



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

MINUTES – Approved as Distributed October 5, 2023

DATE: Thursday, September 7, 2023
TIME: 6:30 p.m.
PLACE: Shields-Carter Meeting Room
Brookens Administrative Center
1776 E Washington, Urbana, IL 61802

Committee Members

| Present | Absent |
|-------------------------|---------------|
| Aaron Esry (Vice-Chair) | |
| Jim Goss | |
| Kyle Patterson | |
| Emily Rodriguez | |
| Jilmala Rogers | |
| Chris Stohr | |
| Eric Thorsland (Chair) | |

County Staff: Steve Summers (County Executive), John Hall (Zoning Administrator), Mary Ward (Facilities Recording Secretary), and Liz Dillingham (Recording Secretary)

Others Present: None

MINUTES

I. Call to Order

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

II. Roll Call

Roll call was taken and a quorum was declared present.

III. Approval of Agenda/Addendum

MOTION by Mr. Stohr to approve the agenda and seconded by Mr. Goss. Upon voice vote, the **MOTION CARRIED** unanimously to approve the agenda.

IV. Approval of Minutes

A. August 10, 2023 – Regular Meeting

MOTION by Mr. Esry to approve the minutes of the August 10, 2023, regular meeting, seconded by Ms. Rodriguez. Upon voice vote, the **MOTION CARRIED** unanimously to approve the minutes.

V. Public Participation

None

VI. Communications

Mr. Patterson read an email that he received from County Board Member Samantha Carter regarding Kraft Heinz air quality concerns.

VII. New Business: Items for Information Only

A. Ted Hartke email and slide regarding wind farms and taking of land without Compensation

Ted Hartke was not present for discussion regarding his e-mail regarding taking of land without compensation of land without compensation.

B. Illinois Environmental Protection Agency Notice of application for Renewal of Federally Enforceable State Operating Permit [73020205] for Kraft Heinz Co. located at 1701 West Bradley Avenue, Champaign.

Mr. Stohr suggested sending a letter soon to IEPA regarding the concerns. Discussion by the board to move forward with the letter. Mr. Hall stated he would check with the IEPA to draft a letter to be placed on the October Agenda. He will update the committee with his findings.

VIII. New business: Items to Receive and Place on file by ELUC to Allow a 30-day Review Period

A. Zoning Case 086-AT-23. Amend the Champaign County Zoning Ordinance as follows, In order to ensure compliance with Public Act 102-1123:

1. Add and/or amend definitions to be consistent with Public Act 102-1123: as described in Parts 1 and 2 of the legal advertisement.
2. Revise Section 6.1.4 WIND FARM SPECIAL USE PERMIT to establish an effective date for regulating previously authorized WIND FARMS, as described in Part 3 of the legal advertisement.
3. Add new Section 6.1.5 PROPOSED WIND FARM SPECIAL USE PERMIT to establish regulations applicable after an effective date for proposed WIND FARMS consistent with Public Act 102-1123, as described in Part 4 of the legal advertisement.
4. Renumber existing Section 6.1.5 to new Section 6.1.6 PHOTOVOLTAIC (PV) SOLAR FARM and establish an effective date for regulating previously authorized PHOTOVOLTAIC (PV) SOLAR FARMS, as described in Part 5 of the legal advertisement.
5. Add new Section 6.1.7 PROPOSED PHOTOVOLTAIC (PV) SOLAR FARM to establish regulations applicable after an effective date for proposed PHOTOVOLTAIC (PV) SOLAR FARMS consistent with Public Act 102-1123, as described in Part 6 of the legal advertisement.

Handouts were provided by Mr. Hall comparing the current zoning ordinance vs. the proposed Amendment dated 08-17-2023.

Mr. Hall explained the differences between the less restrictive version and the Public Act. Mr. Hall and Mr. Thorsland sought advice from the State's Attorneys Office regarding the ZBA's recommendation on the Wind/Solar Farm Ordinance. According to the State's Attorney, the County Board does not have to accept the ZBA recommendation. There is a 30-day review. Mr. Hall requested the ELUC committee to make a preliminary decision to either support the ZBA's recommendation to deny the less restrictive version or recommend approval. This would allow municipalities to be informed as to what is being discussed and to determine if the three municipalities that are protesting wish to stand by or rescind their protest. Discussion ensued to forward the decision to the County Board on how to proceed.

Ms. Rogers asked what happens to the current wind farms being built if the ELUC committee does not approve the ordinance. Mr. Hall advised there are no current wind farms being proposed, however, he does expect future wind farm proposals. Mr. Hall indicated if the existing ordinance stands and if the County Board direction is to not impose illegal requirements, then it is a possibility every wind farm that goes to the County Board would include waivers from those parts of the ordinance that are not consistent with state law. Mr. Hall explained that wind farms could still be approved, and the County wouldn't be in the position of imposing illegal requirements and could still impose conditions on other parts of the wind farm.

Mr. Stohr asked if the ELUC committee was supposed to comply with the state statute for wind farm compliance as the deadline was the end of May. Mr. Thorsland stated he asked the State's Attorney about not completing the ordinance within the timeline. He was advised we are at minimal risk for a lawsuit unless a petitioner was moving forward. There are no current petitioners moving forward.

Mr. Esry discussed the ZBA updating the Wind/Solar ordinance prior to the State taking away the county's rights to approve their own zoning regarding the bigger issues of distances & heights. He spoke in opposition to the legislation from the State. He does not fault the ZBA, although it places the county in a bind. He does not support moving the ordinance forward since it affects the people in his rural district.

Mr. Goss stated he is opposed to the legislation with lack of maximum height for the Wind Farms as there is not enough set back. Mr. Goss stated he can see the large wind farms from 25 miles away. He said it destroys the quality of life if you live in the country. He related the larger farms are not safe and noisy. Mr. Goss touched on the revenue from the solar farms which are life changing. Mr. Goss supports the ZBA and will not support to amend the ordinance as the people in his district do not want the farms.

Mr. Patterson discussed the fact that he wants to ensure we comply with the law. He related the guidance of the State's Attorney's Office is very clear and the consequences are certain if we are challenged. We should not be doing things that are not in compliance with the law. He does support the new ordinance.

Mr. Thorsland was pleased with the previous efforts to modernize the ordinance that was and still is out of date. Those efforts were successful with height & noise revisions. Those revisions were set aside by the state. He noted it is easier if all the counties in the state have the same ordinance. He stated there are two options moving forward by either following the ZBA and not send it to the board or to forward the ordinance to the full board. There are four more representatives of the rural districts he would like to hear from. Mr. Thorsland related he would like to be fair and move the ordinance from the ELUC committee to the full board. Mr. Thorsland closed by advising the ELUC committee to convey to the board if they hear anything from the public and to notify the municipalities of the ordinance changes.

Mr. Hall stated there is usually a vote to receive and place an ordinance change on file. He stated an official vote to move the ordinance forward to the full board will take place in October.

Upon a straw poll recommending approval of the amendment, the motion to recommend approval passed on a 5 to 2 vote.

Motion to receive and place Zoning Case 086-AT-23 on file for 30 days made by Mr. Goss; seconded by Mr. Patterson. Upon voice vote, the **MOTION CARRIED** unanimously.

IX. Other Business

A. Semi-Annual Review of CLOSED Session Minutes

Motioned by Mr. Esry to keep all closed session minutes closed as recommended by the States Attorney; seconded by Mr. Thorsland. Upon voice vote, the **MOTION CARRIED** unanimously.

B. Monthly Reports

i. July 2023

X. Chair's Report

The States Attorney office advised if the ELUC committee had questions for the State Attorney regarding the wind farm risk, it would have to be in a closed session. This can be placed on the October meeting agenda if requested. Mr. Thorsland also advised they can call Andrew at the State Attorney's office if they have questions for him.

Mr. Thorsland thanked Mr. Goss for his committee service and his personal farming knowledge he brought to the ELUC committee. He indicated he hopes whoever replaces Mr. Goss, that they do as good of a job as Mr. Goss has.

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

None

XII. Adjournment

Chair Thorsland adjourned the meeting at 7:24 p.m.