



ENVIRONMENT AND LAND USE COMMITTEE And ZONING BOARD OF APPEALS JOINT STUDY SESSION

RE: Proposed Zoning Ordinance Text Amendment to revise select Wind Farm Ordinance Sections

County of Champaign, Urbana, Illinois

Thursday, June 30, 2022 – 6:30 P.M.

Shields-Carter Meeting Room/Zoom

Brookens Administrative Center

1776 East Washington Street, Urbana, Illinois

MINUTES – Approved as Corrected August 4, 2022

ELUC Members Present: Aaron Esry, Stephanie Fortado, Mary King, Kyle Patterson, Jacob Paul, Chris Stohr, and Eric Thorsland

ZBA Members Present: Tom Anderson, Thaddeus Bates, Ryan Elwell, Nolan Herbert, Jim Randol, Lee Roberts, and Larry Wood

ELUC Members Absent: None

ZBA Members Absent: None

Others Present: County Board Members: Jim Goss, Stan Harper, Jenny Lokshin, Jennifer Straub, Steve Summers and Wayne Williams. John Hall (Planning & Zoning), Stephanie Berry (Planning & Zoning), Susan Bergstrom (Planning & Zoning) and Mary Ward (Recording Secretary)

Agenda Items

I. Call to Order

ELUC Chair Thorsland called the ELUC meeting to order at 6:32 p.m.

ZBA Chair Elwell called the ZBA meeting to order at 6:34 p.m.

II. *Roll Call

The ELUC Roll Call was taken, and a quorum was declared present.

The ZBA Roll Call was taken, and a quorum was declared present.

III. Suspension of ZBA Bylaws

MOTION by Mr. Wood to suspend the ZBA bylaws for this meeting; seconded by Mr. Roberts.

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

IV. Approval of Agenda

MOTION by Mr. Esry to approve the agenda; seconded by Ms. King. Upon voice vote the **MOTION CARRIED** unanimously.

A **MOTION** was made by Mr. Stohr to allow ZBA members to participate as if they were County Board members, which means they are allowed to speak when we get to discussion. The motion was seconded by Mr. Patterson. Upon voice vote, the **MOTION CARRIED** unanimously.

Mr. Thorsland briefly explained how Public Participation would work. We are discussing three items tonight: minimum separation, noise limits and infra-sound limits.

V. Public Participation

Dr. Rebecca Kamerer, Philo – Veterinarian in Sidney – has seen what happened in Douglas County. Harvest Ridge has shown who they really are. Two years post completion farmers are still dealing with flooding fields and rural roads that are in bad shape. The wind companies have questionable business tactics. She also spoke in rebuttal to a pro-wind farm speaker at a previous meeting. Agriculture contributes millions to the county's economy. Feels that wind turbines have nothing to do with right to farm, they are industrial installations.

Josh Hartke, Champaign – spoke about potential for brownouts in Central Illinois. This ordinance, as proposed, would effectively eliminate wind development in Champaign County. Wind is safe. It is the most affordable energy supply today. The greater goal is to provide energy.

Stephen Smith, Broadlands – The ZBA has amended the ordinance and looked at other issues within the ordinance. They have worked hard and have come up with good solutions to help mitigate some of the problems. The wind turbines are not temporary and will leave long term scars on the land. Would like to see the previous ruling upheld.

Kelly Vetter, Broadlands – Thankful the ZBA and the County are looking at the wind farm ordinance. It is not that we have to fit into what the turbine corporations require, but that they have to follow our guidelines or move on. The County Boards first duty is to protect its citizens and not make money deals to prosper the community at large. It's irresponsible to sign long term contracts considering how much the wind industry will change over that time. It uses incredible amounts of fossil fuels to build and decommission these wind farms. Other counties are finding that there are now lots of nuisance lawsuits being filed against wind turbine companies.

Phillip Luetkehans, Attorney (Represents Property Owners) – Brookfield sent a letter and talked about what California Ridge is right now, that's not the questions. Wind company executives have admitted under oath that if setbacks are 3200 feet or more, they can do it, it just takes more land. They may not want to do it, but they can. The state of Illinois law, is measured at the edge of the residential land. You're getting half-truths from the wind companies. You must rely on what was presented to the ZBA. Feels that Hanker cherry-picks its data. The county needs a full overhaul on its ordinance.

Justin Bowers, Hankard Environmental, Acoustic Consulting Firm in WI – here because Brookfield Renewables asked them to review the proposed changes and comment on them. They have provided a letter and he was here to review that letter. Set back distance – in Illinois assessing noise limits at the property line isn't appropriate as there are different noise limits depending on the land use. The most stringent limits are for residential land use and night-time hours are more stringent. He also discussed 39 dba noise level and what they find when they measure noise levels. He also discussed the Health Canada study and WHO study and their findings. He also discussed infrasound in that turbines do produce infrasound but it's not detectable by human perception and does not have adverse health effects.

Kyle Berry, Attorney, Springfield – has been doing zoning and permitting hearings for renewable energy for a dozen years. He has worked on multiple wind projects and gave his perspective. He has worked with Dr. Schomer. He was his expert witness for a project in Logan County in 2011. At that time, he testified that the project met the applicable noise standards at that the time. He is an expert witness on sound and not medical issues. Mr. Berry has also used a medical doctor, who is a sleep expert, as a witness for a project in Morgan County and he testified that the project would have no negative health effects. He has concerns that increasing noise standards and tying them to a particular use, wind farms, that raises equal protection concerns. We may want to check with our State's Attorney's Office.

Ben Mallernes, Technical Specialist in Wind Energy, Brookfield Renewables – Brookfield has 21 wind farms in the U.S. One of those is California Ridge, which is the only operating wind farm in Champaign County. He has worked in the wind energy industry a number of years and for six years his office was within 600 feet of a wind turbine and within 1,000 feet of three more. He feels that it's been made clear that what's being argued is not with respect to noise, but to eliminating wind farms in Champaign County. The sole purpose to halt wind development in Champaign County. The 3,250-foot setbacks would effectively eliminate the ability to site a wind turbine in Champaign County. He discussed the benefits of wind farms.

Kathy Shannon, Champaign – had sent an email to encourage whatever they can do to support bringing wind power to the county. She brought up that two rural school district referendums failed dramatically this week. We need to fund our schools and to think that we would discourage developers of wind energy when we are in desperate need for funding for children's education. Clean energy is the future. Every negative thing being discussed here is worse with fossil fuels.

Matthew Frank, Champaign – opposes amending the zoning ordinance to further restrict wind tower construction. He addressed the proposed restriction to 39 dBA for noise limit. Does not feel the county should be using their regulatory power to restrict productive business uses of Class C land. Feels the County should focus on noise pollution across all uses and not just specific setbacks and noise levels on specific technological uses.

Constance Musick, Champaign County and member of Labor Local 703 – Champaign County needs to look at bringing jobs backing into the community.

Victor Muner, Labor Local 703 – all the work for the wind turbines is all union work and uses local Labor. Important to bring this work here for our community.

Roger Henning, Philo – Lots of people that want the wind farm, don't live here and don't live by where it is going. They won't be affected by it. Feels the ZBA came up with sensible and healthy guidelines. At the last ELUC meeting the chair stated, that he thought, ten years ago Champaign County had the strictest guidelines for wind farms. A lot has changed in ten years. A lot of studies, presented to ZBA, say the setbacks should be increased. Edgar County has setbacks of 3,250 feet. Feels the setbacks should be to the property lines. If the parties want, they can always come to the ZBA for a variance.

Don Carter, Philo – will live in the footprint of the proposed wind farm and will be affected by it. They have attended many ZBA meetings trying to present their case. They can't do anything about it. Have to rely on their representatives to make sure constituents are protected. We talk about health effects, there's a lot to be said about the quality of life, not necessarily that you're physically sick. Please adopt the recommendations of the Zoning Board. They have put in a lot of time, heard a lot of testimony and studied a lot of data.

MOTION to extend Public Participation beyond one hour was made by Ms. King; seconded by Ms. Fortado. Upon voice vote, the **MOTION CARRIED** unanimously.

Charles Mitsdarfer, Tolono – he agreed with Mr. Carter. He expressed his full support for the recommendations of the ZBA. He is against the wind turbines as he feels the technology is not there yet. We are surrounded by prime farmland, some of the best in the world, and would be a shame to take it out of production. Agriculture brings in huge amount of money, jobs, tax revenue to the County. We are trying to protect our homes, our farms, and our livelihood.

Justin Leerkamp, Sidney – Bills have been proposed at the state level to regulate wind farms. No matter what side of the issue you are on; thinks we would rather keep local control. He is not against

renewable energy. Industrial wind complexes are completely different than renewable energy at the homeowner level. He is looking for realistic setbacks to protect his property. The current zoning of 1200-foot setbacks, that is not enough. He doesn't know a lot about sound and measurements, but from working under the Douglas County wind turbines, they are loud.

Jan Carter Niccum, Savoy – Has attended five previous meetings on this issue. Spoke on the issue and concerns of decommissioning turbines. We have heard about repowering or replacing units. In Savoy, they had residents come to their board about 10 years ago and want to install turbines in new neighborhoods. They were wanting to put in various kind of turbines. No one has built a wind turbine in Savoy. There has been discussion about building a small version of a nuclear power plant near Abbott in Champaign. How will the people from Champaign, that talk about energy and say don't worry about setbacks, etc. feel about having a nuclear power plant within a few blocks of their house. Feels the recommendations put forth need to be taken seriously to protect the interest of the people living in the area.

Ted Hartke, Sidney – Would have liked to have had the chance to cross examine those who have spoken tonight. He has lived this experience. He has tried to do a presentation to ELUC but has not been allowed to present. His livelihood depends on being truthful. We need to modify the 80 dBC to 80 dBPK (80 peak). That is what wakes up people inside their homes. In Tennessee, the noise level is regulated at 35 dBA at dwellings for the whole state.

William Mitsdarfer, Villa Grove – It's been said that there have been no complaints about the California Ridge Wind Farm in Champaign County, but it's pretty sad that Mr. Hartke lived just over the county line and it doesn't count.

Todd Herbert, Philo – commended the ZBA for the work and the solution they came up with. He supported the 3,250-foot setbacks. The Zoning Board went to bat for them and hopes that ELUC and the County Board can do the same.

Darrel Rice, Philo - At the first meetings the only people that showed up are those that live in the footprint of the proposed wind farm. The one's showing up now in favor either will either benefit from or don't live in the area of the proposed wind farm and it's easy to say we want this. The people that live there would like to see the proposed ZBA recommendations passed.

Adani Sanchez, Champaign – would like to have her own wind farm. Important to consider that fossil fuels have a definite end. It's important to think about renewable energy and what Illinois is doing to maintain independence from fossil fuels. It seems like some of the wind farm corporations are having some serious problems, so we do need to hold them accountable, but she doesn't think the current recommendations are addressing those problems. She hopes that the amendments made to the ordinance are creating more accountability for these corporations.

Matt Herriott, Philo – Urges the ELUC to accept the proposed changes to the wind ordinance, especially the proposed setback to the property line to non-participating residences to 3,250 feet. This would provide adequate protection to property owners and their families. The map in the packet is not 100 percent correct. They can get variances and good neighbor agreements. Wind companies could apply for waivers. Urges everyone to read all the data.

Public Participation ended at 8:10 p.m.

Board Member Mary King read an email into the record from Robin and Ryan Fellers in favor of wind power.

VI. Discussion of authorization for a Public Hearing on Proposed Zoning Ordinance Text Amendment to revise select Wind Farm Ordinance sections as follows:

- a. Increase the minimum separation to principal structures to 3,250 feet to the non-participating property line.
- b. Change the noise limit to 39dBA
- c. Add a noise limit of 80 dBC for infrasound

Mr. Thorsland pointed out some of the items in the packet that was put together for tonight's meeting. It is online for everyone to view.

Zoning Board members started the discussion. Mr. Reynolds gave his thoughts on the decision process. After all the hours and materials presented, only one person came forward during all the other meetings speaking in favor of wind energy. And, here tonight, we have 8-10 people wanting to voice their opinions. Not against wind farms, but they are representing a huge area where this wind farm is proposed. This area is pretty heavily populated and felt the need to protect the desires of the people living in this area. If the setback was to the residence, it could prohibit them from building a home elsewhere on their property in the future, so felt it should be to the property line.

Mr. Herbert spoke next. There were four meetings, and a lot of time was spent on this. These are the recommendations that we thought to add. A lot has changed in the past several years. Supports the separation to the property line. Several of the people in the audience came to every meeting and spent their time listening and providing input. Noise; feels it's important to protect every individual. It may not affect everyone the same, but the ones that are affected should be protected. A lot of time was spent on this. Thinks this is the agreement they came to and thinks it should stand.

Mr. Bates stated that this was brought up at ELUC and was not brought up at ZBA. It was put forth in front of ZBA to listen to you all. There may have been one person in support and questions why, now, after an unprecedented joint meeting we have so many speaking out in favor. Where were they when public testimony was available? Who is reaching out to these individuals or why do they suddenly feel like they need to come forth? Where were they at the meeting for public hearing? We listened to the constituents, sifted through mounds of paperwork and put countless hours into this. We sent a recommendation based off the facts that were provided to them.

Mr. Roberts said that he voted with the ZBA board, and it is now in ELUC's court. They made their decision and sent it to ELUC.

Mr. Anderson feels wind turbines that make this much noise should be 100 miles away. Newer turbines may make more noise. Infrasound, you might not be able to hear it, but it can affect your body, animals, house etc.

Mr. Wood said that they went through a lot of information. He read the assessment of California Ridge by Hanker and Dr. Schomer's name was on that publication. Didn't notice that there was much of an issue as that time. That was done several years ago. Subsequent publications pointed out the fact that you really don't get past the annoyance factor for everyone till your past 3,000 feet. There isn't really a lot of information on the infrasound issue. What he has been able to find suggests that it becomes annoying about 65-75 dBC. Setbacks: Champaign County is the 4th largest in terms of population. Putting wind turbines will slow the growth once installed. He doesn't feel bigger wind turbines are better. With the population density we have in the County, feels we need the larger setback.

Mr. Elwell sees the ZBA role as adjudicating land uses, variances, text amendments, etc. He didn't think the current ordinance was broke and there have been no complaints about the California Ridge Wind Farm. He was not sure of the reasons why it was brought back to the ZBA, but it was. He feels he doesn't know enough about infrasound and didn't feel comfortable adding that language. He does

support the role of the ZBA; to take the information that is provided to them and listen to the people. There was an overwhelming amount of information that supported increasing the separation and the 39 dbA for noise. All evidence was on one side and nothing from the other. From the information received, they made their recommendation to the ELUC and apparently it wasn't the recommendation that wanted to be heard. There was quite a bit of work that went into this. Appreciates the interest in listening to the work that was put in and the background that went into making the decision.

Mr. Thorsland then gave some background on the issue. At the time, we knew California Ridge was coming. Vermilion County had no ordinance. At the time it was common to treat it like a building permit. Champaign County did a lot of work and staff time to research and create the ordinance that eventually came in to being. The original ordinance worked. A lot of the public input that came before the ZBA talked about other counties and their problems. It is true, wind power is subsidized but not like the fossil fuel industry is. A lot of those subsidies went away, and wind companies didn't want to invest.

California Ridge wants to put new blades on, and they will violate our ordinance and will need a waiver. Feels that ELUC gave ZBA sort of a blank slate, and maybe it was overwhelming. There was some guidance and the ZBA adopted the Advanced Lighting System. Felt like this was an upgrade we needed. As to separation, we may need to find middle ground. The original ordinance was probably not far enough but felt the separation the ZBA came back with was too much. One advantage of taller turbines is that they make more energy which means there are few of them which may make siting easier. ELUC has to look at all areas of the county. We are here to see if there's a way to make it a little more feasible to make it possible to have wind turbines if there are people who are agreeable to wind.

Mr. Esry felt that the reason for this meeting was that staff did not believe the ZBA would recommend approval should a new wind farm would apply under the current ordinance. The ZBA took testimony over four meetings and the recommendations they sent back are based on what they heard from the people in the unincorporated part of the county. The ZBA is made up of members from the unincorporated part of the county as the incorporated parts have their own zoning. He is not sure that the recommended changes, with the current makeup of the County Board, would pass. He is also far from convinced that the ZBA, should a wind farm come before them under the current ordinances, that they can't do their job and say yes, you can put them in. They did the hearings as asked. They made the recommendation for increased setbacks and strengthened noise ordinances, less noise at the property lines. No reason not to believe Mr. Hartke and his family were affected. People react differently. The ZBA has recommended what they are hearing from the people living in the area that will be affected by these ordinances. The ZBA was presented with testimony, that if correct, only one turbine on the map that is out there for this potential wind farm, only one turbine is sited on land owned by someone who lives in the area, but they don't live on that piece of land. Otherwise, all the turbines are proposed to be sited on land belonging to absentee landowners. That tells a little bit about the business practices of the renewable energy corporation. The current ordinance was working but it doesn't hurt to go back through and update it to keep up with changes. The ZBA did what they were supposed to do, and he is ok with that and with the idea we should go with the increased setbacks and strengthened noise regulations.

Ms. Fortado thanked the ZBA for all the work they do. We are the policy board for this and anytime you think about a policy like this and the many factors you have to weigh; the expectations of local residents and what, in her opinion, is one of the greatest crises of our time, climate change. Our responsibility is to try to do the most good for the most people and to mitigate harm to people in the minority. It's important that we mitigate actual harm, not perceived harm. She has reviewed everything the ZBA has looked at and analyzed what they are getting. Feels what was presented was cherry-picked science. Need to look at the weight of the evidence. Is it actual harm or perceived harm? If there is not actual harm, property owners should have the right to do what they want with their property. She did

not think that there was evidence to prove actual harm and is therefore not our business to be regulating a harm that does not exist.

Mr. Harper stated he had listened to a lot of testimony. Agriculture has and always will be the economic driver for our county and these people do not want wind farms in the middle of it.

Mr. Goss said that he manages farms with 14 wind turbines. He cited an example of in Ford County, some people wanted production leases thinking that would be more profitable. They kept getting less because if they can't sell the energy, that's supposed to be needed, they turn the turbines off. At California Ridge he has never seen a wind farm that has more turbines down all the time. He's seen one where the blade was wrapped around the turbine, and he has seen blades thrown also. He has no desire to live close to one. When he is crop scouting, you can hear them a half-mile away. He hopes the technology gets better. He feels the leases are one-sided. They protect the wind farms and do not protect the landowner/lease holder. The ZBA is there for zoning in the rural areas. If you live in town, you have your own zoning. There's a reason these aren't allowed in municipalities, the city won't allow it. The ZBA did their work, and we need to respect that, and we need to respect the people that live in the rural parts of the county.

Mr. Stohr stated he had been getting feedback from colleagues. He didn't like most of the papers he read on this, as it didn't seem like good engineering studies to him. He has also heard complaints about the sales, sales of contracts and difficulties dealing with the companies. In looking at how the noise might affect humans, we've also had on a couple of occasions, a veterinarian speak about the effect on animals and that is a bit of an unknown. In looking at the literature, at least one writer said there were no human health effects that could be contributed to wind turbines. There were annoyances, but no health affect. If it is not affecting health, an annoyance is just that.

Ms. King worries that if we can't come to some kind of agreement or ordinance that allows for both people to feel like their needs are being met and for wind farms to come and develop, it might accelerate the State of Illinois taking it out of the county's hands entirely. As it stands now, we're saying wind farm development cannot come to Champaign County. If that happens, the ability to make those decisions will be taken out of our hands.

Ms. Fortado added that there was a bill in the last legislative cycle to take it out of our hands. She feels that zoning should be done locally.

Discussion then followed on scheduling another joint meeting. After some discussion, the meeting was tentatively scheduled for September 15th.

VII. Adjournment

Chair Thorsland thanked everyone for their input and adjourned the meeting at 9:40 p.m.