTAL
11/29/09-12/5/09	384.00	2.00	0.00	17.00	0.00	0.00	403.00
12/6/09-12/12/09	342.00	0.00	0.00	48.00	14.50	0.00	404.50
12/13/09-12/19/09	268.75	0.00	0.00	113.00	0.50	0.00	382.25
12/20/09-12/26/09**	197.50	0.00	5.00	15.00	37.25	0.00	254.75
12/27/09-1/2/10*	202.50	0.00	5.00	0.00	87.25	0.00	294.75
1/3/10-1/9/10	284.75	0.00	3.25	0.00	151.25	0.00	439.25
1/10/10-1/16/10	304.75	0.00	2.00	36.50	19.50	4.50	367.25
1/17/10-1/23/10*	212.75	0.00	5.00	0.00	47.50	15.00	280.25
1/24/10-1/30/10	342.75	23.00	9.50	0.00	24.00	0.00	399.25
1/31/10-2/6/10	309.75	0.00	1.75	0.00	39.50	0.00	351.00
2/7/10-2/13/10	324.75	0.00	5.00	2.00	101.25	2.00	435.00
2/14/10-2/20/10*	234.25	0.00	1.75	0.00	59.00	10.50	305.50

*week includes a holiday

One work week: 435.00 hours with regular staff

There are currently 465.10 comp time hours available to the maintenance staff

Total comp time hours earned in FY10 to date- 210.41

Total spent to date on overtime in FY09 - \$1,495.25 (Original Budgeted Amount - \$3,000)

Prepared by: Ranae Wolken
2/22/2010

CHAMBER OF COMMERCE ENERGY PURCHASING COOPERATIVE

Building Summary information from 4/2008 -4/2009

Building	Building Sq. Ft.	Electric				
		Number Billing Days	KWHRS	KWHRS/SF	Cost	Cost/SF
Brookens	93,060	365	1627699	17.49085386	155,414	1.670042
Crthse.	146,339	365	2798499	19.12339657	257,300	1.758246

Previous 3 year Cooperative Contract price for Electricity \$00.0689 (end date of June 2010)

Current 3 year Cooperative Contract price for Electricity \$00.06047 (end date of June 2013)

Comparison

Brookens actual KWRS x \$00.0689=	\$103,993.68
Brookens actual KWRS x \$00.06047=	\$98,426.95
Potential Yearly Saving 5.35%	\$5,566.73

Courthouse actual KWRS x \$00.0689=	\$178,796.08
Courthouse actual KWRS x \$00.06047=	\$169,225.22
Potential Yearly Saving 5.35%	\$9,570.87

**Closed Meeting Minutes Review – County Facilities Committee
March 2, 2010**

Is it necessary to protect the public interest or privacy of an individual?

Date of Minutes	Yes, Keep Confidential	No, Place in Open Files
April 26,1990 <i>Performance Appraisal Subcommittee</i>		
November 12,1992 <i>Performance Appraisal Subcommittee</i>		
July 7,1993 <i>Search Subcommittee for Physical Plant Director</i>		
November 6, 2001- #1		
November 6, 2001 - #2		
December 10, 2002		
January 6, 2004		
May 4, 2004		
June 8, 2004		
August 25, 2004 <i>Performance Appraisal Subcommittee</i>		
September 15, 2004 <i>Performance Appraisal Subcommittee</i>		
October 5, 2004		
May 10, 2005		
August 23, 2005 <i>Performance Appraisal Subcommittee</i>		
August 31, 2005 <i>Performance Appraisal Subcommittee</i>		
October 12, 2005		
February 7, 2006		
May 2, 2006		
August 22, 2006		
August 24, 2006 – <i>Performance Appraisal Subcommittee</i>		

Date of Minutes	Yes, Keep Confidential	No, Place in Open Files
September 14, 2006 – #1 <i>Performance Appraisal Subcommittee</i>		
September 14, 2006 – #2 <i>Performance Appraisal Subcommittee</i>		
October 3, 2006		
November 21, 2006		
May 6, 2008		
November 12, 2008		

***Minutes not previously approved in semi-annual review.**



PLANNING & COMMUNITY DEVELOPMENT
1776 East Washington Street
Urbana, IL 61802

Phone 217.328.3313
Fax 217.328.2426
www.ccrpc.org

TO: Environmental & Land Use Committee Members
FROM: Rita Moroccoima-Black, CCRPC/CUUATS Transportation Planning Manager
DATE: February 22, 2010
RE: Update on transportation coordination process to provide countywide public transportation
REQUESTED ACTION: Approve Selected Transportation Provider

BACKGROUND:

As a result of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Champaign County has an opportunity to apply for and receive grants to expand transportation for residents of all ages. Based on IDOT's methodology used to allocate this funding for service expansion to unfunded or underfunded service areas, Champaign County is eligible to receive:

\$145,038.40 in FY2008
\$153,871.24 in FY2009
\$153,871.24 in FY2010
Total: \$448,299.19

The County was notified of the availability of funding on August 27, 2007. On October 9, 2007 the Environment and Land Use Committee discussed the possibility of banking these funds in order to eventually provide public transportation in the county. The item was discussed at the Champaign County Board Meeting on October 18th, 2007. At this meeting, the County passed a resolution as required by IDOT authorizing the intent to use these funds to provide general public transportation service. Also, in order to receive a rural transportation operating assistance (Section 5311) grant, the county was required to work through the steps of the Interagency Coordinating Committee on Transportation (ICCT) primer. A signed resolution along with other items was mailed to IDOT on October 26th, 2007.

As part of *first phase of the ICCT process*, the Champaign County Transit Partnership Group (CCTPG) was created, coordinated, and facilitated by the Champaign County Regional Planning Commission. The CCTPG is a group of volunteers and transportation providers working under guidance from the ICCT Clearinghouse to develop coordinated public transportation throughout our county.

A *second phase of the ICCT primer process* required that a needs assessment be performed. The CCTPG distributed, collected and analyzed surveys from rural residents and transportation providers regarding transportation needs in the rural areas of the county (outside Champaign-Urbana-Savoy-Bondville).

In the *third phase of the ICCT primer process*, two different groups were created, the Contract Development Group and the Public Education and Legislative Outreach Group. The Contract Development Group utilizes the Wish List, Needs Assessment, Inventory of Resources, and other data to develop interagency agreements for a coordinated transportation system. The Public Education Group provides education and outreach for the general public, media, employers, business leaders, legislators at the city, county, state, and federal levels, etc.

The next step in the process is for the Contract Development Group to develop an action plan, keeping in mind that those who rely on public transportation face very real problems of limited mobility that impact them on a daily basis. These are problems affecting real people, not political issues or leverage points for agencies. Thus, we will continue to work together to create a non-partisan public transportation action plan that puts the needs of our community above political priorities. There are three main components of the action plan:

1. Single Public Transportation Entity
2. Service Routes
3. Funding Strategy

In order for this group to develop the action plan, we are soliciting approval from the Environmental and Land Use Committee (ELUC) and the County Board to designate CRIS Rural Transit as the main transportation provider as recommended by the Contract Development Group at its meeting on February 17th.

After completing the action plan for Champaign County, the Champaign County Transit Partnership Group (CCTPG) will engage in completing *Phase 4 of the ICCT primer process*, which includes the following steps:

1. Send letter of intent to IDOT
2. Request 5311 Grant Manual from IDOT
3. Transportation Plan meets all requirements
4. Contact IL Public Transportation Association (IPTA)
5. HSTP Participation

Finally, in *Phase 5 of the ICCT primer process*, Evaluation, the group will continue to monitor the progress of the system through establishing an evaluation and assessment plan. Champaign County system's success will be maintained through monitoring of routes, rides, and service contracts. At least annually, the group will reassess the services provided to meet the ever-changing demands of the public and contracting agencies.



Date February 22, 2010

To: Environment and Land Use Committee

From: Susan Chavarria, LRMP Project Manager

Regarding: ELUC March 2, 2010 Meeting Agenda Items

Information Only: 1) Review of Public Comments on Land Resource Management Plan

Action Request: 2) Recommendation of Land Resource Management Plan to the County Board

Two items regarding the draft Land Resource Management Plan (LRMP) are included on the March 2, 2010 Champaign County Committee of the Whole meeting agenda.

1) Review of Public Comments on Land Resource Management Plan

Please refer to the February 18, 2010 memorandum from Susan Chavarria which summarizes and provides content of public comments regarding the LRMP received during the open public comment review period. This memorandum was distributed to you at the February 18, 2010 Champaign County Board meeting.

2) Recommendation of Land Resource Management Plan to the County Board

Please refer to the draft Land Resource Management Plan (LRMP) document that was distributed to you at the February 18, 2010 Champaign County Board meeting.

Staff requests that the Committee recommend approval of the LRMP to the County Board.

Champaign
County
Department of

**PLANNING &
ZONING**

To: **Champaign County Board – Committee of the Whole**
From: **JR Knight, Associate Planner**
John Hall, Zoning Administrator

Date: **February 22, 2010**

RE: **Zoning Case 658-AT-09**

Zoning Case 658-AT-09

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

(217) 384-3708

Request **Amend the Champaign County Zoning Ordinance as follows:**

Part A

1. **Amend paragraph 6.1.1 C.5. to reference the requirements of paragraph 6.1.4 P.5.**
2. **Amend paragraph 6.1.4 C.11. to (a) require the wind farm separation from restricted landing areas or residential airports only for restricted landing areas and residential airports that existed on the effective date of County Board adoption of Case 658-AT-09; and (b) reduce the distance of the wind farm separation from restricted landing areas or residential airports so that it is based on the height of the wind farm tower.**

Part B

1. **Amend paragraph 9.1.11 D.1. to include reference to subsection 6.1 instead of section 6.1.3.**

Petitioner **Zoning Administrator**

STATUS

The Board voted to defer action on this proposed text amendment last month. The memo handed out at the February 4, 2010, meeting is attached.

At their meeting on February 15, 2010, the City of Urbana City Council voted to defeat a resolution of protest against this case.

PART B

As was discussed at the February 4, 2010, Committee of the Whole meeting Part B of Case 658-AT-09 could be withdrawn by the Zoning Administrator and would come back to the County Board as part of a new text amendment that deals with several similar issues. That new text amendment is reviewed in another memo to the Board this month.

COORDINATING THE TEXT AMENDMENT WITH MUNICIPAL AND TOWNSHIP REVIEW

Text amendments are generally held at ELUC for one month to allow municipalities (and townships with Plan Commissions) the opportunity to review the recommendation of ELUC and decide if it is necessary to protest the amendment at the full County Board.

The City of Urbana City Council has already determined to not protest this amendment and it is not clear if any other municipality will even consider this amendment. The statutory 30 day time limit for protests by Townships with Plan Commissions will not expire until March 3, 2010, which is the day after the Committee of the Whole meeting.

At the March 2, 2010, meeting the Committee should either affirm or revise the recommendation of the ZBA and any municipal and township comments that are received can be reviewed at the April 6, 2010, Committee meeting and the full Board could consider adoption of the amendment on April 22, 2010.

ATTACHMENTS

- A February 2, 2010, Memo for Zoning Case 658-AT-09, with attachments
- B Herb Schildt's Written Comments submitted at the February 4, 2010, meeting

Champaign
County
Department of



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

(217) 384-3708

To: **Environment and Land Use Committee**
From: **JR Knight, Associate Planner**
John Hall, Zoning Administrator

Date: **February 2, 2010**

RE: **Zoning Case 658-AT-09**

Zoning Case 658-AT-09

Request **Amend the Champaign County Zoning Ordinance as follows:**

Part A

1. **Amend paragraph 6.1.1 C.5. to reference the requirements of paragraph 6.1.4 P.5.**
2. **Amend paragraph 6.1.4 C.11. to (a) require the wind farm separation from restricted landing areas or residential airports only for restricted landing areas and residential airports that existed on the effective date of County Board adoption of Case 658-AT-09; and (b) reduce the distance of the wind farm separation from restricted landing areas or residential airports so that it is based on the height of the wind farm tower.**

Part B

1. **Amend paragraph 9.1.11 D.1. to include reference to subsection 6.1 instead of section 6.1.3.**

Petitioner **Zoning Administrator**

STATUS

The Zoning Board of Appeals voted to "RECOMMEND ENACTMENT" of this proposed Zoning Ordinance Text Amendment at their February 1, 2010, meeting. The Approved Finding of Fact is attached.

RESIDENTIAL AIRPORT AND RLA SEPARATIONS

There are two diagrams attached which illustrates the following:

- (1) The existing RLA separation; and
- (2) The proposed separation in the ZBA recommendation

Although the diagrams only explicitly show an RLA, the separations for a residential airport would be arranged the same way, but with a slightly larger approach zone separation.

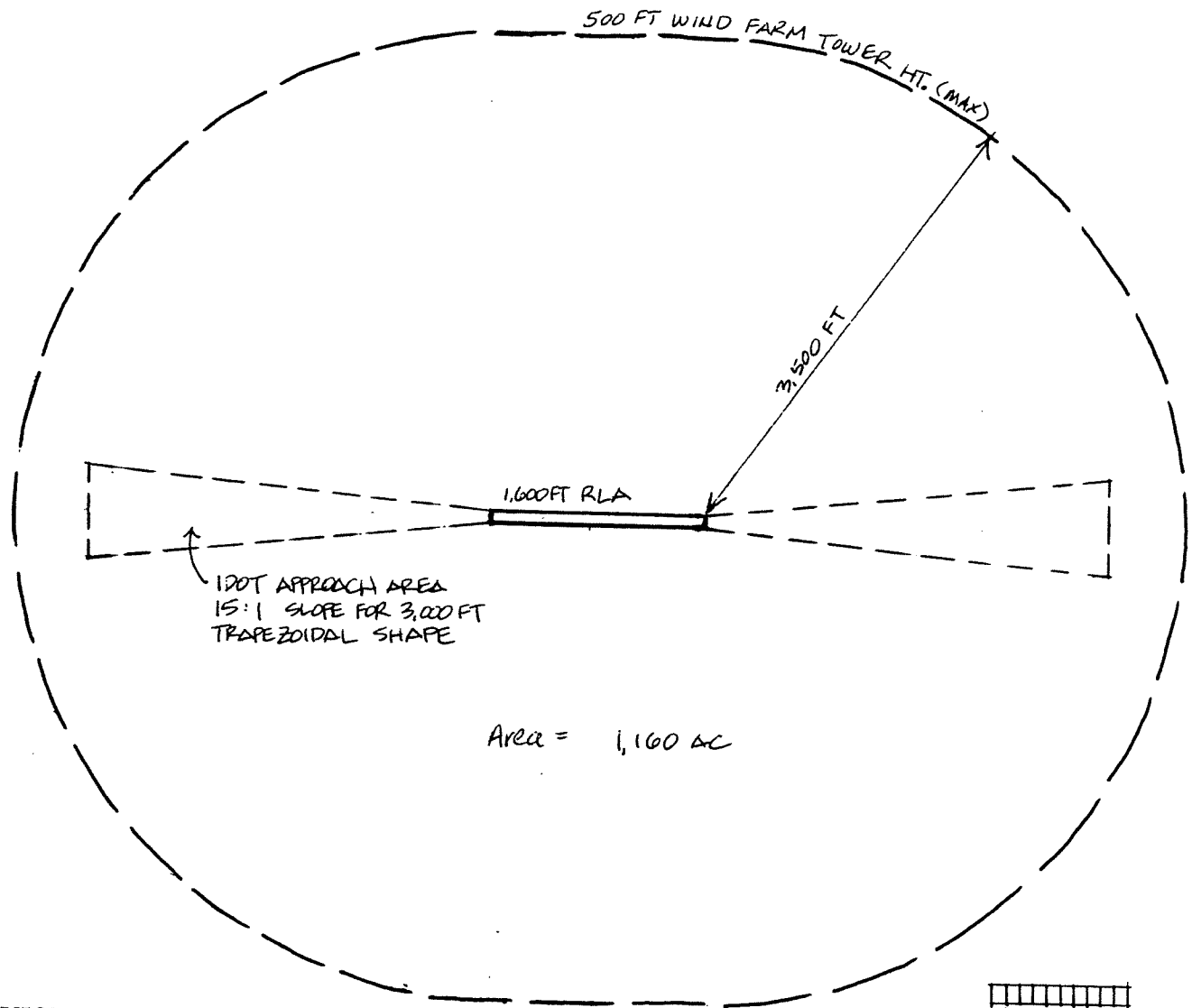
OTHER REVISIONS

Part A.1. of the proposed amendment is a change to improve the cross referencing between the basic reclamation agreement requirements in paragraph 6.1.1 A. 5 and the wind farm reclamation agreement in paragraph 6.1.4 P. The proposed change to paragraph 6.1.1 C.5. will make it clear which reclamation agreement requirement applies in the case of a wind farm special use permit.

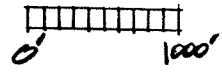
Part B.1. of the proposed amendment revises paragraph 9.1.11 D.1 to refer to Subsection 6.1 instead of 6.1.3. Case 634-AT-08 Part A was very clear that all of the requirements for wind farms in subsection 6.1.4 are standard conditions and the Ordinance is very clear that standard conditions may be waived in any special use permit. Case 634-AT-08 Part A also reorganized subsections 6.1.1, 6.1.2, and 6.1.3 in addition to introducing subsection 6.1.4. However, the existing reference to standard conditions in paragraph 9.1.11 D.1. only mentions subsection 6.1.3. and it should now refer to subsection 6.1.

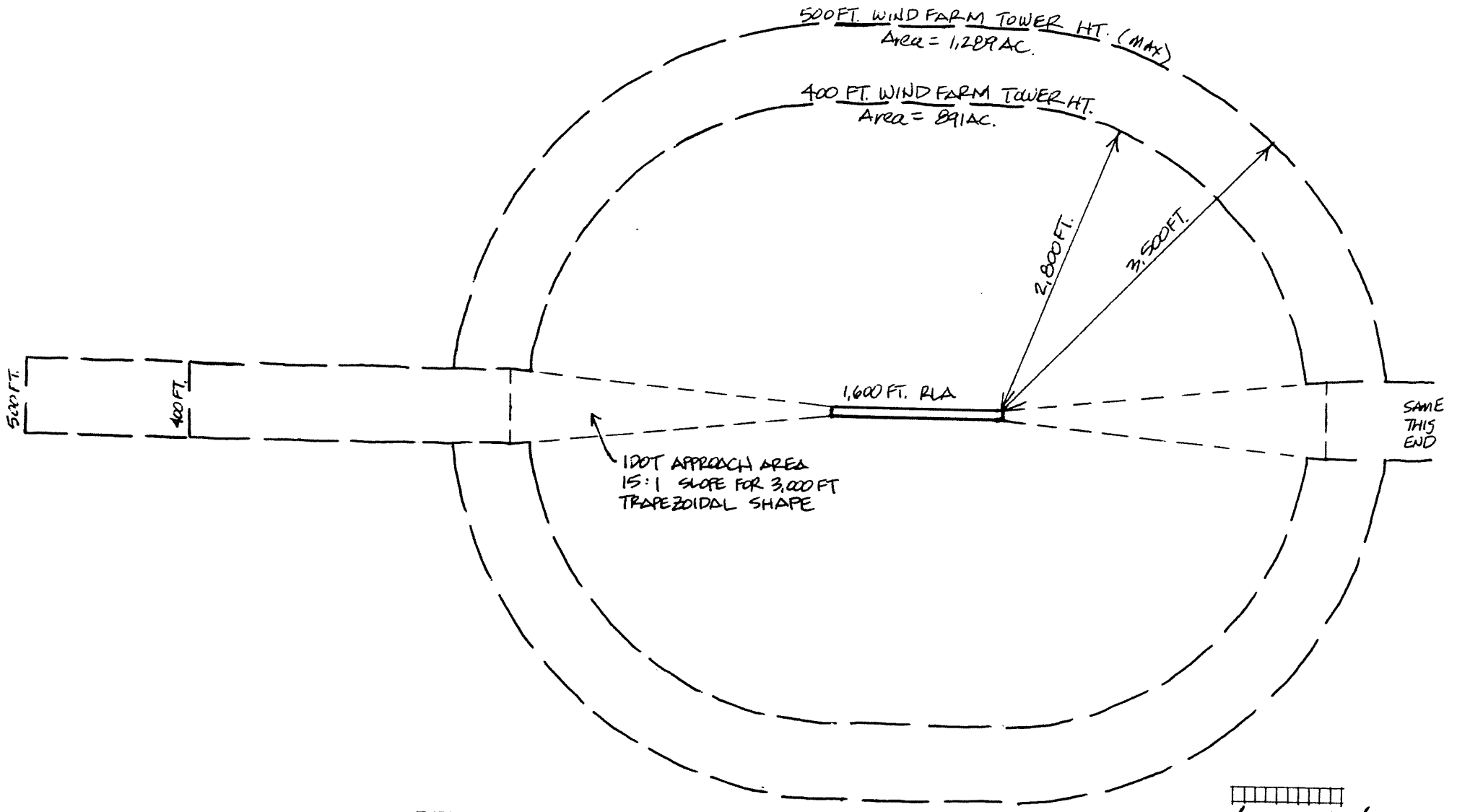
ATTACHMENTS (excerpted from Documents of Record)

- A Illustration of existing RLA wind farm separation
- B Illustration of revised Draft RLA wind farm separation
- C Draft Proposed Amendment (all sections)
- D Finding of Fact and Final Determination of the Champaign County Zoning Board of Appeals as approved on February 1, 2010



EXISTING ORDINANCE R.L.A. MINIMUM WIND FARM SEPARATION
 Case 658-AT-09 Feb. 1, 2010





REVISED DRAFT R.L.A. MINIMUM WIND FARM SEPARATION
Case 658-AT-09 Feb. 1, 2010

Attachment C. Case 658-AT-09 Draft Proposed Amendment
FEBRUARY 2, 2010

1. Revise paragraph 6.1.1 C.5. to reference the requirements of paragraph 6.1.4 P.5.

5. No Zoning Use Permit for such SPECIAL USE will be issued until the developer provides the COUNTY with an irrevocable letter of credit to be drawn upon a federally insured financial institution within 200 miles of Urbana or reasonable and anticipated travel costs shall be added to the amount of the letter of credit. The irrevocable letter of credit shall be in the amount of one hundred fifty percent (150%) of an independent engineer's cost estimate to complete the work described in Section 6.1.1C4a, except as a different amount may be required as a standard condition in Paragraph 6.1.4 P. This letter of credit, or a successor letter of credit pursuant to Section 6.1.1C6 or 6.1.1C12 shall remain in effect and shall be made available to the COUNTY for an indefinite term, or for a different term that may be required as a standard condition in Paragraph 6.1.4 P.

2. Revise subparagraph 6.1.4 C. 11. as follows:

11. ~~At least 3,500 feet separation from the exterior above ground base of a WIND FARM TOWER to any RESTRICTED LANDING AREA or RESIDENTIAL AIRPORT.~~ For any legal RESTRICTED LANDING AREA that existed on or for which there had been a complete special use permit application received by {the date of adoption}, there shall be a separation from the runway to the nearest tip of a blade of the nearest WIND FARM TOWER as follows:
- (a) The separation from the sides and ends of the runway shall be seven horizontal feet for each one foot of overall WIND FARM TOWER HEIGHT.
- (b) An additional separation from the end of the runway shall be 15 feet for each one foot of overall WIND FARM TOWER HEIGHT in a trapezoidal shape that is the width of the runway approach zone based on the requirements of 92 Ill. Admin. Code 14.520, except as follows:
- (1) that part of the separation that is more than 3,000 feet from the end of a runway may be a consistent width based on the widest point of the runway approach zone.
12. For any legal RESIDENTIAL AIRPORT that existed on or for which there had been a complete special use permit application received by {the date of adoption}, there shall be a separation from the runway to the nearest tip of a blade of the nearest WIND FARM TOWER as follows:
- (a) The separation from the sides and ends of the runway shall be seven horizontal feet for each one foot of overall WIND FARM TOWER HEIGHT.
- (b) An additional separation from the end of the runway and for a distance of 50 feet on either side of an end of the runway, shall be 20 feet for each one foot of overall WIND FARM TOWER HEIGHT in a trapezoidal shape that

Attachment C. Case 658-AT-09 Draft Proposed Amendment
FEBRUARY 2, 2010

is the width of the runway approach zone based on the requirements of 92 Ill. Admin. Code 14.520, except as follows:

- (1) that part of the required separation that is more than 3,000 feet from the end of a runway may be a consistent width based on the widest part of the runway approach zone.

3. Revise subparagraph 9.1.11 D.1. as follows:

D. Conditions

1. Any other provision of this ordinance notwithstanding, the BOARD or GOVERNING BODY, in granting any SPECIAL USE, may waive upon application any standard or requirement for the specific SPECIAL USE enumerated in Section 6.1.3 ~~Schedule of Requirements and Standard Conditions~~ Standards for Special Uses, to the extent that they exceed the minimum standards of the DISTRICT, except for any state or federal regulation incorporated by reference, upon finding that such waiver is in accordance with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or to the public health, safety and welfare.

AS APPROVED

658-AT-09

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: **RECOMMEND ENACTMENT**

Date: February 1, 2010

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

PART A:

1. Amend paragraph 6.1.1 C.5. to reference the requirements of paragraph 6.1.4 P.5.
2. Amend paragraph 6.1.4 C.11. to require the wind farm separation from restricted landing areas or residential airports only for restricted landing areas and residential airports that existed on the effective date of County Board adoption of Case 658-AT-09.

PART B:

1. Amend paragraph 9.1.11 D.1. to include reference to subsection 6.1 instead of subsection 6.1.3.

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 14, 2010, and February 1, 2010**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The need for the amendment came about as follows:
 - A. New requirements for wind farm development were added to the Zoning Ordinance by the adoption of Ordinance No. 848 (Case 634-AT-08 Part A) by the County Board on May 21, 2009.
 - B. Case 645-S-09 for a proposed restricted landing area within the area of an anticipated wind farm has revealed what appears to be a weakness in the wind farm amendment.

- C. The weakness in the wind farm regulations is that an agricultural RLA can be established with no approval necessary from the County and once established it will create an area of approximately 1,100 acres where no wind farm tower may be established.
 - D. Wind farm towers provide tremendous economic benefit to the landowner and more importantly the local school system and eliminating so much possible income would be injurious to the district.
 - E. There were also several minor errors or oversights in the final wording of Ordinance No. 848 that if not corrected could cause unnecessary complications for any wind farm review and so those oversights have also been included in this case.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

GENERALLY REGARDING THE EXISTING ZONING REGULATIONS

4. Existing Zoning regulations regarding the separate parts of the proposed amendment are as follows:
- A. Requirements for the development of wind farms were added to the *Zoning Ordinance* in Ordinance No. 848 (Case 634-AT-09 Part A) on May 21, 2009. These requirements included a 3,500 foot separation from any restricted landing area or residential airport to the base of any wind farm tower.
 - B. Ordinance No. 848 also reorganized Section 6 of the *Zoning Ordinance* to make it more clear that all the requirements in Section 6.1 are standard conditions and are waiveable as part of a Special Use Permit. However, some references to standard conditions and Section 6 in other parts of the *Zoning Ordinance* were not updated.
 - C. The following definitions from the *Zoning Ordinance* are especially relevant to this amendment (capitalized words are defined in the Ordinance):
 - (1) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
 - (2) "NON-ADAPTABLE STRUCTURE" is any STRUCTURE or physical alteration to the land which requires a SPECIAL USE permit, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRICT (by-right or by SPECIAL USE).
 - (3) "RESIDENTIAL AIRPORT" is any area described or defined as an AIRPORT under the *Illinois Aviation Safety Rules* (92 Ill. Admin. Code Part 14) and which is classified as a Residential Airport by the Illinois Department of Transportation, Division of Aeronautics.

- (4) "RESTRICTED LANDING AREA" is any area described or defined as a Restricted Landing Area under the *Illinois Aviation Safety Rules (92 Ill. Admin. Code Part 14)* and as further regulated by the Illinois Department of Transportation, Division of Aeronautics.
- (5) "SPECIAL CONDITION" is a condition for the establishment of the SPECIAL USE.
- (6) "SPECIAL USE" is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.

SUMMARY OF THE PROPOSED AMENDMENT

- 5. The proposed amendment revises portions of the recently adopted Ordinance No. 848 (Zoning Case 634-AT-09 Part A), as follows:
 - A. There is a proposed revision to Paragraph 6.1.1 C.5. to reference the requirements of Paragraph 6.1.4 P.5., as follows:
 - (1) Paragraph 6.1.1 C.5. is a part of the requirements for reclamation agreements for non-adaptable structures. It describes the requirements for the term and amount of an irrevocable letter of credit. This letter is provided so that if the County has to remove the non-adaptable structure it can draw on those funds.
 - (2) Paragraph 6.1.4 P.5 is part of the recent wind farm text amendment and modifies the requirements of Paragraph 6.1.1 C.5. for the special case of a wind farm.
 - (3) The proposed revision will make it clear that the specific provisions in Paragraph 6.1.4 P.5. are the relevant requirement for wind farms, instead of Paragraph 6.1.1 C.5
 - B. There is a proposed revision to Subparagraph 6.1.4 C.11 to change the requirements for separation of wind farm towers from Restricted Landing Areas (RLA's) and Residential Airports, as follows:
 - (1) Originally, there was a flat 3500 feet separation between RLA's and wind farm towers.
 - (2) The proposed amendment first revises the separation so that it only applies to RLA's and Residential Airports that were existing or for which a complete application had been received by the date of adoption of this text amendment.
 - (3) The separation is also divided into two different separations, as follows:
 - (a) A separation from the sides of the runway of seven feet for every vertical foot of wind farm tower height.
 - (b) A separation from the ends of the runway that is trapezoidal in shape and based on IDOT approach slopes. The approach separation extends 15 feet for every vertical foot of tower height for RLA's and 20 feet for every vertical foot of tower height for Residential Airports.

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- (c) These separations are from the edge of the runway to the tip of the nearest blade of the nearest wind farm tower to prevent any wind farm tower blades from overhanging into the area of the separation.
- C. There is a proposed revision to Subparagraph 9.1.11 D.1 that changes a reference to Subsection 6.1.3 to a reference to 6.1 because Section 6 was reorganized in the wind farm text amendment to make it clear that every requirement listed in Subsection 6.1 is a standard condition.

GENERALLY REGARDING RELEVANT LAND USE GOALS AND POLICIES

- 6. The *Land Use Goals and Policies* (LUGP) were adopted on November 29, 1977, and were the only guidance for amendments to the *Champaign County Zoning Ordinance* until the *Land Use Regulatory Policies- Rural Districts* were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR) and subsequently revised on September 22, 2005. The relationship of the Land Use Goals and Policies to the Land Use Regulatory Policies is as follows:
 - A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
 - B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.

REGARDING SPECIFICALLY RELEVANT LAND USE GOALS AND POLICIES

- 7. There are goals and policies for agricultural, commercial, industrial, and residential land uses, as well as conservation, transportation, and utilities goals and policies in the Land Use Goals and Policies, but due to the nature of the changes being proposed none of these specific goals and policies are relevant to the proposed amendment.

REGARDING THE GENERAL LAND USE GOALS AND POLICIES

- 8. Regarding the General Land Use Goals and Policies:
 - A. The first, third, fourth, and fifth General Land Use Goals appear to be relevant to the proposed amendment, and are as follows:
 - (1) The first General Land Use Goal is promotion and protection of the health, safety, economy, convenience, appearance, and general welfare of the County by guiding the overall environmental development of the County through the continuous comprehensive planning process.
 - (2) The third General Land Use Goal is land uses appropriately located in terms of utilities, public facilities, site characteristics, and public services.

- (3) The fourth General Land Use Goal is arrangement of land use patterns designed to promote mutual compatibility.
- B. The proposed amendment **ACHIEVES** the first, third, and fourth General Land Use Goals because of the following:
- (1) Based on evidence that there will be significant positive effects on Equalized Assessed Valuation that will benefit local taxing bodies from the establishment of wind farms in the County.
 - (2) The need for bona fide Restricted Landing Areas and Residential Airports appears to be very limited because in the 21 years since the requirements for those uses were added to the *Zoning Ordinance* only four applications for RLA's have been received and only one residential airport has been established in the county.
 - (3) At this time it is believed there are no existing RLAs in any area proposed for wind farm development but it is impossible to verify.
 - (4) The proposed amendment will have no effect on any pending RLA Special Use Permit (SUP) or complete SUP application that has been received. At this time the only pending RLA SUP is Case 645-S-09 and that Case will be unaffected by the proposed amendment.
 - (5) The proposed amendment could have an unintended consequence for Restricted Landing Areas (RLA) that are established after the effective date and that could eventually be affected by wind farm development (or expansion of future established wind farms) that may have been unforeseen at the time the RLA was established. The Board could require a separation as a special condition of a wind farm special use permit approval.
 - (6) There is only one Residential Airport in the County and it is nowhere near any area proposed for a wind farm. There are unlikely to be any future residential airports because the Illinois Department of Transportation Division of Aeronautics has no guidelines for residential airports.
 - (7) Airports have an FAA protected separation that amounts to nearly four miles.
 - (8) Regarding safety concerns at RLA's and Residential Airports:
 - (a) IDOT only requires a height restriction to the side of an RLA for a distance of 135 feet from the runway centerline.
 - (b) In addition to eliminating the wind farm separation for any new RLA or Residential Airport, the amendment readvertised on January 17, 2010, also reduces the basic separation from a standard 3,500 feet for each wind farm to a formula based separation based on the actual height of the wind farm tower and also expands the approach zone separation based on the height of the wind farm towers.

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- (c) The revised approach zone separation is also related to whether the approach zone is for an RLA or a residential airport. The Illinois Department of Transportation has adopted a 15 to 1 approach slope for Restricted Landing Areas (RLAs) and a 20 to 1 slope that applies to airports and presumably to residential airports.
- (d) The existing original version of the RLA wind farm separation is based on the “side transition surface” for airports that is a slope of seven horizontal feet for each vertical foot and that extends to a height of 150 feet above the ground. See 92 Ill. Admin. Code 14 APPENDIX A Airport Standards.
- (e) The existing originally adopted RLA wind farm separation was simply based on the maximum allowable wind farm tower height of 500 feet times the seven horizontal feet for a total separation of 3,500 feet. For a minimum 1,600 feet long RLA the existing simple RLA wind farm separation requires approximately 1,160 acres per each RLA.
- (f) There will probably be waivers requested for most wind farms because wind farm towers are generally less than 500 feet tall. Waivers for wind farms will probably be controversial and it would be best to improve the Ordinance to reduce any unnecessary waivers.
- (g) For wind farm towers that are 400 feet tall this revised RLA separation at the sides of both an RLA and a residential airport will be 2,800 feet. The separation at the end of an RLA with 400 feet tall wind farm towers will increase to 6,000 feet. Assuming a minimum 1,600 feet long RLA and wind farm towers that are 400 feet tall, the total area of RLA separation will be 891 acres which is only about 77% of the current requirement of 1,160 acres.
- (h) If wind farm turbines are installed at a density of about 70 acres per wind turbine, the change could result in nearly four additional wind turbines per RLA even though the degree of safety is arguably increased due to the longer separation at the ends of the runways.
- (i) The Board could require a separation for a RLA or Residential Airport as a special condition of a wind farm special use permit approval.

C. The fifth General Land Use Goal is:

Establishment of processes of development to encourage the development of the types and uses of land that are in agreement with the Goals and Policies of this Land Use Plan

The proposed amendment appears to **ACHIEVE** the fifth General Land Use Goal because it will make the *Zoning Ordinance* more consistent and clear, as follows:

- (a) Clarifying that the Site Reclamation requirements in Subparagraph 6.1.1 A. are standard conditions, which are therefore able to be waived, matches the intent of

the original legal advertisement for Case 273-AT-00, which added those requirements to the *Zoning Ordinance*.

- (b) The proposed change to Subparagraph 6.1.1 C.5. will make it clear which reclamation agreement requirement applies in the case of a wind farm special use permit.
- D. None of the General Land Use Policies appear to be relevant to the proposed amendment.

DOCUMENTS OF RECORD

1. Application for Text Amendment from Zoning Administrator, dated December 4, 2009
2. Preliminary Memorandum for Case 658-AT-09, dated January 7, 2010, with attachments:
 - A Draft Proposed Change to Subparagraph 6.1.4 A. 1.(c)
 - B Draft Proposed Change to Subparagraph 6.1.4 C. 11.
 - C Draft Proposed Change to Subparagraph 9.1.11 D.1.
 - E Excerpts from Section 6 of the *Zoning Ordinance* (with revisions from recent text amendments)
 - F Draft Finding of Fact for Case 658-AT-09 (attached separately)
3. Supplemental Memorandum for Case 658-AT-09, dated January 14, 2010, with attachments:
 - A Revised Draft Proposed Change to Subparagraph 6.1.4 C.11.
 - B *92 Ill. Admin. Code* 14 APPENDIX A Airport Standards
 - C *ALTERNATIVE* Proposed Change to Subparagraph 6.1.4 C.11
 - D *92 Ill Admin. Code* 14 APPENDIX E Restricted Landing Area Standards
4. Excerpts of the Minutes of March 12, 2009, and March 26, 2009, submitted by Sherry Schildt on January 14, 2010
5. Supplemental Memorandum for Case 658-AT-09, dated January 26, 2010, with attachments:
 - A Draft Proposed Change to Subparagraph 6.1.1 C.5.
 - B Revised Draft Proposed Change to Subparagraph 6.1.4 C. 11.
 - C Draft Proposed Change to Subparagraph 9.1.11 D.1.
 - D Draft Proposed Amendment
 - E Revised Finding of Fact
6. Supplemental Memorandum for Case 658-AT-09, dated February 1, 2010, with attachments:
 - A Revised Draft Proposed Change to Subparagraph 6.1.4 C. 11.
 - B Illustration of existing RLA wind farm separation
 - C Illustration of revised Draft RLA wind farm separation

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Cases 658-AT-09
Page 9 of 9

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in **Case 658-AT-09** should **BE ENACTED** by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Doug Bluhm, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Feb 4, 2010

My name is Herb Schildt. As you may recall, I am chairman of the Newcomb Township Plan Commission. However, I am not speaking in that capacity tonight. I am speaking strictly for myself.

I am here because I am troubled by Part B of case 658-AT-09. It requests a small change to section 9.1.11 D.1 so that it references Section 6.1 of the zoning ordinance rather than section 6.1.3.

Before continuing, it is useful to explain in a general sense what sections 9.1.11 D.1, 6.1.3, and 6.1 are about. Section 9.1.11 D.1 defines situations in which a standard condition for a special use permit can be waived. Section 6.1.3 contains a table that depicts a schedule of standard conditions for specific types of special uses. This table does not, however, include wind farms. Wind farms are handled separately by Section 6.1.4. Finally, Section 6.1, which now begins section 6, also specifies which standard conditions are subject to waiver.

My problem with Part B of case 658-AT-09 is with the rationale given for making the change. As I understand it, the reason for the change is the opinion that all standard conditions for all special uses described in Section 6.1 are subject to waiver, not just those in Section 6.1.3. Thus, the change being requested is an attempt to make 9.1.11 D.1 consistent with this opinion. The trouble is that I disagree with this premise. Why? Because the ordinance expressly states that not all standard conditions for special uses are subject to waiver.

This is important because under Section 6.1 are listed several items, one of which is the wind farm ordinance (Section 6.1.4). Changing Section 9.1.11. D.1 to refer to 6.1 looks like an attempt to make the requirements for wind farms subject to waiver. But this can't work.

The language of the zoning code is clear on this point. It does not allow the standard conditions relating to wind farms to be waived. Nor does it allow the site reclamation requirements which are referred to by the wind farm section, to be waived. Furthermore, making the recommended change in Section 9.1.11 D.1 does not alter this fact. Again, the zoning ordinance is quite clear on this point. Simply put, the requirements for wind farms are exactly that, requirements. Not guidelines.

Let me briefly explain why the zoning ordinance does not allow the standard conditions related to a wind farm to be waived. First, Section 6.1 begins with this paragraph, which I will read in its entirety.

"The standards listed for specific SPECIAL USES which exceed the applicable DISTRICT standards in Section 5.3 and which are not specifically required under another COUNTY ordinance, state regulation, federal regulation, or other authoritative body having jurisdiction, to the extent that they exceed the standards

of the DISTRICT, shall be considered standard conditions which the BOARD is authorized to waive upon application as provided in Section 9.1.11 on an individual basis."

Now, for clarity, let me read that again, but this time without including the subordinate clause:

"The standards listed for specific SPECIAL USES which exceed the applicable DISTRICT standards in Section 5.3 ..., shall be considered standard conditions which the BOARD is authorized to waive upon application as provided in Section 9.1.11 on an individual basis."

The key phrase here is "which exceed the applicable DISTRICT standards in Section 5.3." Thus, the only standard conditions that can be waived are those listed in section 5.3 and then only if they exceed the 5.3 standards. Section 5.3 is a table that describes the Area, Height and Placement regulations by district. It includes such things as minimum lot size and average width, maximum height, required yards, and maximum lot coverage. It has nothing to say about the vast majority of the provisions in the wind farm ordinance, such as the design of a wind farm tower, mitigation to damage to farmland, noise, fire protection, electromagnetic interference, shadow flicker, liability insurance, wildlife impacts -- the list goes on. Thus, the wind farm requirements are not subject to waiver because there is no applicable DISTRICT standard for these things listed in Section 5.3. The ordinance is very clear in this regard.

Moreover, to avoid any misunderstanding on this point, the wind farm ordinance expressly exempts itself from those standards described in 5.3. It states in Section 6.1.4 B
1

"There are no minimum LOT AREA, AVERAGE LOT WIDTH, SETBACK, YARD, or maximum LOT COVERAGE requirements for a WIND FARM ..."

These are the things which 5.3 deals with -- lot area, average width, and so, and the wind farm ordinance exempts itself from those things.

The intent here is clear: the wind farm ordinance defines the minimum standards that pertain to wind farms, and minimum standards are not subject to waiver.

The point of this discussion is simply this: changing 9.1.11 D.1 as requested in 658-AT-09, Part B does not alter the fact that the wind farm regulations cannot be waived. Therefore, it will be misleading to change 9.1.11 D.1 as requested because the wind farm provisions are not subject to waiver -- whether you change 9.1.11 D.1 or not. To make them subject to waiver would require an extensive change to the zoning ordinance.

It is very likely that John Hall will have a very different opinion on this than I do. While I respect and have high regard for John Hall, on this point I am convinced he is wrong. I must emphasize that the language of the zoning ordinance is very clear on this point.

Only those standards which exceed the applicable DISTRICT standards in Section 5.3 can be waived. Look, no matter how we might have, in general, thought about the waivability of standard conditions in the past, those general notions do not apply to the standard conditions imposed by the wind farm amendment.

So, given what I've just said, I recommend that you do not enact 658-AT-09, Part B. At best, it is misleading. At worst, it could be used to justify the County acting in a manner that is not compliant with its own zoning ordinance.

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708

To: **Champaign County Board – Committee of the Whole**
From: **JR Knight, Associate Planner**
John Hall, Zoning Administrator

Date: **February 22, 2010**

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

Zoning Case 634-AT-08 Part B

- Request: **Amend the Champaign County Zoning Ordinance as follows:**
1. **Add definitions for “SMALL WIND TURBINE TOWER” and “BIG WIND TURBINE TOWER”, and revise the definition for “WIND FARM.” (Note: See items 1 & 2 of proposed amendment)**
 2. **Add new subsection 7.7 making SMALL WIND TURBINE TOWER an authorized accessory use by-right in all zoning districts and add various new requirements for SMALL WIND TURBINE TOWER; and amend paragraph 4.3.1E. to add new height regulations that apply to “SMALL WIND TURBINE TOWER” and amend Section 9.3 by adding zoning use permit fees for SMALL WIND TURBINE TOWER (originally parts 3, 6, and 8 of legal advertisement). (Note: See items 4, 9, 10, and 12 of the proposed amendment)**
 3. **In Section 5.2 replace “wind turbine” with “BIG WIND TURBINE TOWER”; add new standard conditions for BIG WIND TURBINE TOWER in Section 6.1.3 that are similar to the standard conditions for WIND FARM; and amend subsection 4.2.1. to allow BIG WIND TURBINE TOWER as a second principal use on lots in the AG-1 and AG-2 Zoning Districts; and amend Section 9.3 by adding Special Use Permit application fees and zoning use permit fees for BIG WIND TURBINE TOWER (originally parts 2, 4, 5, 8, and 9 of legal advertisement). (Note: See items 3, 5, 6, 7, 8, 11, and 13 of the proposed amendment)**

Petitioner **Zoning Administrator**

STATUS

The Zoning Board of Appeals voted to “RECOMMEND ENACTMENT” of this proposed Zoning Ordinance Text Amendment at their February 1, 2010, meeting. The Approved Finding of Fact is attached.

Like all text amendments this case needs to be coordinated to allow for municipal and township plan commission comments and that generally starts with a tentative recommendation by the Committee of the Whole to either accept the ZBA recommendation or modify it in some way. There are no applications pending the outcome of this case so there is no particular rush and the Committee could defer the initial recommendation.

BACKGROUND

The ZBA made a final recommendation to the County Board on the wind farm amendment, Case 634-AT-08 Part A, on March 26, 2009. Part B (this case) had been included in the original legal advertisement

and was intended to correct problems with the current Zoning Ordinance requirements for “small” wind turbines. This was included as item 45 in Attachment A: Items To Be Included In A Proposed Zoning Ordinance Text Amendment on p. 79 of the November 10, 2008, ELUC Agenda. However, Part A occupied all staff and ZBA time and no progress was made on Part B until Part A was completed.

Residential scale wind turbine towers have always been permitted as a by-right use under Sec. 4.3.1 of the Ordinance. Sec. 4.3.1 allows towers up to 100 feet in height by zoning use permit so long as the minimum yard requirements are complied with. Towers over 100 feet in height require a special use permit approval from the ZBA.

Over the years it has become apparent that 100 feet did not really satisfy many applicants. Nonetheless, applicants complied with that limit rather than go through the special use permit process. In one instance it was determined that the applicant actually qualified for the agricultural exemption which meant that only the street setback requirement applied and the tower was constructed to the desired height of 115 feet.

A local wind turbine retailer contacted the Department in January 2009 and again identified that 100 feet was not an adequate height. In fact, the retailer wanted to construct a wind turbine tower more than 100 feet tall at their store just outside the City of Urbana. After some discussion, it was discovered that municipalities with zoning now had the right to regulate all wind turbines within 1.5 miles of their boundaries and the County had no wind turbine authority within that area. After contacting the City of Urbana the turbine was subsequently constructed.

The ZBA recommendation in this case is to allow a “by right” height of 150 feet for “small” wind turbines and that will solve the small wind turbine height problem with the current Ordinance. This case will also add many new standards to protect neighbors that are not in the current Ordinance. Those standards have received strong public support in the public hearing. And agricultural wind turbines will continue to qualify under the agricultural exemption.

TYPES OF WIND TURBINES

The proposed amendment includes new definitions for SMALL WIND TURBINE TOWERS and BIG WIND TURBINE TOWERS and revises the definitions for WIND FARM and WIND FARM TOWER. The definitions are mutually exclusive and prevent anyone from using variances or waivers as a loophole to construct a larger turbine by using the regulations for a smaller type. See Attachment A for more information.

MUNICIPAL WIND TURBINE ORDINANCES

As reviewed in the Background, state statute was recently amended to give municipalities jurisdiction over wind farms and all wind turbines within one and one-half miles of their zoning jurisdiction. As the County was working on its own small wind ordinance the City of Champaign and the City of Urbana began working on their own small wind ordinances as well. County staff met with staff from each city to attempt to coordinate the different ordinances as much as possible.

The City of Champaign adopted a small wind ordinance at the City Council meeting on December 15, 2009. The City of Urbana staff is still working on an ordinance to present to their City Council.

COMPARISON WITH OTHER COUNTIES

During the public hearing for Case 634-AT-08 Part B staff investigated what certain other Illinois counties required for small wind turbines and this information is included in Attachment B. The table also includes a comparison to the American Wind Energy Association model ordinance and the small wind ordinance adopted by the City of Champaign.

PROPOSED AMENDMENT

The Proposed Amendment is included as Attachment C and includes the following items:

- Item 1 of the Proposed Amendment deals only with the definition of WIND FARM and WIND FARM TOWER.
- SMALL WIND TURBINE TOWER requirements are found in items 2, 4, 9, 10, and 12 of the Proposed Amendment.
- BIG WIND TURBINE TOWER requirements are found in items 2, 3, 5, 6, 7, 8, 11, and 13 of the Proposed Amendment.

ATTACHMENTS

- A Table Comparing Types of Wind Turbine Towers and the Requirements for Each
- B Comparison of Small Wind Requirements in Other Illinois County Zoning Ordinances and Largest Local Municipalities
- C Draft Proposed Amendment (all sections)
- D Finding of Fact and Final Determination of the Champaign County Zoning Board of Appeals for Case 634-AT-08 Part B as approved on February 1, 2010

Table Comparing Types of Wind Turbine Towers And The Requirements for Each

Case 634-AT-08 Part B

RECOMMENDED DRAFT

January 28, 2010

Parameter	Small Wind Turbine Tower	Big Wind Turbine Tower	Wind Farm & Wind Farm Tower
Type of use	Accessory (must serve a principal use such as a dwelling)	Principal but must be located on same property as another principal use and must provide power for that other principal use	Principal use
Purpose	Produce energy for use onsite and sell unused power to electric power provider	Produce energy for use onsite and sell unused power to electric power provider	Produce energy to sell to the national electric grid
Anticipated use	Residential, business, industrial, institutional	Industrial, institutional	Wind farm development
Agriculture exemption	Yes	If justified	No
Anticipated power rating	100 kilowatt max. allowed	Same as wind farm	Approx. 1.5 to 3.0 megawatt per turbine
Authorized zoning districts	Any zoning district	AG-1, AG-2, I-1, I-2	AG-1 only
Type of authorization	By right (zoning use permit)	Special use permit plus zoning use permit	County Board special use permit plus zoning use permit for each wind farm turbine
Authorized within 1.5 miles of zoned municipality	No	No	No
Limits on physical size of turbine tower	150 feet maximum height if all separations are met**; rotor diameter based on lot area but not larger than 75 feet**	Same as wind farm	500 feet maximum height
Limits on number of towers	Four	Three	As authorized by the Board
Minimum separation to nearby dwellings	1.11 times the overall height (7.7 B.1.); more if rotor diameter exceeds 24 feet	Same as wind farm	1,000 feet to participating and 1,200 feet to non-participating (6.1.4 C. 1. & 2.)
to property line	1/3 overall height	Same as wind farm	1.1 times height for wind farm property and 1.5 times height for non-wind farm property (6.1.4 C. 4. & 6.)
to third party power lines, public street, railroad	1.11 times the overall height (7.7 B.2.)	Same as wind farm	Varies; 1.1 to 1.5 times height (6.1.4 C. 5. & 7.)
to other features	NR	Same as wind farm	Yes
to CR zoning district	NR	Same as wind farm	Yes- one mile
Safety certification	Yes (7.7 P.1.)	Same as wind farm	Yes (6.1.4 D. 1.)
Minimum type of pole	NR	Same as wind farm	Monopole (6.1.4 D.4.)
Compliance w/ FAA req'ts	Yes(7.7H.)	Same as wind farm	Yes (6.1.4 D.7.)
Brakes and overspeed controls	Yes (7.7 G.)	Same as wind farm	Yes (6.1.4 D.2.)
Color requirements	Yes (7.7 J.; manuf. color or unob.)	Same as wind farm	Yes (6.1.4 D.7.; unobtrusive as appr. by Board)
Prevent unauthorized climbing	Yes in Residential districts (7.7 L.)	Same as wind farm	Yes (6.1.4 D.9.)
Mitigate damage to farmland	NR	NR (may be special condition)	Yes (6.1.4 E.)

Table Comparing Types of Wind Turbine Towers And The Requirements for Each

Case 634-AT-08 Part B

RECOMMENDED DRAFT

January 28, 2010

Parameter	Small Wind Turbine Tower	Big Wind Turbine Tower	Wind Farm & Wind Farm Tower
Requirements for street access	NR	Same as wind farm*	Yes (6.1.4 F.)
Coordinate with fire protection district	NR	Same as wind farm	Yes (6.1.4 G.)
Limits on electromagnetic interference	Yes (7.7 M.)	Same as wind farm	Yes (6.1.4 H.)
Limits on permissible noise	Same as wind farm (7.7F.)	Same as wind farm	Yes (6.1.4 I.)
Required noise study	NR	Same as wind farm	Yes (6.1.4 I.)
Endangered species consultation	NR	Same as wind farm	Yes (6.1.4 J.)
Historic resource review	NR	Same as wind farm	Yes (6.1.4 K.)
Limits on wildlife impacts	NR	NR	Yes (6.1.4 L.)
Wildlife studies	NR	NR	Yes (6.1.4 L.)
Limits on shadow flicker	NR	Same as wind farm	Yes (6.1.4 M.)
Required shadow flicker study	NR	Same as wind farm	Yes (6.1.4 M.)
Requirement for liability insurance	NR	Same as wind farm	Yes (6.1.4 N.)
Operational requirements	NR	Same as wind farm	Yes (6.1.4 O.)
Requirement for decommissioning plan and reclamation agreement	NR	Same as wind farm	Yes (6.1.4 P.)
Requirement for complaint hotline	NR	NR	Yes (6.1.4 Q.)
Expiration of special use permit	NR	Same as wind farm	Yes (6.1.4 R.)
Application fees	\$100 for first 50 feet and \$80 for each 20 feet increment plus \$33 compliance certificate (\$100 for 50 feet; \$300 for 100 feet; \$533 for 150 feet)	SUP- \$ 3,300 per tower and \$10,000 maximum ZUP- \$4,500 per tower	SUP-\$20,000 min or \$440 per tower, whichever is greater ZUP- \$4,500 per tower
Notes	<p>NR= no requirement</p> <p>* Road access permits for a big wind turbine tower may be much simpler than for a wind farm and waivers may be requested for specific requirements.</p> <p>** A variance can be requested for height of a small wind turbine tower but not for a rotor diameter greater than 75 feet.</p>		

Comparison of Small Wind Requirements in Other Illinois County Zoning Ordinances And Largest Local Municipalities
 Case 634-AT-08 Part B *RECOMMENDED DRAFT* January 28, 2010

Standard	American Wind Energy Assoc. Model Ord.	Ford County	Macon County	McLean County	Sangamon County	Will County	Woodford County	Champaign County ZBA Recommendation *	City of Champaign (Adopted)	City of Urbana
Type of approval	By right	By right	By right	By right	By right accessory use	By right	By right if all req. are met; SUP otherwise	By right	By right if within height limits; SUP otherwise	
Max. turbine rating	100kW	100kW	50Kw	No specific limit	100kW	100kW	No specific limit	100kW	No limit	
Height limit* * to top of highest blade	Based on min. separations & FAA limits	NONE	100 FT	Based on zoning district & lot area: •50FT on .99 AC or less for all districts •65FT on 1AC to 1.99AC for all districts •80FT on 2AC to 4.99 AC for all districts and maximum for R-1 & R-2 Districts •150FT for 5AC or more in AG, C, M1, M2 dist.	Based on lot area & rating: • 35FT if less than 10kW (no min. lot area) •80FT for 10kW to 100 kW and 3 AC min lot area	Based on zoning district & lot area: • 70FT on 5AC to 19AC for all districts •80FT on 20AC plus for Ag & Residential Districts •120FT on 20AC plus for Commercial & Industrial	150 FT	150FT max. based on: a. separation from adjacent principal building; and b. min. sep. from power lines and streets (1.1 times height) c. erection clearance; d. 1/3 ht. from prop. line (Note: taller turbine requires a variance)	Based on sep. from residential zoning district: •100 FT in residential district or within 1,000 FT of residential district •175 FT if more than 1,000 FT from residential district (shadow flicker limit applies if greater than 150 FT) (Note: taller turbine requires a special use permit)	
Maximum rotor diameter	NONE	NONE	30FT	NONE	NONE	NONE	NONE	Varies: ♣15FT if less than 1 acre or less ♣24FT if one acre or more ♣More than 24FT req. min. sep. to nearest dwelling of 8.3 times diameter up to 75FT max.	Varies based on separation from res. zoning district: •50 FT in residential district or within 1,000 FT of residential district •100 FT if more than 1,000 FT from resid. district	

Comparison of Small Wind Requirements in Other Illinois County Zoning Ordinances And Largest Local Municipalities

Case 634-AT-08 Part B

RECOMMENDED DRAFT

January 28, 2010

Standard	American Wind Energy Assoc. Model Ord.	Ford County	Macon County	McLean County	Sangamon County	Will County	Woodford County	Champaign County ZBA Recommendation *	City of Champaign (Adopted)	City of Urbana
Minimum lot area	NONE	NONE	NONE	Based on height-see above	Based on height & rating-see above	5 AC	2AC	NONE	Only for multiple units	
Minimum separations	100% height from property lines, street right of way, & utility lines	110% height from property lines & utility lines 150% height from adj. res.	110% height from adj. res. property lines & utility lines and 50% height from onsite res.	110% height from property lines & utility lines	110% height from property lines & utility lines	125% height from property line	110% height from property lines 150% height from adj. res. & utility lines	110% height from adj. principal building under owner ownership; utility lines & rights of way; Side & rear yard equal to 1/3 height	100% height from property lines	
Min. ground clearance	NONE	15FT	30FT	15FT	NONE	15FT	15FT	20FT	20FT	
Limit on number per lot	NONE	NONE	NONE	One	One	One	NONE	Varies: •One if less than 3AC •Four if 3AC or more (one roof mounted turbine also allowed)	Varies: •Three if five acres or less • Five if more than five acres and not exceeding 10 acres • No limit on lots greater than 10 acres	
Engineering certification	Required	NONE	?	Required	Required	Required	Required	Required	Apparently required	
FAA compliance	Required	Required	Required	Required	Required	Required	Required	Required	Apparently required	
Noise limit	Based on limit for nuisance noise	60 decibels at property line	?	60 decibels at property line	Ill. Pollution Control Board w/ guidelines	Ill. Pollution Control Board but 60dB is limit	Ill. Pollution Control Board	Ill. Pollution Control Board w/ guidelines; proof req. at time of permitting	Ill. Pollution Control Board	

Comparison of Small Wind Requirements in Other Illinois County Zoning Ordinances And Largest Local Municipalities
 Case 634-AT-08 Part B *RECOMMENDED DRAFT* January 28, 2010

Standard	American Wind Energy Assoc. Model Ord.	Ford County	Macon County	McLean County	Sangamon County	Will County	Woodford County	Champaign County ZBA Recommendation *	City of Champaign (Adopted)	City of Urbana
Limit on shadow flicker	NONE	NONE	NONE	NONE	NONE	NONE	NONE	NONE	Applies to heights greater than 150 FT: • shadow flicker study required • no more than 30 hours flicker on residential structures • no more than 30 hours flicker on street carrying less than 500 ADT	
Utility company notice required	Yes if interconnected	NONE	?	Yes	Yes	Yes	Yes	Yes if interconnected	NONE	
Required removal	Yes	Yes	?	Yes	Yes	Yes	?	Yes	Yes	
Prohibition on electromagnetic Interference	Assumes FCC compliance	Yes	Yes	Yes	NONE	NONE	Yes	Yes; proof of FCC compliance req. at time of permitting	Yes	

Notes

* Requirements for Champaign County "big" wind turbine are not included here

Shading indicates *less restrictive* regulations than Champaign County

♣ indicates Champaign County has the *most restrictive* regulations

Attachment C. Draft Proposed Amendment
FEBRUARY 22, 2010

1. Revise the following in Section 3.0 Definitions:

(Note: strike out and underlining indicate changes from the current Ordinance)

WIND FARM: A unified development of WIND FARM TOWERS and all other necessary components including cabling, transformers, a common switching station, and maintenance and management facilities which are intended to produce electricity by conversion of wind energy and to deliver the electricity to the power grid ~~and having a name plate capacity of more than 10 megawatts (MW)~~. A WIND FARM is under a common ownership and operating control even though the individual WIND FARM TOWERS may be located on land that is leased from many different landowners. A WIND TURBINE TOWER or WIND TURBINE TOWERS that do not conform to the definitions of either a SMALL WIND TURBINE TOWER or a BIG WIND TURBINE TOWER shall by definition be considered a WIND FARM and may only be authorized as a WIND FARM.

WIND FARM TOWER: A wind turbine nacelle and rotor and the supporting tower structure that are part of a WIND FARM development and intended to produce electricity for the power grid or any WIND TURBINE TOWER that does not conform to the definitions of either a SMALL WIND TURBINE TOWER or a BIG WIND TURBINE TOWER.

2. Add the following in Section 3.0 Definitions:

WIND TURBINE TOWER, BIG: A wind turbine nacelle and rotor and the supporting tower structure and associated control or conversion electronics that is owned (or leased to be owned) by the owner of land on which it is located for the purpose of producing electrical energy to be used onsite by another principal use on the same property provided that any energy not used onsite may be sold to the electric power provider and which is not more than 500 feet in overall height measured to the tip of the highest blade and that is not connected to or part of a system of more than two other BIG WIND TURBINE TOWERS.

WIND TURBINE TOWER, SMALL: A wind turbine nacelle and rotor and the supporting tower structure and associated control or conversion electronics that is owned (or leased to be owned) by the owner of land on which it is located and which produces electrical energy to be used onsite by the principal use on the same property provided that any energy not used onsite may be sold to the electric power provider and which is not more than 150 feet in overall height measured to the tip of the highest blade and with a rotor diameter of not more than 75 feet.

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

2. Up to three BIG WIND TURBINE TOWERS may be authorized as a second PRINCIPAL USE on a LOT as a Special Use Permit in the AG-1 Agriculture and AG-2 Agriculture DISTRICTS.

4. Revise subparagraph 4.3.1 E. as follows:

(Note: strike out and underlining indicate changes from the current Ordinance)

- E. Any tower (including antenna) over 100 feet in HEIGHT shall be subject to the SPECIAL USE requirements in the DISTRICT in which it is located except for the following:

Attachment C. Draft Proposed Amendment

FEBRUARY 22, 2010

- (1) any tower that meets the requirements of Section 4.3.1 C.; or
- (2) any TEST WIND TOWER that does not exceed 200 feet in HEIGHT; or
- (3) any WIND FARM TOWER except as HEIGHT regulations are required as a standard condition in Section 6.1.4. ; or
- (4) any SMALL WIND TURBINE TOWER .

5. **In Section 5.2 replace “Wind Turbine (1-3 wind turbines)” with “BIG WIND TURBINE TOWER¹⁷ (1-3 BIG WIND TURBINE TOWERS)**
6. **Add footnote 17 to the indication for special use permit in all Districts where BIG WIND TURBINE TOWER (1-3 BIG WIND TURBINE TOWERS) is authorized (AG-1, AG-2, I-1, and I-2).**
7. **Add the following footnote 17 in Section 5.2:**
 17. A BIG WIND TURBINE TOWER must be located on the same property as another principal use for the purpose of producing electrical energy that shall be used onsite by that other principal use provided that any energy not used onsite may be sold to the electric power provider.

8. Add “BIG WIND TURBINE TOWER” to Subsection 6.1.3 and indicate the following standard conditions:

1. No minimum fencing is required.
2. The Minimum lot size is the same as applicable in the zoning DISTRICT.
3. The Maximum HEIGHT is the same as par. 6.1.4 D. 6.
4. The minimum required YARDS are the following:
 - (a) The front setback is the same as par. 6.1.4 C.5.
 - (b) The SIDE and REAR YARDS are the same as par. 6.1.4 C.6.
5. Add the following explanatory provisions:
 - (a) No BIG WIND TURBINE shall be located in the following areas:
 - (1) Less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance.

Attachment C. Draft Proposed Amendment
FEBRUARY 22, 2010

- (2) In any area leased for underground gas storage or under easement for same, unless the lease or easement requires that gas injection wells and other above-ground appurtenances be located in conformance with paragraph 6.1.4 C.9.
- (3) Less than one mile from the CR Conservation Recreation Zoning District.
- (b) The special use permit for a BIG WIND TURBINE TOWER shall include all land area within 1,320 feet of a public STREET right of way that is also within 1,000 feet from the base of each BIG WIND TURBINE TOWER except that in the case of BIG WIND TURBINE TOWER in compliance with the minimum STREET separation required by paragraph 6.1.4 C. 5. in which case land on the other side of the public STREET right of way does not have to be included in the SPECIAL USE Permit.
- (c) The requirements of paragraphs 6.1.4 C. through 6.1.4 S. with the exception of paragraphs 6.1.4 E., L., and Q. shall apply.
- (d) For purposes of applying paragraphs 6.1.4 C. through 6.1.4 S. to a BIG WIND TURBINE TOWER, PARTICIPATING DWELLING or PARTICIPATING PRINCIPAL USE shall mean a DWELLING or PRINCIPAL USE that is on the same land and under the same ownership as the BIG WIND TURBINE TOWER and NON- PARTICIPATING DWELLING or NON- PARTICIPATING PRINCIPAL USE shall mean a DWELLING or PRINCIPAL USE that is not on the same land as the BIG WIND TURBINE TOWER and is under different ownership than the BIG WIND TURBINE TOWER.

9. Add the following new subsection 7.7:

7.7 SMALL WIND TURBINE TOWER

A SMALL WIND TURBINE TOWER shall be allowed as an ACCESSORY USE by Zoning Use Permit in all DISTRICTS as follows:

- A. No SMALL WIND TURBINE TOWER shall be located less than one-and-one-half miles from an incorporated municipality that has a zoning ordinance.
- B. The maximum allowable HEIGHT of a SMALL WIND TURBINE TOWER (measured to the tip of the highest rotor blade) shall be the smaller of the following dimensions:
 - 1. A dimension equal to 90% of the minimum distance from the base of the proposed SMALL WIND TURBINE TOWER to the nearest DWELLING, PRINCIPAL STRUCTURE, or PRINCIPAL BUILDING under different ownership; or
 - 2. A dimension equal to 90% of the minimum distance from the base of the proposed SMALL WIND TURBINE TOWER to the nearest third party above-ground electrical transmission lines, communication towers, railroad

Attachment C. Draft Proposed Amendment

FEBRUARY 22, 2010

right of way, or public street right of way. This limit on height may be reduced upon submission of a PRIVATE WAIVER signed by the owner of said electrical transmission line or communication tower or the relevant railroad or public street maintenance jurisdiction. The PRIVATE WAIVER must specify the agreed minimum separation and maximum height; or

3. A dimension that for any SMALL WIND TURBINE TOWER that must be assembled on the ground and tilted vertically into final position, is no greater than the maximum length that can fit within the LOT LINES prior to being tilted into final position, as measured from the actual point of tilt up; or
4. 150 feet; provided that
5. The above limits on maximum allowable height notwithstanding, the maximum HEIGHT of a SMALL WIND TURBINE TOWER on a LOT in a subdivision shall not exceed 75% of the minimum required AVERAGE LOT WIDTH when any adjacent and bordering subdivision LOT is vacant; and also provided that
6. The HEIGHT is no more than three times the side and rear yard required by paragraph 7.7 D.
7. A SMALL WIND TURBINE TOWER taller than 150 feet must be authorized by VARIANCE.

- C. The maximum allowable rotor diameter for any vertical or horizontal axis SMALL WIND TURBINE TOWER shall be as follows:
1. 15 feet on a LOT with less than one acre LOT AREA.
 2. 24 feet on a LOT with one acre or more of LOT AREA.
 3. Rotor diameter greater than 24 feet may be authorized as follows:
 - (a) when the separation distance from the SMALL WIND TURBINE TOWER to the nearest DWELLING under other ownership is a minimum of 8.3 times the rotor diameter, up to a maximum diameter of 75 feet; and
 - (b) when the LOT AREA is three acres or larger.
 4. VARIANCES for a maximum SMALL WIND TURBINE TOWER rotor diameter larger than 75 feet shall be prohibited.

Attachment C. Draft Proposed Amendment

FEBRUARY 22, 2010

- D. A SMALL WIND TURBINE TOWER shall be allowed within any YARD in all DISTRICTS subject to the following:
1. The minimum SIDE YARD as measured to the base of the SMALL WIND TURBINE TOWER shall be one-third of the total HEIGHT and the minimum REAR YARD shall be same as the minimum SIDE YARD less the width of any ALLEY that may exist; and provided there is
 2. A required separation distance to the nearest PRINCIPAL STRUCTURE or PRINCIPAL BUILDING under different ownership that is equal to at least a distance of 1.11 times the overall HEIGHT (measured to the tip of the highest rotor blade) of the SMALL WIND TURBINE TOWER; and provided that
 3. The blades of the SMALL WIND TURBINE TOWER shall not cross the property line.
- E. The number of SMALL WIND TURBINE TOWERS that shall be allowed per LOT is as follows:
1. Only one SMALL WIND TURBINE TOWER shall be authorized on a lot with less than three acres of LOT AREA.
 2. No more than four SMALL WIND TURBINE TOWERS with a total nameplate rating of not more than 100kW shall be authorized on a lot with three acres or more LOT AREA.
 3. One roof-mounted or wall-mounted wind turbine shall be authorized in addition to the above limits. The roof-mounted or wall-mounted wind turbine shall not be more than 15 feet higher than any other portion of the STRUCTURE on which it is mounted.
- F. Maximum allowable noise level.
1. A SMALL WIND TURBINE TOWER shall always be operated as recommended by the manufacturer to minimize noise.
 2. The maximum allowable noise level of a SMALL WIND TURBINE TOWER at the time of Zoning Use Permit approval shall generally not exceed the regulatory standards set by the Illinois Pollution Control Board (IPCB) as implemented by this Ordinance, except during short term periods due to high winds or power outages as follows:
 - (a) For the purposes of implementing the IPCB noise regulatory standards by this Ordinance, land use shall be considered as follows:

Attachment C. Draft Proposed Amendment

FEBRUARY 22, 2010

- (1) A SMALL WIND TURBINE TOWER shall be considered a Class C land use as defined in the IPCB noise regulations regardless of the principal use on the LOT.
 - (2) Both DWELLINGS and LOTS that are 10 acres or less in area and on which a DWELLING is the PRINCIPAL USE shall be considered as Class A land uses as defined in the IPCB noise regulations.
 - (3) A LOT on which a business USE is established as a PRINCIPAL USE shall be considered as Class B land use as defined in the IPCB noise regulations.
 - (4) In accordance with the IPCB noise regulatory standards the maximum noise level shall apply at the property line although for LOTS that are more than 10 acres in area the standard shall apply at the DWELLING.
- (b) There shall be no maximum noise level at the time of construction provided that at the time of application for the Zoning Use Permit to authorize construction or replacement the SMALL WIND TURBINE TOWER is located 900 feet or more from either of the following:
- (1) the nearest property line of a LOT that is 10 acres or less in area and on which a DWELLING is the PRINCIPAL USE; or
 - (2) a DWELLING on a LOT that is 10 acres or larger.
- (c) If at the time of application for the Zoning Use Permit to authorize construction or replacement the SMALL WIND TURBINE TOWER is located less than 900 feet from any LOT or BUILDING as described in subparagraph 7.7 2.(b), the maximum noise level from the SMALL WIND TURBINE TOWER shall comply with the noise regulatory standards set by the Illinois Pollution Control Board as implemented by this Ordinance and shall be documented by manufacturer's data that shall be submitted with the application.
3. The Zoning Administrator shall include with any zoning use permit for a SMALL WIND TURBINE TOWER a statement that compliance with these requirements does not necessarily indicate compliance with the Illinois Pollution Control Board noise regulations.
- G. The SMALL WIND TURBINE TOWER shall have an automatic over speed control to render the system inoperable when winds are blowing in excess of the speeds for which the system is designed and a manually operable method to render

Attachment C. Draft Proposed Amendment

FEBRUARY 22, 2010

the system inoperable in the event of a structural or mechanical failure of any part of the system.

- H. SMALL WIND TURBINE TOWERS shall comply with all applicable regulations of the FAA.
- I. No illumination of the SMALL WIND TURBINE TOWER shall be allowed unless required by the Federal Aviation Administration.
- J. The SMALL WIND TURBINE TOWER shall either be the color supplied by the manufacturer or else painted white or gray or another non-reflective, unobtrusive color that shall be specified in the Zoning Use Permit application.
- K. There shall be a minimum clearance of 20 feet between the ground and the lowest arc of the rotor blades for a SMALL WIND TURBINE TOWER.
- L. Any SMALL WIND TURBINE TOWER in a Residential Zoning District must be protected from unauthorized climbing by any of the following means:
 - 1. removal of climbing rungs, if possible, to a height of 12 feet, provided that the SMALL WIND TURBINE TOWER is unclimbable without the rungs; or
 - 2. Devices such as fences at least six feet high with locking portals or anti-climbing devices 12 feet vertically from the base of the SMALL WIND TURBINE TOWER.
- M. The SMALL WIND TURBINE TOWER shall not cause any significant electromagnetic interference with any radio, television, microwave communication, or satellite navigation on other properties and compliance with the following shall be deemed to be full compliance for the purposes of this Ordinance:
 - 1. All wind turbines shall comply with the Federal Communication Commission (FCC) requirements for electromagnetic interference including FCC Part 15. The applicant shall provide a copy of the wind turbine manufacturer's certification of compliance with FCC requirements with the Zoning Use Permit Application.
 - 2. Metal blades shall not be used.
- N. In the event of destruction by any means or the need for replacement, wind turbine towers and wind turbines located more than one-and-one-half miles from an incorporated municipality that has a zoning ordinance may be replaced as follows:

Attachment C. Draft Proposed Amendment

FEBRUARY 22, 2010

1. The wind turbine may be replaced on the original tower pursuant to a new Zoning Use Permit provided that the replacement complies with all manufacturer's safety recommendations and requirements.
 2. If a replacement wind turbine cannot be installed on an existing wind turbine tower in compliance with all manufacturer's safety recommendations and requirements and a new SMALL WIND TURBINE TOWER is required, the new SMALL WIND TURBINE TOWER shall be in full compliance with these regulations.
- O. If a wind turbine is derelict for six consecutive months the owner shall be notified that they must, within six months of receiving the notice, restore their system to operating condition. If the owner(s) fails to restore their system to operating condition within the six-month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower and also remove the tower if it has guy cables, for safety reasons. If the owner fails to remove the wind turbine within one month the Zoning Administrator shall send a notice that the wind turbine is in violation of the Zoning Ordinance and subject to a daily fine as provided for in Section 10.
- P. The Zoning Use Permit application for the SMALL WIND TURBINE TOWER shall include the following:
1. A copy of the manufacturers standard drawings of the wind turbine structure and stamped engineering drawings of the tower, base, footings, and/ or foundations as provided by the manufacturer sufficient to prove that the wind turbine tower is safe for the use intended. Wet stamps shall not be required.
 2. Evidence must be given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
 3. Such evidence and documentation as required to verify that the SMALL WIND TURBINE TOWER meets all other Zoning Ordinance requirements.

10. Revise paragraph 9.1.9 B. as follows:

B. Prohibited VARIANCES

At no time shall the BOARD or the Hearing Officer grant a VARIANCE in the following instances:

1. To grant a VARIANCE to allow a USE not permissible under the terms of this ordinance in the DISTRICT involved, or any USE expressly or by implication prohibited by the terms of this ordinance in said DISTRICT.

Attachment C. Draft Proposed Amendment
FEBRUARY 22, 2010

2. To waive compliance with any municipal, state, or federal regulation incorporated into this ordinance.
3. To waive compliance with any procedural requirement contained in this ordinance.
4. To waive compliance with regulations pertaining to NONCONFORMING LOTS, STRUCTURES, or USES, except as specifically authorized in Section 8.
5. To authorize any USE or CONSTRUCTION prohibited by Section 14.2.1.
6. To authorize a SMALL WIND TURBINE TOWER rotor diameter larger than 75 feet.

11. Add new subparagraph 9.3.1 D. H. as follows:

H. WIND FARM TOWER or BIG WIND TURBINE TOWER \$4500

12. Add new subparagraph 9.3.1 D. I. as follows:

- I. SMALL WIND TURBINE TOWER
 1. Not over 50 feet in HEIGHT.....\$100
 2. greater than 50 feet in HEIGHT.....\$100 plus \$80 for each
20 feet in excess of 50 feet in height
(round to next highest 20 feet
increment)
 3. Replacement of turbine on existing tower..... \$100

13. Add new subparagraph 9.3.3 B.7. as follows:

7. BIG WIND TURBINE TOWER Special Use Permit.....
\$3,300 per BIG WIND TURBINE TOWER

AS APPROVED

634-AT-08 Part B

FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals

Final Determination: **RECOMMEND ENACTMENT**

Date: February 1, 2010

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

1. Add definitions for "SMALL WIND TURBINE TOWER" and "BIG WIND TURBINE TOWER," and revise the definition for "WIND FARM".
2. Amend subsection 4.2.1. to allow BIG WIND TURBINE TOWER as a second principal use on lots in the AG-1 and AG-2 Zoning Districts.
3. Amend paragraph 4.3.1 E. to add new height regulations that apply to "SMALL WIND TURBINE TOWER" and "BIG WIND TURBINE TOWER".
4. In Section 5.2 replace "wind turbine" with "BIG WIND TURBINE TOWER", and indicate BIG WIND TURBINE TOWER is only authorized as a second principle use on lots in certain Zoning Districts.
5. In Section 6.1.3 add new standard conditions for "BIG WIND TURBINE TOWER" that are similar to the standard conditions for a WIND FARM.
6. Add new subsection 7.7 making "SMALL WIND TURBINE TOWER" an authorized accessory use by-right in all zoning districts and add requirements including but not limited to (a) the turbine must be located more than one and one half miles from the nearest municipal zoning jurisdiction; and (b) minimum required yards that are the same as for other accessory structures in the district provided that the overall height is not more than 100 feet; and (c) an overall height limit of 200 feet provided that the separation from the nearest property line is at least the same as the overall height and authorize private waivers of the separation by adjacent neighbors; and (d) a limit of no more than two turbine towers per lot; and (e) allowable noise limits; and (f) a requirement for engineer certification; and (g) a requirement to notify the electrical power provider if interconnected to the electrical grid; and (h) a requirement for no interference with neighboring TV, radio, or cell phone reception; and (i) a requirement for the removal of inoperable wind turbines.
7. In Section 9.3.1 add fees for SMALL WIND TURBINE TOWER and BIG WIND TURBINE TOWER.
8. In Section 9.3.3 add application fees for BIG WIND TURBINE TOWER Special Use Permit.

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 16, 2009, June 11, 2009, July 16, 2009, October 15, 2009, November 12, 2009, January 14, 2010, and February 1, 2010**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.

2. The need for the amendment came about as follows:
 - A. The current *Zoning Ordinance* authorizes wind turbines (or any tower) 100 feet or less in height by-right. However, wind turbines over 100 feet in height are only authorized as a Special Use Permit.
 - B. Eric McKeever, representative of Arends Bros., submitted a letter from Arends Bros. that indicated the following:
 - (1) They would like to see no height limit placed on small wind turbine towers.
 - (2) They would instead suggest making the minimum separation from lot lines equal to the overall height of the wind turbine.
 - (3) At the June 11, 2009, ZBA meeting Mr. McKeever testified that even a small increase in height can create a large increase in average wind speed and a wind turbine's output.
 - C. At the July 16, 2009, ZBA meeting Bill Fabian, owner of Mid-State Renewable Energy Services testified, as follows:
 - (1) Mid-State Renewable Energy Services contracts solar and small wind energy systems throughout central Illinois.
 - (2) He has been involved in the business since 1998 and established it as an incorporated business in 2002.
 - (3) He commended Planning and Zoning staff for proactively addressing many concerns related to residential small scale wind turbines.
 - (4) He has had to address many of the Board's concerns on his own over his years of working with residential scale units.
 - D. The Zoning Board of Appeals took final action on Part A on March 26, 2009, and Ordinance No. 848 (Zoning Case 634-AT-09 Part A) was enacted by the County Board on May 21, 2009. Part C was subsequently withdrawn by the Zoning Administrator.
 - E. Part B is necessary to allow for smaller wind turbines that do not require the same restrictions as large, industrial turbines. Part B has been amended to also include regulations for construction of one to three industrial turbines.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases.

GENERALLY REGARDING THE EXISTING ZONING REGULATIONS

4. Existing Zoning regulations regarding the separate parts of the proposed amendment are as follows:

- A. Requirements for wind turbine facilities were added to the *Zoning Ordinance* by Ordinance No. 617 (Case 236-AT-00) on October 24, 2000. Ordinance No. 617 specifically authorized the following:
- (1) The current *Zoning Ordinance* only authorizes wind turbines 100 feet or less in height as by-right uses, anything over 100 feet in height requires a Special Use Permit.
 - (2) Development of up to three wind turbines by Special Use Permit (approved by the Zoning Board of Appeals (ZBA)) in the AG-1 Agriculture, AG-2 Agriculture, I-1 Light Industry, and I-2 Heavy Industry Zoning Districts.
 - (3) Development of more than three wind turbines is authorized only in the I-2 Heavy Industry Zoning District and then only with a Special Use Permit (approved by the ZBA).
 - (4) Ordinance No. 617 did not distinguish between large, industrial turbines and small wind turbines used for private homes or business uses. Ordinance No. 617 was only concerned with the number of turbines on a property.
- B. A related Ordinance No. 625 (Case 273-AT-00 Part B) added requirements for reclamation agreements on May 22, 2001. It is anticipated that any wind turbine tower would be considered a “non-adaptable structure” and the ZBA would require a reclamation agreement as part of any discretionary approval.
- C. Ordinance No. 848 (Zoning Case 634-AT-08 Part A) was adopted on May 21, 2009, and added requirements for industrial scale wind farms. Wind farms are a County Board Special Use Permit in the AG-1 District only. Standard conditions for wind farms are described in Subsection 6.1.4 of the *Zoning Ordinance*. The definition of wind farm that was added in Case 634-AT-08 Part A is proposed to be revised in this case.
- D. The following definitions from the *Zoning Ordinance* are especially relevant to this amendment (capitalized words are defined in the Ordinance):
- (1) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT with the MAIN OR PRINCIPAL STRUCTURE, or the main or principal USE, either DETACHED from or ATTACHED to the MAIN OR PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN OR PRINCIPAL STRUCTURE or the main or principal USE.
 - (2) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
 - (3) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm

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BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

- (4) "BUILDING, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
- (5) "NON-ADAPTABLE STRUCTURE" is any STRUCTURE or physical alteration to the land which requires a SPECIAL USE permit, and which is likely to become economically unfeasible to remove or put to an alternate USE allowable in the DISTRICT (by-right or by SPECIAL USE).
- (6) "WIND FARM" is a unified development of WIND FARM TOWERS and all other necessary components including cabling, transformers, a common switching station, and maintenance and management facilities which are intended to produce electricity by conversion of wind energy and to deliver the electricity to the power grid and having a name plate capacity of more than 10 megawatts (MW). A WIND FARM is under a common ownership and operating control even though the individual WIND FARM TOWERS may be located on land that is leased from many different landowners.
- (7) "WIND FARM TOWER" is a wind turbine nacelle and rotor and the supporting tower structure that are part of a WIND FARM development and intended to produce electricity for the power grid.

SUMMARY OF THE PROPOSED AMENDMENT

5. The proposed amendment establishes standards for construction of non-wind farm turbines (SMALL WIND TURBINE TOWERS) not over 150 feet tall, and construction of one to three industrial-scale turbines (BIG WIND TURBINE TOWERS) that are serving another principal use on the same property. A copy of the proposed amendment is attached.

GENERALLY REGARDING THE LAND USE GOALS AND POLICIES

6. The *Land Use Goals and Policies* (LUGP) were adopted on November 29, 1977, and were the only guidance for amendments to the *Champaign County Zoning Ordinance* until the *Land Use Regulatory Policies- Rural Districts* were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR) and subsequently revised on September 22, 2005. The relationship of the Land Use Goals and Policies to the Land Use Regulatory Policies is as follows:

- A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
- B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.

REGARDING SPECIFICALLY RELEVANT LAND USE POLICIES

- 7. There are policies for a variety of land uses in the Land Use Goals and Policies, but only some are relevant to the proposed amendment. Specifically relevant policies include two agricultural policies, one residential policy, one commercial policy, and one conservation policy, as follows:
 - A. Policy 1.2 of the Land Use Goals and Policies relates to agricultural land use and states that the Board of Appeals and the County Board will restrict non-agricultural uses to non-agricultural areas or those areas served by adequate utilities, transportation facilities and commercial services or those areas where non-agricultural uses will not be incompatible with existing agricultural uses.

The proposed amendment **CONFORMS** to Policy 1.2 because of the following:

- (1) SMALL WIND TURBINE TOWERS are only authorized as accessory uses on a lot with a principal use, as follows:
 - (a) SMALL WIND TURBINE TOWERS that serve agricultural uses would be considered agricultural uses themselves, however, most agricultural uses do not require the amount of power that a BIG WIND TURBINE TOWER provides so only a pro-rated agricultural exemption would be allowed in those cases.
 - (b) Wind turbines that serve an authorized principal use in the AG-1, AG-2, B-1, or CR zoning districts are associated with a use that has been determined to not be incompatible with surrounding agriculture.
 - (c) Changes to subparagraph 4.3.1 E. allow SMALL WIND TURBINE TOWERS to exceed 100 feet in height and be up to 150 feet in height, but only if they meet the yard and separation requirements of proposed subsection 7.7, as follows:
 - i. A SMALL WIND TURBINE TOWER must be 110% of the overall height of the turbine away from the nearest dwelling, or principal structure or use under different ownership, or third-party above ground power line.
 - ii. A tilt-up wind turbine can be no taller than the maximum height that can fit within the lot lines of the property on which it is located.
 - iii. The maximum height is 150 feet.

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- iv. 75% of the minimum required AVERAGE LOT WIDTH in a subdivision where any adjacent lot is vacant.
 - v. A SMALL WIND TURBINE TOWER must be no taller than three times the distance from the base of the tower to the nearest side or rear lot line.
 - vi. The standards listed above allow towers up to 150 feet in height. Heights greater than 150 feet must be authorized by a variance.
- (d) The standard listed in Item 7.A.(1)(c)iv. and included in the proposed amendment as subparagraph 7.7 B.5. is intended to minimize conflict between wind turbines and home construction in new subdivisions.
- (2) BIG WIND TURBINE TOWERS are only authorized as a second principal use on a lot with another principal use, as follows:
- (a) The turbine is intended to be subordinate to the first principal use.
 - (b) Wind turbines that serve an authorized principal use in the AG-1, AG-2, or B-1 zoning districts are associated with a use that has been determined to not be incompatible with surrounding agriculture.
 - (c) Subparagraph 4.2.1 C. is revised to authorize BIG WIND TURBINE TOWERS as a second principal use on lots in the AG-1 and AG-2 zoning districts, but only as a Special Use Permit.
 - (d) New Footnote 17 to subsection 5.2 is proposed to limit the placement of BIG WIND TURBINE TOWERS to lots with another principal use and only if the BIG WIND TURBINE TOWER is owned or leased to be owned by the owner of the land on which it is located for the purpose of producing electrical energy to be used onsite, provided that any energy not used onsite may be sold to an electric power provider.
- B. Policy 1.3 of the Land Use Goals and Policies relates to agricultural land use and states that the Environment and Land Use Committee and the Board of Appeals will work towards applying the concepts of development rights transfer, planned unit development, cluster development and special use permits to insure, when and where necessary, that development of non-agricultural uses is compatible to adjacent agricultural activities.

The proposed amendment **CONFORMS** to Policy 1.3 because BIG WIND TURBINE TOWERS are proposed to be authorized only as Special Use Permits in the AG-1, AG-2, I-1, and I-2 Zoning Districts, as follows:

- (1) Requirements in revised subparagraphs 4.2.1 C. and 4.3.1 E. make it clear that a BIG WIND TURBINE TOWER is only authorized as a subordinate second principal use on a lot with an already existing principal use, and only for the purpose of generating

electricity to be used onsite, provided that any excess energy may be sold to an electric power provider.

- (2) BIG WIND TURBINE TOWER is proposed to be added to subsection 6.1.3, the Table of Standard Conditions for Specific Special Uses with several standard conditions, as follows:
 - (a) BIG WIND TURBINE TOWERS are large-scale, industrial size wind turbines that are similar to wind farm towers. Many of the standard conditions listed below were originally drafted for wind farm towers in Case 634-AT-09 Part A.
 - (b) The maximum height and minimum required yard and separations are the same for a BIG WIND TURBINE TOWER as for a wind farm tower.
 - (c) The special use permit for a big wind turbine tower must include an area surrounding the tower that is similar to what is required around a wind farm tower.
 - (d) The standard conditions for BIG WIND TURBINE TOWERS in subsection 6.1.3 incorporate standard conditions from 6.1.4, including: minimum separations; design and installation safety; road usage; coordination with fire protection; mitigation of electromagnetic interference; maximum noise level; endangered species; historical review; shadow flicker; liability; operational safety; decommissioning agreement; expiration of the SUP; and application requirements because a BIG WIND TURBINE TOWER has similar impacts to those of a wind farm tower.
 - (e) The standard conditions for BIG WIND TURBINE TOWERS in subsection 6.1.3 do not incorporate certain standard conditions from 6.1.4, including: mitigation of damage to farmland; wildlife impacts; and a complaint hotline because one to three BIG WIND TURBINE TOWERS should not have the same level of impact as a whole wind farm development in these cases.

- C. Policy 2.5 of the Land Use Goals and Policies relates to residential land use and states that the Zoning Board of Appeals, the Environment and Land Use Committee and the County Board will only support the development of residential areas separated from incompatible non-residential uses, unless natural or man-made buffering is provided.

The proposed amendment **CONFORMS** to Policy 2.5 because of the following:

- (1) Regarding the definition of small wind turbine tower:
 - (a) The proposed definitions in Section 3 are as follows:
 - i. **SMALL WIND TURBINE TOWER** refers generally to a wind turbine which produces electrical energy to be used onsite by the principal use on the same property provided that any energy not used onsite may be sold to the electric power provider and which is not more than 150 feet in overall

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height measured to the tip of the highest blade and with a rotor diameter of not more than 75 feet.

- ii. BIG WIND TURBINE TOWER refers generally to a wind turbine used for the purpose of producing electrical energy to be used onsite by another principal use on the same property provided that any energy not used onsite may be sold to the electric power provider and height of no more than 500 feet.
 - iii. WIND FARM and WIND FARM TOWER refers generally to wind turbines that do not conform to the definitions of either a SMALL WIND TURBINE TOWER or a BIG WIND TURBINE TOWER
 - iv. The proposed definitions SMALL WIND TURBINE TOWER and BIG WIND TURBINE TOWER provide the following benefits:
 - The definitions imply no limit on the amount of power that can be sold to the electric power provider.
 - The definitions do not include any limit on electrical power output which means that the definition will not limit the power rating if technology allows small wind systems to have greater output in the future.
 - The definitions generally rely on physical dimensions and characteristics which relate directly to impacts on adjacent land uses.
 - The definitions provide an intermediate level of wind turbine between small wind turbines and wind farms with different standards for each level.
 - The definitions are mutually exclusive and provide clear distinctions between the three types of wind turbines and wind turbine developments.
- (b) The American Wind Energy Association's (AWEA) Model Small Wind Ordinance (included as an attachment to the Supplemental Memorandum of June 5, 2009) recommends that a "small wind energy system" is a wind turbine which has a rated capacity of not more than 100 kW and which is intended to primarily reduce onsite consumption of utility power.
- (c) A staff review of other selected Illinois county Zoning Ordinances that was included as Attachment F to the Supplemental Memorandum dated July 10, 2009, found that other area counties have the following definitions for small wind turbine towers:

- i. Macon County defines a small wind turbine as a small wind energy conversion system having a capacity of 50 kilowatts or less and anything larger is a large wind energy conversion system
 - ii. Ford, McLean & Sangamon counties limit small wind turbines to ratings of 100 kilowatts or less.
 - iii. Woodford County defines a small wind turbine as a small wind energy system that generates power for an individual property.
 - iv. Will County does not have a definition of small wind turbine system.
- (2) Subparagraph 7.7 B includes height limits for SMALL WIND TURBINE TOWERS based on their proximity to other nearby land uses, as reviewed in Item 7.A.(1)(c):
- (a) Discussion by the Board at the October 15, 2009, meeting indicated that the Board was inclined to allow the 150 feet maximum height for any turbine (i.e. residential or industrial) provided that the turbine meets the standards reviewed in Item 7.A.(1)(c), and included in the amendment as new paragraph 7.7 B. However, the Board also indicated that turbines over 150 feet in height could be authorized by variance:
 - i. The proposed amendment ensures that neither power lines nor rights of way nor principal structures nor principal buildings on adjacent properties will not be put at risk due to the height of the a small wind turbine. However, the proposed amendment does not provide any protection for accessory structures or accessory buildings (such as detached garages) on adjacent property.
 - ii. The maximum height allowed by the setbacks in the proposed amendment will ensure the maximum benefits of wind energy potential.
 - (b) The American Wind Energy Association’s (AWEA) Small Wind Ordinance (included as Attachment F to the Supplemental Memorandum of June 5, 2009) identifies a “small wind energy system” as any wind turbine, tower, and associated control electronics which has a rated capacity of not more than 100 kilowatts and with a tower height no greater than the setback of the tower from the property line or public right of way or nearest utility lines unless the abutting property owner or relevant jurisdiction granted permission for a taller height.
 - (c) A staff review of other selected Illinois county Zoning Ordinances that was included as Attachment F to the Supplemental Memorandum dated July 10, 2009, found that other area counties have the following height limits for small wind turbine towers:

AS APPROVED

- i. Ford County has no maximum height but does require a separation to the property line of 110% of the tower height and a separation to an adjacent dwelling of 150% of the tower height;
 - i. Woodford County has a 150 feet maximum height and also requires a separation to the property line of 110% of the tower height and a separation to an adjacent dwelling of 150% of the tower height;
 - ii. Macon County has a 100 feet maximum height limit and also requires a separation to the property line of 110% of the tower height and a separation to the same dwelling of 50% of the tower height;
 - iii. McLean, Sangamon, and Will counties have maximum heights that vary based on lot area and zoning district. McLean County has a 150 feet maximum height on lots that 5 acres or larger in the AG, C, M1, and M2 districts and also requires a separation to the property line of 110% of the tower height. Sangamon County has a maximum height of 80 feet on lots that are three acres or larger and also requires a separation to the property line of 110% of the tower height. Will County has a maximum height of 120 feet on lots that are 20 acres or larger and used for commercial & industrial uses and also requires a separation to the property line of 125% of the tower height and a maximum height of 80 feet on lots that are 20 acres or larger and used for residential uses and also requires a separation to the property line of 125% of the tower height.
 - iv. The City of Champaign has a height limit based on the separation from a residential zoning district. The limit is 100 feet of total height in or within 1000 feet of a residential zoning district. The limit is 175 feet farther than 1000 feet from a residential zoning district. A special use permit is required for any turbine greater than 175 feet in height. There is also a requirement for a shadow flicker study for any turbine greater than 150 feet in height.
- (3) Subparagraph 7.7 C. includes limits on rotor diameter based on the size of the lot and separation of the turbine tower from other land uses, as follows:
- (a) The maximum rotor diameter limit on lots less than one acre in area is 15 feet. This is the same limit on the height of residential accessory buildings on lots less than one acre in area in Footnote 4 of subsection 5.3.
 - (b) The maximum rotor diameter limit on lots one acre or more in area is 24 feet. This is the same limit on the height of residential accessory buildings on lots one acre or more in area in Footnote 4 of subsection 5.3.

- (c) The current revision no longer distinguishes between residential and non-residential turbines and requires a greater separation distance for any rotor larger than 24 feet in diameter and requires at least three acres of lot area. The requirement that rotors larger than 24 feet require a separation distance to the nearest dwelling (under different ownership) that is 8.3 times the rotor diameter is intended to minimize nuisance effects (including shadow flicker) from the larger rotors. A 200 feet separation is 8.3 times as long as a 24 feet diameter rotor.
- (d) Variances for rotor diameters larger than 75 feet are prohibited by the proposed amendment to make sure there is no loophole in the regulations that would allow what is essentially a BIG WIND TURBINE TOWER from being authorized by variance rather than special use permit or in a district where it could not be authorized by special use permit.
- (e) The American Wind Energy Association's (AWEA) Small Wind Ordinance (included as Attachment F to the Supplemental Memorandum of June 5, 2009) identifies a "small wind energy system" as any wind turbine, tower, and associated control electronics which has a rated capacity of not more than 100 kilowatts and there are no maximum recommended rotor diameters for a small wind energy system.
- (f) A staff review of other selected Illinois county Zoning Ordinances that was included as Attachment F to the Supplemental Memorandum dated July 10, 2009, found that other area counties have the following limits on wind turbine power ratings for small wind turbine towers:
 - i. McLean and Woodford counties do not limit wind turbine power ratings;
 - ii. Ford, Sangamon, and Will counties have a 100 kilowatt limit.
 - iii. Macon County has a 50 kilowatt limit.
- (g) A staff review of other selected Illinois county Zoning Ordinances that was included as Attachment F to the Supplemental Memorandum dated July 10, 2009, found that other area counties have the following limits on rotor diameter for small wind turbine towers:
 - i. Ford, McLean, Sangamon, Will, and Woodford counties do not limit rotor diameter;
 - ii. Macon County limits rotor diameter to 30 feet.
- (h) An informal survey of rotor diameter sizes by turbine nameplate rating found the following:
 - i. Wind turbines with nameplate ratings of 1kW or less had rotor diameters from 7 feet to 11.8 feet.
 - ii. Wind turbines with nameplate ratings of more than 1kW but less than 10kW had rotor diameters between 7 feet to 22 feet.

AS APPROVED

- iii. Wind turbines with nameplate ratings of between 10kW and 40kW had rotor diameters between 22 feet and 49 feet.
- iv. Wind turbines with nameplate ratings of between 40kW and 100kW had rotor diameters between 49 feet and 69 feet.
- (i) A staff review of the City of Champaign small wind ordinance that was provided for information as an attachment to the January 7, 2010, memo indicated the following:
 - i. The City has no limit on turbine power ratings.
 - ii. The limit on rotor diameter is based on the separation from a residential zoning district. Within or up to 1000 feet from a residential district the limit is 50 feet. The limit is 100 feet farther than 1000 feet from a residential district.
- (4) Regarding the maximum allowable noise limit for small wind turbines:
 - (a) Proposed subparagraph 7.7 F. establishes the maximum allowable noise level based generally on the Illinois Pollution Control Board (IPCB) limits and are as follows:
 - i. A SMALL WIND TURBINE TOWER shall always be operated as recommended by the manufacturer to minimize noise.
 - ii. The allowable noise limit may be exceeded during short term periods due to high winds or power outages.
 - iii. In accordance with the IPCB noise regulatory standards the maximum noise level shall apply generally at the property line although for large tracts the standard shall apply at the dwelling.
 - iv. Specific land use classifications are included for the purposes of implementing the IPCB noise limits because it is not clear how the IPCB noise regulations are intended to interpret a residential wind turbine.
 - v. The Illinois Environmental Protection Agency (IEPA) is responsible for enforcing the Illinois Pollution Control Board (IPCB) noise regulations but it is a fact that the IEPA does not currently have adequate staffing to enforce the IPCB noise regulations.
 - vi. There is no maximum noise level at the time of construction provided that at the time of application for the Zoning Use Permit to authorize construction or replacement the SMALL WIND TURBINE TOWER is located 900 feet or more from either the nearest property line of a LOT that is 10 acres or less in area and on which a DWELLING is the PRINCIPAL USE or a DWELLING on a LOT that is 10 acres or larger.

- vii. If at the time of application for the Zoning Use Permit to authorize construction or replacement the SMALL WIND TURBINE TOWER is located less than 900 feet from any either the nearest property line of a LOT that is 10 acres or less in area and on which a DWELLING is the PRINCIPAL USE or a DWELLING on a LOT that is 10 acres or larger the SMALL WIND TURBINE TOWER shall comply with the noise regulatory standards set by the IPCB and shall be documented by manufacturer's data that shall be submitted with the application.
- viii. The maximum noise limit established by the IPCB as implemented by this Ordinance equates to a 46 decibel noise limit for residences and a 61 decibel limit for businesses.
- ix. The 900 feet distance that applies to the residential noise limit is an arbitrary standard and is 90% of the minimum 1,000 feet separation for wind farms from non-participating dwellings. Some small wind turbines can make as much noise as wind farm turbines. A wind turbine that is bordered by farmland for a distance of 900 feet at the time of construction has no maximum noise level.
- x. Based on information in the report *Wind Turbine Noise Issues* (see p. 12) that was included with the Supplemental Memorandum dated January 8, 2010, the Class C to Class B standard (61 decibels) is so high that no minimum separation from adjacent businesses appears to be warranted.
- xi. It is not clear whether or not the IPCB noise regulations are intended to interpret a residential wind turbine as a Class C land use or a Class A land use (the same as the dwelling) and interpreting it as Class C results in a much higher allowable noise than would interpreting it as Class A. Another difference between the proposed amendment and a literal interpretation of the IPCB noise regulations is that if a dwelling is constructed within 900 feet of an existing wind turbine that does not comply with the IPCB regulations, the amendment will not consider the noise from the turbine to be in violation whereas it is not clear what is the intent of the IPCB regulations in such instances. For these reasons the proposed amendment requires that for any small wind turbine zoning use permit the Zoning Administrator must include a statement that compliance with these requirements does not necessarily indicate compliance with the Illinois Pollution Control Board noise regulations.
- xii. The noise limits in the proposed amendment are consistent with the noise limits for wind farms.

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- xiii. A fixed separation for noise can have undesirable results such as overprotection if it is larger than necessary. Unless the separation is set so low that it will clearly be inadequate in some instances there will always be some degree of overprotection.
 - xiv. At this time the 900 feet separation required by the proposed amendment is the only way to reliably prevent nuisance noise when the manufacturer does not provide noise data that indicates compliance with the IPCB noise standard.
 - xv. Landowners who feel that the 900 feet separation is unreasonable will have to apply for a variance and provide convincing and reliable evidence regarding the noise performance of their desired wind turbine. Such evidence will probably have to be developed by a professional noise consultant.
- (b) The American Wind Energy Association's (AWEA) Model Small Wind Ordinance (included as an attachment to the Supplemental Memorandum of June 5, 2009) recommends the following regarding noise:
- i. The sound produced by a turbine under normal operating conditions as measured at the property line should not exceed the definition of nuisance noise.
 - ii. Sound levels may be exceeded during short-term events out of anyone's control such as utility outages and/or severe storms.
- (c) A staff review of other selected Illinois county Zoning Ordinances that was included as Attachment F to the Supplemental Memorandum dated July 10, 2009, found that other area counties have the following definitions for small wind turbine towers:
- i. Ford, McLean and Will counties require a 60 decibel noise limit at the closest property line and the noise level may be exceeded during short term events such as utility outages or severe storms. Will County requires proof of compliance as part of the application process.
 - ii. Woodford County requires compliance with IEPA regulations.
 - iii. Sangamon County requires compliance with the IPCB noise regulations for Class C to Class A land regardless of the land use of the receiving land and Sangamon County can enforce the noise level.
 - iv. Macon County apparently has no maximum noise limit for small wind turbines.

- (d) An informal review of wind turbine manufacturers identified the following manufacturers who claim noise ratings that equal or exceed the IPCB noise regulations:
- i. Swift Wind Turbine (1.5kW nameplate rating; rotor diameter of 7 feet; noise rating of less than 35 dBA for all wind speeds at the hub)
 - ii. Kestrel e400ⁱ (3.0 kW nameplate rating; rotor diameter of 13 feet; noise rating of less than 30dB)
 - iii. Jacobs 31/20 with sufficient separation (20kW nameplate rating; rotor diameter of 31 feet; noise rating varies depending upon separation but 300 feet appears to be minimum)
 - iv. Honeywell WT650 (2.2kW nameplate rating; rotor diameter of 5.7 feet; noise rating of less than 35dB)
 - v. Falcon line of vertical axis wind turbines manufactures by WePower (600w,1.2kW,3.4kW, 5.5kW, 12kW; rotor diameters of 5'5" to 19'8";noise ratings of 32dB for all models)
 - vi. Hummer line of wind turbines (500w, 1kW, 2kW, 3kW, 5kW, 10kW, 20kW; rotor diameters between 8.9 feet to 29.5 feet; noise ratings between 29dB to 34dB)
- (e) A staff review of the City of Champaign small wind ordinance that was provided for information as an attachment to the January 7, 2010, memo indicated that the city requires compliance with the IPCB noise regulations. The City does not require documentation of compliance at the time of permitting.
- (f) The paper *Wind Turbine Noise Issues* by Anthony L. Rogers and James Manwell discusses the unreliability of manufacturer claims regarding noise performance.
- (g) The National Renewable Energy Laboratory (NREL) began testing small wind turbines for performance (including noise output) in 2008.
- (h) The American Wind Energy Association (AWEA) has a Draft Small Wind Turbine Performance and Safety Standard with the intention of providing consumers with realistic and comparable performance ratings including noise. The final standard is intended to be an American National Standard recognized by the American National Standards Institute (ANSI). When finally adopted this Standard may provide more consistent and reliable noise claims by small wind turbine manufacturers.
- (5) *Small Wind Electric Systems A U.S. Consumer's Guide* indicates the following regarding the use of small wind turbine towers for residential use:

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- (a) A typical home uses approximately 10,000 kilowatt-hours (kWh) of electricity per year.
 - (b) A wind turbine must be rated in the range of five to 15 kW to make a significant contribution to this demand, depending on local average wind speed.
 - (c) A small wind turbine can cost anywhere from \$3,000 to \$50,000 installed depending on size, application, and service agreements.
 - (d) The American Wind Energy Association states that a comparable photovoltaic system could cost as much as \$80,000.
 - (e) Based on testimony during the public hearing, multiple small wind turbines would probably be necessary to generate enough power for a dwelling to go “off the grid.”
- (5) *Wind Turbine Buyer’s Guide* by Mick Sagrillo and Ian Woofenden indicates the following regarding small wind turbine towers:
- (a) Many people are surprised to learn that the wind turbine cost can range from only 10% to 40% of the total cost of the entire wind system.
 - (b) A Vestas V-17 (considered a 90 kW turbine) typically costs \$180,000 installed on a 132 foot tall tower.
- (6) As indicated by the *Small Wind Electric Systems* consumer guide and testimony from representatives of small wind turbine retailers, a 100 foot height limit would likely be inadequate for many users of small wind turbine towers in this area, as follows:
- (a) At the June 11, 2009, ZBA meeting Philip Geil testified as follows:
 - i. He requested that the maximum height be adjusted to accommodate more than 100 feet. He said that the power of the wind turbine increases along with the cube of the height and wind speed and he wishes he had built a 120 foot tower rather than the 100 foot tower.
 - ii. He said that the 120 foot tower with 15 feet blades would have taken the height to around 135 feet and the company that he purchased his tower from can go up to a 140 foot tower. He said that assuming that someone has sufficient land to support it such a tower would justify a reasonable limitation of an increased height although a 200 foot tower would be excessive for an ordinary private turbine.
 - iii. He said that other issues with the height limitation of a 100 foot tower are existing tree heights, proximity of the trees and the wind turbulence that they produce and personally an additional 20 feet to his tower would have assisted him with his tower in regards to these issues.

- (b) At the June 11, 2009, ZBA meeting Eric McKeever, representative of Arends Bros., testified as follows:
- i. He said that Mr. Geil is exactly right when he indicated that the higher the tower the better the wind. He said that at a previous meeting he indicated that increasing the average annual wind speed by 1 mph you achieve the cubed root efficiency effect as an output. He said that there is proof that at 30 meters and at 50 meters there is a difference in the average wind for this area or any other area.
 - ii. He said that Mr. Geil had also mentioned that he wished that he had gone up to 120 feet and one of the general rules of thumb is that the bottom of the tip of the blade should be 20 feet higher than the closest obstacle. He said that a 105 feet tall tower with 9 feet blades is right at 96 feet and 20 feet below that is 76 feet therefore most trees that are 60 or 70 feet tall would not be an obstruction but if there is a grain leg in the area its height could be over 100 feet high.
- (c) At the June 11, 2009, ZBA meeting Birgit McCall testified that making the setback too large will restrict a lot of people from getting small wind and if she is going to put \$35,000 in a turbine she is not going to stick it on a 40 foot tower because she might as well throw her money away if she can't go 100 to 120 feet.
- (7) Regarding electromagnetic interference:
- (a) The American Wind Energy Association's (AWEA) Small Wind Ordinance (included as Attachment F to the Supplemental Memorandum of June 5, 2009) identifies a "small wind energy system" as any wind turbine, tower, and associated control electronics which has a rated capacity of not more than 100 kilowatts and there are no recommended regulations for electromagnetic interference. The American Wind Energy Association report *In the Public Interest How and Why to Permit for Small Wind Systems A guide for State and Local Governments* (an excerpt was included as Attachment I to the Supplemental Memorandum dated October 9, 2009) considers electrical signal interference by small wind turbine towers to be a non-issue.
 - (b) A staff review of other selected Illinois county Zoning Ordinances that was included as Attachment F to the Supplemental Memorandum dated July 10, 2009, found that other area counties have the following regulations regarding electromagnetic interference by small wind turbine towers:
 - i. Macon, Sangamon and Will counties have no regulations related to electromagnetic interference;
 - ii. Ford, McLean, and Woodford prohibit electromagnetic interference and require correction if any interference is identified.

AS APPROVED

- (c) A staff review of the City of Champaign small wind ordinance that was provided for information as an attachment to the January 7, 2010, memo indicated the city prohibits turbines that create electromagnetic interference.
- (8) Regarding shadow flicker:
 - (a) The American Wind Energy Association's (AWEA) Small Wind Ordinance (included as Attachment F to the Supplemental Memorandum of June 5, 2009) identifies a "small wind energy system" as any wind turbine, tower, and associated control electronics which has a rated capacity of not more than 100 kilowatts and there are no recommended regulations for shadow flicker. The American Wind Energy Association report *In the Public Interest How and Why to Permit for Small Wind Systems A guide for State and Local Governments* (an excerpt was included as Attachment I to the Supplemental Memorandum dated October 9, 2009) considers shadow flicker by small wind turbine towers to be a non-issue due to the relative size of small wind turbine rotors and the speed of rotation compared to wind farm turbine rotors.
 - (b) A staff review of other selected Illinois county Zoning Ordinances that was included as Attachment F to the Supplemental Memorandum dated July 10, 2009, did not find any regulations for shadow flicker caused by small wind turbine towers.
 - (c) A staff review of the City of Champaign small wind ordinance that was provided for information as an attachment to the January 7, 2010, memo indicated the following:
 - i. A shadow flicker study is required for any turbine greater than 150 feet in height.
 - ii. No more than 30 annual hours of flicker is allowed on residential structures.
 - iii. No more than 30 annual hours of flicker is allowed on streets carrying less than 500 ADT.
- D. Policy 3.6 of the Land Use Goals and Policies relates to commercial land use and states that the County Board will strongly discourage proposals for new commercial development not making adequate provisions for drainage and other site considerations.

The proposed amendment **CONFORMS** to Policy 3.6 based on the review of Policy 2.5, which addresses issues similar to Policy 3.6.

- E. Policy 5.7 of the Land Use Goals and Policies relates to conservation of natural resources, clean air and water, open space, recreation, and historic preservation and states that the County Board and the Environment and Land Use Committee will encourage the preservation of natural areas and will cooperate with the County Forest Preserve District and other interested groups in a preservation and restoration program.

The proposed amendment **CONFORMS** to Policy 5.7 because BIG WIND TURBINE TOWERS are proposed to be only authorized in the AG-1, AG-2, I-1, and I-2 zoning districts and not less than one mile from the CR Conservation-Recreation zoning district.

- F. None of the Transportation, Industrial, or Utilities Land Use Policies appear to be relevant to the proposed amendment.

REGARDING SPECIFICALLY RELEVANT LAND USE GOALS

8. There are goals for a variety of land uses in the Land Use Goals and Policies, but only some are relevant to the proposed amendment. Specifically relevant goals include one commercial land use goal and one conservation goal, as follows:

- A. The third commercial land use goal is commercial areas designed to promote compatibility within non-commercial uses and at the same time provide ease of access.

The proposed amendment **ACHIEVES** the third commercial land use goal because it requires greater separation for larger rotors on small wind turbine towers and the separations from dwellings required for big wind turbine towers which are similar as those required for wind farm towers.

- B. The first goal related to conservation of natural resources, clean air and water, open space, recreation, and historical preservation is protection and conservation of publicly designated environmental and natural resources and historical site through open space reservation, conservation, zoning, easement, development rights, tax exemption policy, public acquisition and performance standards for commercial and industrial development.

The proposed amendment **ACHIEVES** the first goal related to conservation of natural resources, clean air and water, open space, recreation, and historical preservation based on the conformance with Policy 5.7 (see Item 7.F.).

- C. None of the Agricultural Land Use Goals, Residential Land Use Goals, Industrial Land Use Goals, Transportation Land Use Goals, or Utility Goals appear to be relevant to the proposed amendment.

REGARDING THE GENERAL LAND USE GOALS AND POLICIES

9. Regarding the General Land Use Goals and Policies:

- A. The first, third, fourth, and fifth General Land Use Goals appear to be relevant to the proposed amendment, as follows:

- (1) The first General Land Use Goal is:

Promotion and protection of the health, safety, economy, convenience, appearance, and general welfare of the County by guiding the overall environmental development of the County through the continuous comprehensive planning process

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The proposed amendment **ACHIEVES** the first General Land Use Goal because of the following:

- (a) Based on the review of the preceding Goals and Policies relating to specific types of land uses (see Items 7 & 8).
- (b) A standard condition for big wind turbines incorporates the requirements of paragraph 6.1.4 I. that requires conformance with the Illinois Pollution Control Board noise regulation.
- (c) Regarding the requirement in proposed paragraph 7.7 A that no small wind turbine tower be located less than one-and-one-half-mile from an incorporated municipality that has a zoning ordinance, state law which was recently changed indicates that a zoned municipality has jurisdiction over wind conversion devices within one-and-one-half-miles of their zoning jurisdiction.
- (d) Regarding the requirement in proposed paragraph 7.7 B of the maximum allowable height for a small wind turbine tower see the discussion of the specific requirements in Item 7.A.(1)(b).
- (e) Regarding the requirements in proposed paragraph 7.7 C for maximum allowable rotor diameter:
 - i. Maximum rotor diameters and separations to nearby principal land uses are intended to mitigate nuisance conditions, in particular, noise and shadow flicker.
 - ii. A variance to allow rotor diameters greater than 75 feet for small wind turbine towers is prohibited due to concerns that noise and shadow flicker, as well as other nuisance conditions, may not be adequately mitigated by the requirements for small wind turbine towers and should instead be subject to site specific review provided by the Special Use Permit requirements for big wind turbine towers.
- (f) Regarding the requirement in proposed paragraph 7.7 D, the proposed amendment allows a small wind turbine tower to be placed in required yards, subject to certain limitations, which will allow a tower to fall on an accessory structure on neighboring properties, but not on a dwelling or other principal structure.
- (g) Regarding the requirement in proposed paragraph 7.7 E, the limit on numbers of small wind turbine towers is intended to protect against the unknown effects that many small wind turbine towers could produce. A variance from the maximum allowed number and power rating may be authorized if the land owner can prove there will be no harmful effects on the district.
- (h) The following requirements in proposed subsection 7.7 relate to the safe operation of a small wind turbine tower and prevent most nuisance conditions as well:

- i. Paragraph 7.7 G. requires that all small wind turbine towers have an automatic over speed control.
- ii. Paragraph 7.7 H. requires that all small wind turbine towers shall comply with the requirements of the FAA.
- iii. Paragraph 7.7 I. requires that all small wind turbine towers shall have no illumination unless required by the FAA.
- iv. Paragraph 7.7 J. requires that all small wind turbine towers shall be the manufacturer's supplied color or else an unobtrusive, non-reflective color.
- v. Paragraph 7.7 K. requires that all small wind turbine towers have a minimum 15 feet clearance between the lowest sweep of the rotors and the ground.
- vi. Paragraph 7.7 L. requires that all small wind turbine towers located in a residential zoning district be protected from unauthorized climbing to a height of 12 feet.
- vii. Paragraph 7.7 M requires that all small wind turbine towers not cause any significant electromagnetic interference by complying with FCC Part 15.
- viii. Paragraph 7.7 N requires that all small wind turbine towers that have been destroyed and were approved before the adoption of the proposed amendment can be reconstructed to their previous dimension provided they apply for a Zoning Use Permit that certifies that the reconstruction complies with all manufacturer's safety recommendations and requirements.
- ix. Paragraph 7.7 O requires that all small wind turbine towers that are derelict for six consecutive months must be removed within six months of receiving notice from the Zoning Administrator.
- x. Paragraph 7.7 P requires that all small wind turbine tower permits shall be accompanied by certified drawings from the manufacturer to prove that the small wind turbine tower is safe for the intended use, and certification that the utility company has been informed of the customer's intent to install an interconnected system.

(2) The third General Land Use Goal is:

Land uses appropriately located in terms of utilities, public facilities, site characteristics, and public services

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The proposed amendment **ACHIEVES** the third General Land Use Goal based on achievement of the Third Commercial Land Use Goal (see Item 8.A.).

- (3) The fourth General Land Use Goal is:

Arrangement of land use patterns designed to promote mutual compatibility

The proposed amendment **ACHIEVES** the fourth General Land Use Goal based on achievement of the Third Commercial Land Use Goal (see Item 8.A.) and achievement of the First Conservation Goal (see Item 8.B.).

- (4) The fifth General Land Use Goal is:

Establishment of processes of development to encourage the development of the types and uses of land that are in agreement with the Goals and Policies of this Land Use Plan

The proposed amendment **ACHIEVES** the fifth General Land Use Goal because it creates a process of development for both small wind turbine towers and big wind turbine towers, which are in agreement with the Land Use Goals and Policies as reviewed in this finding of fact.

- B. None of the General Land Use Policies appear to be relevant to the proposed amendment.

GENERALLY REGARDING COMPLIANCE WITH THE LAND USE REGULATORY POLICIES—RURAL DISTRICTS

10. The LURP's were originally adopted on November 20, 2001 as part of the Rural Districts Phase of the Comprehensive Zoning Review. The LURP's were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP's adopted on November 20, 2001, remain the relevant LURP's for discretionary approvals (such as map amendments) under the current Zoning Ordinance. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.

11. Regarding compliance with relevant Land Use Regulatory Policies (LURP's):

- A. LURP 1.4.1 states that non-agricultural land uses will not be authorized unless they are of a type not negatively affected by agricultural activities or else are located and designed to minimize exposure to any negative effect caused by agricultural activities.

The proposed amendment **ACHIEVES** this policy because BIG WIND TURBINE TOWERS are not negatively affected by agricultural activities.

- B. LURP 1.4.2 states that non-agricultural land uses will not be authorized if they would interfere with farm operations or would damage or negatively affect the operation of agricultural drainage systems, rural roads or other agriculture-related infrastructure.

The proposed amendment **ACHIEVES** this policy because of the following:

- (1) The presence of a BIG WIND TURBINE TOWER does not appear to create the same degree of difficulty in aerial spraying that a wind farm does and a BIG WIND TURBINE TOWER is unlikely to increase the costs of aerial application on adjacent fields. Shadow flicker caused by the turbine rotors on adjacent farmland may be a nuisance but it is not clear how significant it is. Paragraph 6.1.4.M. requires a shadow flicker analysis and limits the amount of flicker.
- (2) The separation distances proposed in paragraph 6.1.4 C. should mitigate the impacts to aerial spraying that do occur on neighboring farms.

C. LURP 1.5.2 states that development that requires discretionary review will not be allowed on best prime farmland unless the site is well suited, overall, for the proposed land use.

The proposed amendment **ACHIEVES** this policy because a Special Use Permit will be required, which will allow for site specific review for a proposed big wind turbine tower which will ensure that any site approved for a BIG WIND TURBINE TOWER would be well suited.

D. LURP 1.5.3 states that development that requires discretionary review will not be allowed if the existing infrastructure, together with the improvements proposed, is inadequate to support the proposed development effectively and safely without undue public expense.

The proposed amendment **ACHIEVES** this policy because standard conditions are proposed that require improvements to existing infrastructure without undue public expense.

E. LURP 1.5.4 states that development that requires discretionary review will not be allowed if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.

The proposed amendment **ACHIEVES** this policy because a standard condition is proposed in Paragraph 6.1.4.G. to ensure that the local fire protection district is notified of the proposed site plan for a proposed BIG WIND TURBINE TOWER and that the district can request help creating an emergency response plan for the BIG WIND TURBINE TOWER.

F. LURP's 1.6.1 states that in all rural areas, businesses and other non-residential uses will be allowed if they support agriculture or involve a product or service that is provided better in a rural area than in an urban area.

The proposed amendment **ACHIEVES** this policy because of the following:

- (1) BIG WIND TURBINE TOWERS are not compatible with any land use that requires a structure to be located within 1.1 times the height of the turbine tower, which makes them incompatible with urban areas.
- (2) Although BIG WIND TURBINE TOWERS do not support surrounding agricultural uses directly they will be most used by large businesses or institutional uses in the rural area, most of which support agriculture.

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- G. LURP 1.6.2 states that on the best prime farmland, businesses and other non-residential uses will not be authorized if they take any best prime farmland out of production unless they also serve the surrounding agricultural uses or an important public need; and cannot be located in an urban area or on a less productive site; or the uses are otherwise appropriate in a rural area and the site is very well suited to them.

The proposed amendment **ACHIEVES** this policy because of the following:

- (1) A Special Use Permit will be required, which will allow for site specific review for a proposed big wind turbine tower.
- (2) Although BIG WIND TURBINE TOWERS do not serve surrounding agricultural uses directly they will be most used by large businesses or institutional uses in the rural area, most of which support agriculture.
- (3) BIG WIND TURBINE TOWERS are not compatible with any land use that requires a structure to be located within 1.1 times the height of the turbine tower, which makes them incompatible with urban areas.

- H. LURP 1.7.2 states that development in rural areas will be permitted only if there has been reasonable effort to determine if especially sensitive and valuable features are present, and all reasonable effort has been made to prevent harm to those features.

The proposed amendment **ACHIEVES** this policy because of the following:

- (1) A standard condition is proposed in Paragraph 6.1.4.J. that requires big wind turbine tower developers to apply for Endangered Species Consultation with the Illinois Department of Natural Resources.
- (2) The standard conditions for big wind turbine towers in Subsection 6.1.3 of the proposed amendment require BIG WIND TURBINE TOWERS to be at least one mile from the CR District and the CR District is where natural areas are found.
- (3) A standard condition is proposed in paragraph 6.1.4.K. that requires a BIG WIND TURBINE TOWER developer to apply for consultation with the State Historic Preservation Officer of IDNR.

- I. LURP 1.1 states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. Other land uses can be accommodated in those areas provided that:
- a. the conversion of prime farmland is minimized;
 - b. the disturbance of natural areas is minimized;
 - c. the sites are suitable for the proposed use;
 - d. infrastructure and public services are adequate for the proposed use; and
 - e. the potential for conflicts with agriculture is minimized.

The proposed amendment **ACHIEVES** this policy because of the following:

- (1) The conversion of prime farmland is minimized because the proposed amendment requires BIG WIND TURBINE TOWERS to be located on an existing lot with another principal use already established. BIG WIND TURBINE TOWERS are proposed to be authorized by Special Use Permit which will include site specific review to prevent the conversion of prime farmland.
 - (2) The disturbance of natural areas is minimized by the following:
 - (a) Achievement of the third commercial land use goal and the first conservation goal (see Item 8.).
 - (b) Conformance with Policy 5.7 (see Item 7.G.)
 - (3) The sites are suitable for the proposed use because a BIG WIND TURBINE TOWER is a non-agricultural use that is proposed to be a Special Use Permit with standard conditions to ensure that a proposed wind farm will be compatible with adjacent agricultural activities.
 - (4) Infrastructure and public services are adequate for the proposed use because the impact of one to three BIG WIND TURBINE TOWERS is much less than for a wind farm and there is a standard condition requiring cooperation with local fire protection districts.
 - (5) The potential for conflicts with agriculture is minimized by the following:
 - (a) General conformance with Policy 1.2 (see Item 7.A.).
 - (b) Conformance with Policy 1.3 (see Item 7.B.).
12. Regarding fees proposed to be charged for BIG WIND TURBINE TOWER Special Use Permit applications and for Zoning Use Permit Applications for SMALL WIND TURBINE TOWERS and BIG WIND TURBINE TOWERS:
- A. Regarding the Zoning Use Permit fees for a SMALL WIND TURBINE TOWER:
 - (1) The U.S. Department of Energy handout *Small Wind Electric Systems* (undated) that was included in the July 10, 2009, Supplemental Memorandum stated that small turbines cost anywhere from \$3,000 to \$50,000 installed depending on size and other considerations and that a typical 10 kWh home wind system costs approximately \$32,000.
 - (2) The erected cost of a wind turbine and tower will generally far exceed the cost of a two-car garage and, in terms of the work required for the Department in permitting a turbine, will take much more time than a simple garage because of the effort required to verify the maximum allowable height and to review all of the documentation that must be submitted.
 - (3) The proposed fees are essentially a doubling of the current fees for towers. Under the current fee structure, tower fees begin at \$33 for up to 50 feet in height and \$40 is added per each 20 feet in excess of 50 feet in height so that the following heights would require the following fees (the fees in parentheses are the proposed fees for small wind turbine

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towers of the same height; does not include \$33 compliance certificate and reflects current practice in rounding to next highest 20 feet increment). The fee for replacement of a turbine is for turbines that are being replaced on an original tower and only includes review of noise and structural safety:

- (a) Not over 50 feet in HEIGHT.....\$33 (\$100)
- (b) 100 feet in HEIGHT.....\$153 (\$340)
- (c) 150 feet in HEIGHT.....\$233 (\$500)
- (d) Replacement of turbine on existing tower.....\$100

B. At the October 15, 2009, ZBA meeting John Hall, Zoning Administrator, testified regarding case filing fees for big wind turbine towers that a BIG WIND TURBINE TOWER is going to be a significant public hearing which will require a lot of effort and by definition there can be no more than three therefore he proposed a fee of \$3,300 per turbine and if the maximum of three turbines is proposed then the fee would be \$9,900, which is nearly half of the minimum \$20,000 cost for a wind farm.

DOCUMENTS OF RECORD

1. Application for Text Amendment from Zoning Administrator, dated September 11, 2008
2. As Approved Finding of Fact for Case 634-AT-08 Part A
3. Champaign County Ordinance No. 848
4. Supplemental Memorandum for Case 634-AT-08 Part B, dated April 9, 2009, with attachment:
 - A Legal Ad for Case 634-AT-08
5. Supplemental Memorandum for Case 634-AT-08 Part B, dated June 5, 2009, with attachments:
 - A Proposed Changes to Section 3
 - B Proposed Changes to Subpar. 4.3.1 E
 - C Proposed Changes to Section 5.2
 - D Proposed Changes to Subsection 6.1.3
 - E Proposed New Subsection 7.7
 - F Excerpt from *In Public Interest How and Why to Permit for Small Wind Systems A Guide for State and Local Governments*. American Wind Energy Association. September 2008.
6. Supplemental Memorandum for Case 634-AT-08 Part B, dated June 11, 2009, with attachment:
 - A Excerpts of relevant Paragraphs of Subsection 6.1.4
7. Written statement and information from Herb Schildt, handed out at June 11, 2009, ZBA meeting
8. Letter from Arends Brothers and brochures for sample wind turbines, submitted by Eric McKeever
9. Supplemental Memorandum for Case 634-AT-08 Part B, dated July 10, 2009, with attachments:
 - A Revised Changes to Section 3
 - B Revised Changes to Subpar. 4.3.1
 - C Revised Changes to Section 5.2
 - D Revised Addition to Subsection 6.1.3
 - E Revised New Subsection 7.7
 - F Comparison of Small Wind Requirements in Other Illinois County Zoning Ordinances
 - G Illustration of Obstruction of the Wind by a Building or Tree excerpted from *Small Wind Electric Systems A U.S. Consumer Guide*
 - H Table of Wind Turbines, Rated Output, and Rotor Diameter from Focus on Energy submitted by Herb Schildt on June 11, 2009
 - I Manufacturer's Information about the Endurance S-343 wind turbine submitted by Eric McKeever on June 11, 2009
 - J Manufacturer's Information about the Endurance G-3120 wind turbine submitted by Eric McKeever on June 11, 2009
 - K Manufacturer's Information about the Endurance E-3120 wind turbine submitted by Eric McKeever on June 11, 2009

- L Manufacturer's information about the remanufactured Vestas V17-90kW wind turbine submitted by Herb Schildt on June 11, 2009
 - M Manufacturer's Information about the Northwind 100 wind turbine submitted by Eric McKeever on June 11, 2009
 - N *Small Wind Electric Systems A U.S. Consumer's Guide*. U.S. Department of Energy. (included separately)
10. Diagrams of Possible Tower Heights
11. Supplemental Memorandum for Case 634-AT-08 Part B, dated October 9, 2009, with attachments:
- A Revised Changes to Section 3
 - B Revised Changes to Par. 4.2.1 C
 - C Revised Changes to Subpar. 4.3.1 E
 - D Revised Changes to Subsection 5.2
 - E Revised Addition to Subsection 6.1.3
 - F Revised New Subsection 7.7
 - G Proposed Changes to Par. 9.3.1 D
 - H Proposed Changes to Par. 9.3.3 B
 - I Excerpt regarding "non issues" from *In the Public Interest How and Why to Permit for Small Wind Systems A Guide for State and Local Governments*. American Wind Energy Association. September 2008
 - J Community Wind overview from www.windustry.org
 - K EcoEnergy Met Tower Visibility Markings
 - L Draft Minutes of July 16, 2009 (included separately)
12. Supplemental Memorandum for Case 634-AT-08 Part B, dated October 15, 2009, with attachments:
- A Revised New Subsection 7.7
 - B Excerpts from Part 77 of Section 14 of the Code of Federal Regulations regarding Objects Affecting Navigable Airspace
 - C Wind Turbine Buyer's Guide from *home power*, June & July 2007
 - D Section 465.50 Electricity Provider for Eligible Customers (excerpted from 83 *Ill. Admin. Code* Part 465
 - E Ameren information on net metering
 - F Ameren Application for Net Metering Services
 - G Handout from Arends Brothers (date not certain)
 - H Draft Finding of Fact (included separately)
13. Prepared statement by Steve Burdin submitted on October 15, 2009
14. Supplemental Memorandum for Case 634-AT-08 Part B, dated November 6, 2009, with attachments:
- A Revised Changes To Section 3
 - B Proposed Changes to Par. 4.2.1 C.
 - C Proposed Changes To Subpar. 4.3.1 E

- D Proposed Changes To Subsection 5.2
 - E Proposed Addition to Subsection 6.1.3
 - F Revised New Subsection 7.7
 - G Proposed Changes to Par. 9.3.1 D.
 - H Proposed Changes to Par. 9.3.3 B.
 - I Proposed Changes to Par. 9.1.9 B.
 - J Table Comparing Types of Wind Turbine Towers And The Requirements for Each
 - K Draft Minutes of October 15, 2009 (included separately)
 - L Draft Finding of Fact (included separately)
15. Supplemental Memorandum for Case 634-AT-08 Part B, dated November 12, 2009
16. Packet of information from Steve Burdin, received on December 31, 2009
17. Supplemental Memorandum for Case 634-AT-08 Part B, dated January 7, 2010, with attachments:
- A *Wind Turbine Noise Issues* by Anthony L Rogers and James Manwell (attached separately)
 - B Draft *AWEA Small Wind Turbine Performance and Safety Standard* (attached separately)
 - C Packet of information from Steve Burdin, received on December 31, 2009 (attached separately)
18. Supplemental Memorandum for Case 634-AT-08 Part B, dated January 8, 2010, with attachments:
- A Proposed Changes to Section 3 (no changes this version)
 - B Proposed Changes to Par. 4.2.1 C. (no changes this version)
 - C Proposed Changes to Subpar. 4.3.1 E (no changes this version)
 - D REVISED Changes to Subsection 5.2
 - E Proposed Addition to Subsection 6.1.3 (no changes this version)
 - F REVISED New Subsection 7.7
 - G Proposed Changes to Par. 9.1.9 B. (no changes this version)
 - H REVISED Changes to Par. 9.3.1 D.
 - I Proposed Changes to Par. 9.3.3 B. (no changes this version)
 - J Section 5.3 from the Champaign County Zoning Ordinance (without footnotes)
 - K Excerpt from the Illinois Pollution Control Board Sound Emission Standards
 - L Noise Rating for Class C to Class A, nighttime
 - M Noise Rating for Class C to Class B, daytime
 - N Noise Rating for Class A to Class A, nighttime
 - O Hummer wind turbine product information (included separately)
 - P Exhibit A City of Champaign Wind Energy Conversion Systems ordinance (included separately)
18. Supplemental Memorandum for Case 634-AT-08 Part B, dated January 14, 2010, with attachments:
- A Revised Noise Rating for Class C to Class B
 - B Revised Draft Finding of Fact
19. Written comments submitted by Herb Schildt at the January 14, 2010, public hearing

20. Supplemental Memorandum for Case 634-AT-08 Part B, dated February 1, 2010, with attachments:
 - A Table Comparing Types of Wind Turbine Towers and the Requirements for Each
 - B Comparison of Small Wind Requirements in Other Illinois County Zoning Ordinances and Largest Local Municipalities
 - C Revised Draft Finding of Fact for Case 634-AT-08 Part B

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Cases 634-AT-08 Part B
Page 31 of 31

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in **Case 634-AT-08 Part B** should **BE ENACTED** by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Doug Bluhm, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Champaign
County
Department of



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

(217) 384-3708

To: **Champaign County Board Committee of the Whole**
From: **JR Knight, Associate Planner**
John Hall, Zoning Administrator

Date: **February 22, 2010**

RE: **Direction to Zoning Administrator Regarding a Necessary Zoning Ordinance Text Amendment**

Request **Committee approval to conduct a proposed Zoning Ordinance text amendment clarifying standard conditions and clarifying wind farm shadow flicker requirements.**

Petitioner **Zoning Administrator**

BACKGROUND

Committee approval is sought to conduct a text amendment to the Zoning Ordinance to revise Subsection 6.1 and Paragraph 9.1.11 D.1. to clarify how standard conditions are applied and delete Paragraph 6.1.4 A.1.(c) to make the wind farm shadow flicker standard condition more internally consistent.

The part of this amendment related to Sections 6 and 9 are enhancements to the existing Zoning Case 658-AT-09 Part B based on the comments received at the February 4, 2010, meeting. Those comments are included as an attachment to that memo.

REVISION OF 6.1 AND 9.1.11 REGARDING APPLICATION OF STANDARD CONDITIONS

Subsection 6.1 and Paragraph 9.1.11 D.1. define standard conditions and establish the ability of the ZBA and County Board to waive them based on certain findings. Comments were received during the public hearing for Zoning Case 658-AT-09 asserting that the more correct interpretation of these two parts of the Zoning Ordinance is that only standard conditions which have the same kind of requirements in Section 5.3 are subject to waiver.

The alternative interpretation does not agree with the intent of Zoning Case 855-AT-93, which was the Zoning Ordinance Text Amendment that changed Special Use standards into standard conditions that are subject to waiver. That interpretation also does not agree with the practice of the Planning and Zoning Department for the 17 years since Zoning Case 855-AT-93 was adopted. Nonetheless, this alternative interpretation indicates that disagreement is likely and it would be best to eliminate any cause for disagreement or confusion.

The proposed revisions to these two parts of the Zoning Ordinance are an attempt to make it clear that all the standard conditions now listed under Subsection 6.1 are in fact standard conditions subject to waiver.

DELETION OF 6.1.4 A.1(c) REGARDING WIND FARM SHADOW FLICKER CONDITIONS

Paragraph 6.1.4 M. establishes Standard Conditions for Shadow Flicker and requires that all areas subject to more than 30 hours of shadow flicker per year are to be provided with some form of mitigation. This Paragraph was revised by ELUC after the public hearing for Zoning Case 634-AT-08 Part A. However, Paragraph 6.1.4 A.1.(c) was not revised by ELUC and still requires land that is subject to more shadow flicker than authorized in 6.1.4 M. which receives no other mitigation to be part of the Special Use Permit Area. The two paragraphs are inconsistent and the intent of Paragraph 6.1.4 M. is that there can be no land receiving more than 30 annual hours of shadow flicker, which does not receive some form of mitigation. Paragraph 6.1.4 A.1.(c) is unnecessary and illogical, and should be deleted.

ATTACHMENT

A Preliminary Draft Amendment

1. Revise Subsection 6.1 as follows:

(Underline and ~~strikeout~~ text indicate changes from the existing Ordinance text.)

The standards listed in this Subsection ~~for specific SPECIAL USES~~ which exceed the applicable DISTRICT standards in Section 5.3, in either amount or kind, and which are not specifically required under another COUNTY ordinance, state regulation, federal regulation, or other authoritative body having jurisdiction, to the extent that they exceed the standards of the DISTRICT, in either amount or kind, shall be considered standard conditions which the BOARD is authorized to waive upon application as provided in Section 9.1.11 on an individual basis.

2. Delete Paragraph 6.1.4 A.1.(c) as follows:

A. General Standard Conditions

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

3. Revise Paragraph 9.1.11. D.1. as follows:

Any other provision of this ordinance notwithstanding, the BOARD or GOVERNING BODY, in granting any SPECIAL USE, may waive upon application any standard or requirement for the specific SPECIAL USE enumerated in Section 6.1.3 ~~Schedule of Requirements and Standard Conditions Standards for Special Uses~~, to the extent that they exceed the minimum standards of the DISTRICT, in either amount or kind, except for any state or federal regulation incorporated by reference, upon finding that such waiver is in accordance with the general purpose and intent of this ordinance, and will not be injurious to the neighborhood or to the public health, safety and welfare.

Champaign
County
Department of



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

(217) 384-3708

To: **Champaign County Board – Committee of the Whole**
From: **JR Knight, Associate Planner**
John Hall, Zoning Administrator

Date: **February 22, 2010**

RE: **Direction to Zoning Administrator Regarding a Necessary Zoning Ordinance Text Amendment**

Request **Committee approval to conduct a Zoning Ordinance Text Amendment to make the Zoning Ordinance consistent with state law regarding the number of affirmative votes for a decision at the Zoning Board of Appeals.**

Petitioner **Zoning Administrator**

BACKGROUND

Committee approval is sought to conduct a text amendment to the Zoning Ordinance to revise Paragraph 9.1.7 E.1. to make the Zoning Ordinance consistent with state law. The Zoning Ordinance currently requires the concurring vote of five Zoning Board of Appeals (ZBA) members to pass a decision through that body. However, state law (55 ILCS 5/5-12011) establishes that decisions by a Board of Appeals only require the concurring vote of four Board members for boards of seven members, and no higher standard should be set by the Zoning Ordinance.

This became an issue in Zoning Case 560-S-06 for the petitioner Hindu Temple and the State's Attorney determined that the County cannot require a greater number of affirmative votes than that required by state law.

Because this change would also be relevant to any wind farm zoning case staff anticipates combining this proposed change into one Zoning Case with the changes to standard conditions and wind farm shadow flicker requirements.

ATTACHMENT

- A Preliminary Draft Amendment
- B Excerpt from 55 ILCS 5/5-12011

1. Revise Paragraph 9.1.7 E.1. as follows:

(Underline and ~~strikeout~~ text indicate changes from the existing Ordinance text.)

The concurring vote of ~~five~~ four members of he BOARD shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any VARIANCE in the application of this ordinance or to effect any SPECIAL USE.

(55 ILCS 5/5-12011) (from Ch. 34, par. 5-12011)

Sec. 5-12011. Hearing and decision of board of appeals. The board of appeals shall also hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of any ordinance or resolution adopted pursuant to this Division.

It shall also hear and decide all matters referred to it or upon which it is required to pass under any such ordinance or resolution or under the terms of this Division. Where a public hearing before a board of appeals is required by this Division or by any ordinance or resolution under the terms of this Division, notice of each hearing shall be published at least 15 days in advance thereof in a newspaper of general circulation published in the township or road district in which such property is located. If no newspaper is published in such township or road district, then such notice shall be published in a newspaper of general circulation published in the county and having circulation where such property is located. The concurring vote of 3 members of a board consisting of 5 members or the concurring vote of 4 members of a board consisting of 7 members is necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or resolution, or to effect any variation in such ordinance or resolution, or to recommend any variation or modification in such ordinance or resolution to the county board. An appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the county. An appeal shall be taken within such time as is prescribed by the board of appeals by general rule by filing with the officer from whom the appeal is taken and with the board of appeals a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal has been filed with him that by reasons of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court on application, on notice to the officer from whom the appeal is taken and on due cause shown.

(Source: P.A. 92-128, eff. 1-1-02.)

Champaign
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**PLANNING &
ZONING**

Brookens
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1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708

To: **Champaign County Board Committee of the Whole**
From: **JR Knight, Associate Planner**
John Hall, Zoning Administrator

Date: **February 22, 2010**

RE: **Direction to Zoning Administrator Regarding a Necessary Zoning Ordinance Text Amendment**

Request **Committee approval to conduct a proposed Zoning Ordinance text amendment changing fence height limits.**

Petitioner **Zoning Administrator**

BACKGROUND

Committee approval is sought to conduct a text amendment to the Zoning Ordinance to revise Paragraph 4.3.3 G. regarding maximum fence height limits. In October 2007 and April 2008 the Zoning Board of Appeals (ZBA) heard variance cases regarding fence height in the City of Champaign one and one-half mile extraterritorial jurisdiction. Later in 2008, the Department was approached by another person who desired to build an eight foot fence in the County's jurisdiction. At the time staff was contemplating this text amendment and so the Zoning Administrator approved the fence provided the petitioner was willing to abide by the outcome of this proposed text amendment or any variance that may be required.

These cases revealed that the maximum fence height limit of six feet for lots in the R Zoning Districts and residential lots in the AG districts is more restrictive than most municipalities in the county. See Attachment A for a comparison.

Note that the County's fence height limits do not, apparently, apply to residential lots in the AG Districts that are five acres or greater in area or lots in the CR District. The Department has never received a complaint regarding a situation like this nor has it received any request to build an unusually tall fence in the AG or CR Districts.

ATTACHMENT

- A Table Comparing Fence Height Limits
- B Preliminary Draft Amendment

Table Comparing Residential Fence Height Limits in Champaign County Zoning Ordinance¹ to Larger Local Municipalities
 February 22, 2010

DRAFT

Parameter	Champaign County	City of Champaign	City of Urbana	Village of Mahomet	Village of Rantoul	Village of Savoy	Village of St. Joseph
In or around side and rear yards	6 feet	8 feet	8 feet	7 feet	8 feet	6 feet ⁶	8 feet ⁷
In or around a required front yard	6 feet	3 feet; or 6 feet ²	6 feet 8 feet ³	3.5 feet	3 feet ⁴ ; or 4 feet ⁵		3 feet ⁸

1. Champaign County Zoning Ordinance limits fence height to six feet in Residential Districts and residential lots less than five acres in area in the AG Districts.
2. Must be chain link, wire mesh, or similar type of transparent fencing.
3. Where the front yard abuts a principal or minor arterial street.
4. For fences that are less than 70% open
5. For fences that are 70% or more open
6. Based on a phone call to Village staff. A search of the Savoy municipal code did not result in any fence height regulations.
7. The top two feet of construction must be more than 50% open
8. Fences in front yards are also required to be more than 50% open and chain link or wire mesh fences are not allowed.

1. Revise Paragraph 4.3.3 G. as follows:

(Underline and ~~strikeout~~ text indicate changes from the existing Ordinance text.)

G. Fences

1. Fences in R Zoning Districts and on residential lots less than five acres in the AG Districts shall not exceed the following height limits: six feet in HEIGHT and may be located in required front yards provided they meet the requirements of the triangle of visibility as defined by Section 4.3.3.E of this ordinance.
 - a. In required FRONT YARDS fences shall not exceed six feet in HEIGHT provided they meet the requirements of the triangle of visibility as defined by Section 4.3.3 E. of this ordinance.
 - b. In required SIDE and REAR YARDS fences shall not exceed eight feet in HEIGHT.
2. Fences in B and I Zoning Districts shall not exceed eight feet in HEIGHT not including any barbed wire security barrier which may be up to an additional two feet in HEIGHT. Fences may be located in the required front yards provided they meet the requirements of the triangle of visibility as defined by Section 4.3.3.E of this ordinance.

Champaign
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**PLANNING &
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1776 E. Washington Street
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(217) 384-3708

TO: **County Board Committee of the Whole**
FROM: **February 18, 2008**
DATE: **John Hall, Director**
RE: **Enforcement productivity & backlog of open cases**

STATUS

Data on nuisance and property maintenance complaints and inspections has been gathered from similar counties and compared to Champaign County. See the attachment. A brief comparison with Champaign County is included below.

Background

At the January 5, 2010, Committee of the Whole Meeting Mr. Nudo requested data from similar Illinois counties to compare to the Enforcement Activity as reported in the Department's Summary Report for Fiscal Year 2009. Of particular concern was what accounted for the backlog of 573 open cases at the end of Fiscal Year 2009.

Comparisons like this are difficult because counties differ so much. Counties generally considered comparable to Champaign County are Sangamon County, McLean County, Peoria County, and Rock Island County.

Results

The results to date are in Attachment A. Data from Kankakee County and Macon County has also been included. Those counties were also included in the table attached to the January 5, 2010, memorandum that was distributed at the Committee Meeting. That table indicated that Champaign and McLean Counties are the only counties in this group that have not adopted building codes and McLean County also does not have a nuisance ordinance. The following is worth noting on the attachment

1. Kankakee County received more than one and one half times the complaints of Champaign County and resolved 60% more complaints than Champaign County in 2009. That department is much larger than our own and there is more specialization among staff positions and that may result in some added efficiency.
2. Macon County received the same number of complaints in 2009 as Champaign County received in FY2009. Champaign County resolved 38% more cases presumably because of Champaign County's backlog of open cases. This was the simplest and most direct comparison because Macon County planning and zoning department has a staff of only three. That department previously had a staffing level of four.
3. It is difficult to compare Sangamon County because their departmental structure is so much different than our own. Rock Island County has no data available for comparison purposes and I am still awaiting data from Peoria County.

ATTACHMENTS

- A Comparison of Champaign County Enforcement with Enforcement In Other Similar Illinois Counties

Comparison of Champaign County Enforcement with Enforcement In Other Similar Illinois Counties

DRAFT Feb. 18, 2010

	Permitting	Enforcement	Zoning Cases	Notes
Champaign County				
Total Staffing: Zoning Administrator, Associate Planner, 2 Zoning Technicians, 1 Zoning Officer				
FY09 total	Applications received: 190/ 164 Inspections: 460 (Zoning Ord. only)	Complaints received: 107 Inspections: 219 Complaints resolved: 131 Open cases: 573 (Nuisance Ord. primarily)	Applications received: 17 Case completed: 23 Cases pending: 6	
Prev. 4 YR Ave.	Applications received: 253/218 Inspections: 124	Complaints received: 104 Inspections: 93 Complaints resolved: 33 Open cases: 593	Applications received: 38 Case completed: 32 Case pending: 17	
1993-1998	Applications received: 430 Inspections: 394	Complaints received: 159 Inspections: 159 Complaints resolved: 156 Open cases: 61 (Nuisance Ord. & Zoning Ord.)	Applications received: 50 Case completed: 49 Case pending: 4	
Macon County				
Total Staffing: Zoning Administrator; Property Maintenance Officer; Secretary; several part time Building Inspectors				
FY09 total	Applications received: 209 Inspections: (no data) (Zoning Ord. & Building Code)	Complaints received: 107 Inspections: (no data) Complaints resolved: 95 Open cases: 6 (Nuisance Ord. & Building Code)	Applications received: 17 Case completed: (no data) Cases pending: (no data)	
Prev. 3 YR Ave.	Applications received: (no data) Inspections: (no data)	Complaints received: 86 Inspections: (no data) Complaints resolved: (no data) Open cases: (no data)	Applications received: (no data) Case completed: (no data) Cases pending: (no data)	
Sangamon County				
Relevant Staffing: 4 Building & Zoning Inspectors and 13 Public Health Inspectors (only part time on nuisance)				
FY09 total	Applications received: 711+/- Inspections: (no data) (Zoning Ord. & Building Code)	Complaints received: 679 (201 bldg. & zon.; 448 solid waste; 30 dangerous bldg.) Inspections: (no data) Complaints resolved: (no data) Open cases: (no data) (Zoning Ord.; Bldg. Code; Prop. Maint. Ord; Nuisance Ord.)	Applications received: (not incl.) Case completed: (not incl.) Cases pending: (not incl.)	

Comparison of Champaign County Enforcement with Enforcement In Other Similar Illinois Counties

DRAFT Feb. 18, 2010

	Permitting	Enforcement	Zoning Cases	Notes
Kankakee County				
Relevant Staffing: 1 Code Enforcement Officer				
FY09 total	Applications received: (not incl.) Inspections: (not incl.)	Complaints received: 260 Inspections: (no data) Complaints resolved: 210 Open cases: 50 (Zoning Ord. & Prop. Maint. Code)	Applications received: (not incl.) Case completed: (not incl.) Cases pending: (not incl.)	
Prev. 2-YR Ave.	Applications received: (not incl.) Inspections: (not incl.)	Complaints received: 240 Inspections: (no data) Complaints resolved: 198 Open cases: 35	Applications received: (not incl.) Case completed: (not incl.) Cases pending: (not incl.)	
Peoria County				
Relevant Staffing: NO DATA YET				
FY09 total	Applications received: Inspections:	Complaints received: Inspections: Complaints resolved: Open cases:	Applications received: Case completed: Cases pending:	
Prev. 5-YR Ave.	Applications received: Inspections:	Complaints received: Inspections: Complaints resolved: Open cases:	Applications received: Case completed: Cases pending:	
Rock Island County				
NO AVAILABLE DATA				
McLean County				
No Nuisance Ordinance or Property Maintenance Ordinance				

**Closed Meeting Minutes Review – Environment & Land Use Committee
March 2, 2010**

Is it necessary to protect the public interest or privacy of an individual?

Date of Minutes	Yes, Keep Confidential	No, Place in Open Files
January 25, 2000		
December 12, 2005		
October 16, 2006		
August 17, 2007 <i>Performance Appraisal Subcommittee</i>		
September 17, 2007 <i>Performance Appraisal Subcommittee</i>		
September 20, 2007		
November 13, 2007		
October 14, 2008		

***Minutes not previously approved in semi-annual review.**