

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **May 14, 2009**  
Time: **7:00 p.m.**  
Place: **Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802**

**Note: NO ENTRANCE TO BUILDING  
FROM WASHINGTON STREET PARKING  
LOT AFTER 4:30 PM.  
Use Northeast parking lot via Lierman Ave.,  
and enter building through Northeast  
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at  
(217) 384-3708*

**EVERYONE MUST SIGN THE ATTENDANCE SHEET - ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM**

## AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes (March 26, 2009 and April 16, 2009)
5. Continued Public Hearings

**Case 611-AM-08** Petitioner: **Casey's Retail Company and Henri Merkelo**

Request: **Amend the Zoning Map to change the zoning district designation from the R-5 Manufactured Home Park Zoning District to the B-4 General Business Zoning District.**

Location: **A 1.04 acre tract in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 10 of Urbana Township and commonly known as the vacant house at 2218 East University Avenue, Urbana.**

6. New Public Hearings
7. Staff Report
8. Other Business
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

**\* Administrative Hearing. Cross Examination allowed.**

**SUBJECT TO APPROVAL**

**MINUTES OF REGULAR MEETING**

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**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

1776 E. Washington Street

Urbana, IL 61801

**DATE:** March 26, 2009

**PLACE:** Lyle Shields Meeting Room

1776 East Washington Street

Urbana, IL 61802

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

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

**MEMBERS ABSENT :** None

**STAFF PRESENT :** John Hall, Leroy Holliday, J.R. Knight, Christina Papavasiliou (Assistant State's Attorney), Deb Busey (County Co-Administrator)

**OTHERS PRESENT :** Vince, Early, John Doster, Kim Schertz, Gerald Henry, Ariel Taylor, Rene' Taylor, Rich Porter, Marvin Johnson, Sherry Schildt, Herb Schildt, Alvina Pflugmacher, M. Pflugmacher, Jerry Watson, Rob Parker, Barbara Gerdes, Hal Barnhart, Steve Burdin, Jeff Suits, Mark Youmans, Travis Youmans, John Lannon, Carl Smith, Jeff Blue, Kyle Krapf, Mike Babb, Ken Dalenberg, Dean Rose, Sam Smucker, Eric McKeever, Jerry Cohen, Bill French, Steve Burdin, Jed Gerdes, Jon Schroeder, Steve Moser, Al Kurtz, Barbara Wysocki, Al Nudo, Chris Doenitz, Sam Smucker

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**1. Call to Order**

The meeting was called to order at 7:01 p.m.

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

The roll was called and a quorum declared present.

**3. Correspondence**

None

**4. Approval of Minutes (March 12, 2009)**

**Mr. Courson moved, seconded by Mr. Miller to approve the March 12, 2009, minutes as submitted.**

**The motion carried by voice vote.**

Mr. Bluhm reminded everyone in attendance that private discussion should be kept as quiet as possible during testimony and everyone should show respect to those who are testifying. He noted that anyone in attendance should sign the attendance register and if anyone desires to present testimony they should sign

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the witness register.

**5. Continued Public Hearing**

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

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

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

**Ms. Capel moved, seconded by Mr. Palmgren to appoint Eric Thorsland as interim Chair for the March 26, 2009, Zoning Board of Appeals meeting. The motion carried by voice vote.**

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

Mr. Hall distributed a Supplemental Memorandum dated March 26, 2009, to the Board for review. He said that the Draft Amendment has been updated to provide for test wind towers and for county enforcement of noise regulations. He said that the definition, as taken from the state statutes, for test wind towers has been included in Attachment A and an exclusion in the height portion of the Ordinance, subparagraph 4.3.1E., for both the wind farm tower and the test tower has been included in Attachment B, provided they do not exceed 200 feet in height. He said that Attachment C. provides an exemption in the Wind Farm Overlay District for both wind turbine towers and test wind towers. He said that the test wind tower does not need a permit and the wind turbine tower is part of the special use permit.

Mr. Hall stated that the Supplemental Memorandum dated March 20, 2009, changed the setback for wind farm towers from the perimeter of the Wind Farm Overlay District. He said that this change was intended to address Mr. Courson’s concerns about having any part of the 1,000 foot separation overlapping a non-participating property. He said that applying the 1,000 foot separation to the zoning district could still overlap a non-participating property because only 50% of the landowners are needed for the zoning district overlay and 100% of the landowners for the special use permit. He said that Attachment D applies the 1,000 foot separation to the area of the special use permit and two new subparagraphs have been added to Subparagraph 6.1.4A.1. which defines the area of the special use permit. He said that new Items 6.1.4A.1(f) and (g) have been copied directly from the map amendment therefore the area of the special use permit would become even more like the area of the map amendment. He said that if the

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1 Board decides to not adopt the 1,000 foot separation then this would also be changed but this is what Mr.  
2 Courson recommended at the last meeting.

3  
4 Mr. Hall stated that in regards to enforcing the Wind Farm Noise Regulations the version that was  
5 included in the March 20, 2009, Supplemental Memorandum did not include the conditions for  
6 enforcement therefore Attachment E of the March 26, 2009, Supplemental Memorandum includes the  
7 provisions that were discussed at the last hearing in regards to enforcement. He said that the only way  
8 that staff can enforce the noise regulations for wind farms is if staff acquires a noise meter so that when a  
9 complaint is received staff can go out to obtain preliminary readings. He said that those readings are not  
10 going to mean anything because they are taken by non-professionals but at least staff could go out and  
11 verify if the complaint is valid. He said that if staff receives valid complaints within the same location  
12 that would indicate the need for a noise study that could be taken to ELUC to seek authorization to  
13 proceed with a noise study. He said that staff has to have some way to respond to complaints that are  
14 received from citizens and a noise meter may cost approximately \$5000. He said that once we get a noise  
15 consultant on Board to review the first wind farm we can get a recommendation from the noise consultant  
16 to get a reliable piece of equipment, at minimal cost that can be used for that purpose. He said that wind  
17 farms will have very large fees, compared to any other use, and he could see a use for about \$5,000 for a  
18 noise meter. He noted that there is an attachment to the March 20, 2009, Supplemental Memorandum  
19 regarding one type of noise meter which is the Extech Octave Band Sound Analyzer.

20  
21 Mr. Hall stated that staff realized that the Finding of Fact had no information regarding fees which would  
22 make it difficult to discuss that part of the amendment with the County Board therefore staff has proposed  
23 a new Item #12 to the Finding of Fact that reviews the background regarding fees. He said that Item #12  
24 summarizes information that has been presented to the Board in previous memos and is included as  
25 Attachment F. of the new Supplemental Memorandum.

26  
27 Mr. Hall stated that an Attachment H is attached to the new Supplemental Memorandum which includes  
28 comments from a professional environmental consultant in wind farm design who reviewed staff's  
29 recommended standard conditions for wildlife impacts. He said that the consultant did not add any new  
30 requirements to staff's recommendation but he did point out that, in his opinion, it might be possible to  
31 simplify the site assessment that happens prior to the County Board approval. Mr. Hall stated that the  
32 consultant's recommendation is based on the literature review, field examination and all other existing  
33 literature regarding avian and bat mortality field results within North America, it is possible that there  
34 could be a determination that no further surveys are required in particular the full year of site specific  
35 survey. Mr. Hall stated that he has not received any complaints from the wind farm developers about the  
36 proposed conditions regarding acceptable wildlife impacts but not having to do a full year site specific  
37 study would make the amendment more efficient, provided everyone agrees. He said that it is at the  
38 Board's discretion whether to add Attachment H to Paragraph 6.1.4L. He said that the information in  
39 Attachment H. is from a person who does this for a living and contact was made with this person at the  
40 Peoria Conference regarding Wind Farms.

41  
42 Mr. Hall stated that an additional handout that was provided to the Board illustrates the proposed changes

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1 to the perimeter of the wind farm and regarding the area of the special use permit. He said that if the  
2 revised area of County Board special use permit is compared with the revised area of the Wind Farm  
3 Overlay Zoning it can be seen that the two are becoming more similar and the 1,000 foot setback did  
4 result in an increase in land required by the zoning district. He said that it is difficult to illustrate what a  
5 wind farm is going to look like but he did go back to the same example that was reviewed at the last  
6 hearing and now it includes more area.

7  
8 Mr. Hall distributed the Appendix from the Champaign County Zoning Board of Appeals By-Laws for  
9 the Board's review. He said that he does not know how difficult it will be for the Board to arrive at a  
10 consensus or final determination but when they are finally ready for the final vote there are a few things  
11 that staff should point out in the regards to what the By-Laws indicate. He said that the By-Laws provide  
12 for a "no recommendation" to the County Board if the Zoning Board cannot come to an agreement. He  
13 said that the By-Laws require four votes to make an affirmative recommendation but if that proves too  
14 difficult the Board could forward this case to the County Board with a "no recommendation."

15  
16 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

17  
18 Mr. Thorsland reminded the audience to sign the attendance sheet and if they desire to testify they must  
19 sign the witness register.

20  
21 Mr. Thorsland requested that County Board members refrain from presenting testimony at tonight's  
22 public hearing.

23  
24 Mr. Thorsland requested that testimony be limited to zoning issues. He said that if written testimony is  
25 available staff would appreciate a copy for accurate transcription of the minutes.

26  
27 Mr. Thorsland called Ms. Rene' Taylor to testify.

28  
29 Ms. Rene' Taylor, who resides at 29056E 1200N Rd, Ellsworth, IL, stated that she lives with her husband  
30 and children on a rural homestead near Ellsworth and their property is located approximately 1,500 to  
31 1,800 feet from three turbines. She said that one of the wind farm's two electric sub-stations are located  
32 approximately 1,100 feet from the east wall of their home and anyone who toured the Twin Groves  
33 Project probably saw their home when they stopped near the electric sub-station. She said that living near  
34 the sub-station has changed many things in their lives because they often have to close their windows  
35 during nice weather to avoid turbine noise within their home. She said that the closing of windows forces  
36 them to use air conditioners when at times they would prefer not to. She said that while they retain the  
37 use of their property much of the time they are no longer able to enjoy it and only do what they need to do  
38 outside and hurry back inside their house to avoid the constant noise from the turbines and the sub-station  
39 and even inside their home they can hear and feel the turbines. She said that during the winter they  
40 experience many times when they consider the noise from the wind turbines to be excessive and at one  
41 time they borrowed a noise meter to measure the sound level and although this was not a professional  
42 instrument and they are not experts at taking readings they were obtaining readings of 85 to 90 decibels at

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1 the wall of their home. She said that they have found that the sound of the turbines is loudest at night  
2 between 10 p.m. and 3 a.m. and have experienced many occasions at night when no wind is blowing at  
3 the surface and the turbines were operating at full speed. She said that this operation results in  
4 tremendous noise because there are no surface winds to mask the turbines noise and when the winds are  
5 above 25 mph they no longer hear the “swish” or “thump” of the blades and it sounds more like a train  
6 running across the back of their property. She said that the noise issue has been most difficult for their  
7 eleven-year old son who has been diagnosed with high functioning autism and is very sensitive to sound  
8 and at times he fixates on a sound the rest of the family cannot hear therefore becoming fitful and hard to  
9 deal with and being required to be taken out of the area. She said that as parents they do everything  
10 humanly possible to ensure the safety of their children and it is heart wrenching to watch him sit on the  
11 floor with his hands over his ears screaming to make the noise stop. She said that every member of her  
12 family has experienced difficulty sleeping, waking up from turbine noises, daily headaches, irritability,  
13 pressure in their ears and severe fatigue. She said that since the wind turbines went on line, two years  
14 ago, her youngest daughter tells her that it feels like a hamster running in her chest and what she is  
15 experiencing is heart palpitations and her oldest daughter was placed on anti-depressants this past  
16 December. She said that she feels that most of the problems that her family is experiencing are due to a  
17 lack of sleep from the wind turbine noise.

18  
19 Ms. Taylor stated that last May, in the middle of the night, lightning struck and damaged the wind turbine  
20 located 1,500 feet from her home and it sounded like a bomb exploding. She said that her children, who  
21 range from 21 years old to eleven-years old, came running into her bedroom because they were terrified.  
22 She said that her children are now terrified every time there is a thunderstorm because they are afraid that  
23 this even will happen again. She that they have had a fairly icy winter this year and they could hear the  
24 ice shedding from the turbines and crashing to the ground and she wouldn’t let her children go to the barn  
25 to take care of their horses nor would she turn the horses out while she could hear the ice crashing to the  
26 ground. She said that they were told that the wind turbines would shut down when icing occurred but she  
27 has not seen this happen to date. She thanked the Board for the opportunity to speak.

28  
29 Mr. Taylor stated that Champaign County is considering a 1,500 foot setback from neighboring properties  
30 for the wind turbines and at the last meeting someone spoke about the crash in Altona, New York of a  
31 wind turbine and the debris field was about one-quarter of a mile away. She said that this crash occurred  
32 during calm wind conditions and if there had been any wind, with a 1,500 foot setback, there is a  
33 possibility that the debris would land on a non-participating landowner’s property. She said that she has  
34 been working with a number of people from the state of New York, Clinton County, Wyoming County  
35 and Franklin County, New York, and there is a developer in that location that has not paid a number of  
36 construction people and other related construction fees. She said that to date these unpaid people have  
37 filed over 43 mechanic’s liens against the property owners because the developer did not pay his bills.  
38 She submitted copies of two of the mechanic’s liens as Documents of Record.

39  
40 Mr. Thorsland asked the Board if there were any questions for Ms. Taylor and there were none.

41  
42 Mr. Thorsland asked if staff had any questions fro Ms. Taylor and there were none.

1  
2 Mr. Thorsland called Mr. John Doster to testify.  
3

4 Mr. John Doster, representative for Invenergy, stated that his company is looking to develop a wind  
5 project in Champaign and Vermillion Counties. He said that they are moving forward with this project  
6 and have received tremendous support from landowners in those areas and Invenergy continues to sign up  
7 a significant number of landowners. He said that the 1,000 foot separation from non-participating  
8 landowners in the Wind Farm Overlay would require more land and more acreage to get a project put  
9 together. He said that a 1,000 foot setback is a standard setback in Vermillion County. He said that  
10 Invenergy feels that 1,200 feet is an acceptable setback but a 1,500 setback becomes more difficult and  
11 the higher the number the more it indicates to the developer that your county is not interested in having  
12 wind turbines. He said that Invenergy will always abide by the safety setbacks and standards and they do  
13 conduct noise studies prior to construction therefore, with respect to the previous speaker, he is not sure if  
14 the developer for Twin Groves conducted such a study prior to construction. He said Invenergy conducts  
15 the noise studies so that they are assured that they will have no adverse areas that will have significant  
16 noise impacts on the neighbors.  
17

18 Mr. Doster stated that Invenergy conducts many environmental studies and they have already completed  
19 the risk assessment for the proposed area in the County. He said that currently they are conducting a very  
20 thorough environmental study and are receiving guidance from IDNR (Illinois Department of Natural  
21 Resources) so that they can put together a project that will have very little environmental impact with  
22 respect to the sustainability of endangered species, birds, bats, ground squirrels, mussels, snakes, turtles,  
23 etc. He said that the safety and environmental impacts on the area are taken very seriously when they  
24 complete the identification and layout of a location. He said that they will stay away from a landowner's  
25 dwelling although they request that the setbacks not be 1,200 feet because it makes it difficult for a  
26 developer to find locations and it sends a signal to the developer that your county is not interested in  
27 developing a wind farm and if that is the case then that is your county's decision. He said that as  
28 Invenergy is doing their development they move fairly quickly and they would ask that the year long  
29 environmental study not be required for the special use permit but perhaps for the building permit. He  
30 said that they are starting their studies now to get the spring migration but they anticipate moving dirt by  
31 the end of spring of 2010. He said that it takes a full year to acquire those studies and if there are any  
32 impacts they will make adjustments at that time. He said that he believes that if the requirement for the  
33 year long study was required for the special use permit it would pretty much dictate that no development  
34 would take place from Invenergy within Champaign County.  
35

36 Mr. Doster stated that Invenergy is interested in developing in Champaign County but the more restrictive  
37 your county becomes the more difficult and costly it will be for a developer therefore forcing them to  
38 question when identifying a specific location the likelihood of that area being approved versus another  
39 area in another county. He said that currently it appears that a wind developer will be forced to overcome  
40 some very significant hurdles in order to develop in Champaign County therefore he would like the Board  
41 to consider if they want to have wind development in Champaign County or not. He said that Invenergy  
42 would like to develop in Champaign County and there are a lot of landowners who would like to see this

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1 development happen therefore he would ask that Champaign County not over-regulate to where it  
2 becomes impossible or extremely difficult to obtain a permit. He said that Invenergy does take the safety  
3 and the setbacks very seriously because they want to make sure that their projects are not going to be a  
4 hazard to any individuals or the environment and desires to be a positive contributor to the community  
5 and they feel that they have done this in previous projects.  
6

7 Mr. Thorsland asked the Board if there were any questions for Mr. Doster.  
8

9 Mr. Schroeder asked Mr. Doster if all of the turbines that Invenergy would construct in an area are the  
10 same size and height.  
11

12 Mr. Doster stated that typically Invenergy would use the same size turbines but that does not mean that  
13 their project would have the same size turbine that another developer's project would have.  
14

15 Mr. Schroeder stated that all developers do not use a unified wind turbine.  
16

17 Mr. Doster stated no.  
18

19 Mr. Courson asked Mr. Doster if there was an increase in noise when the generators start and stop.  
20

21 Mr. Doster stated that the only time that any mechanical noise would be generated is when the generator  
22 has to mechanically brake itself and stop operation. He said that the generator has sensors installed and  
23 when those sensors indicate that something is wrong the generator will mechanically brake and shut itself  
24 down and at that time there may be a short period of extended noise.  
25

26 Mr. Courson asked Mr. Doster if high winds will also trigger the mechanical braking system to operate.  
27

28 Mr. Doster stated yes. He said that typically a 55 mph wind will cause the turbine to shut down so that an  
29 over spin situation does not occur.  
30

31 Mr. Thorsland asked staff if there were any questions for Mr. Doster.  
32

33 Mr. Hall asked Mr. Doster if he could give the Board an idea of how many non-participating dwellings  
34 would be encountered during a typical wind farm development.  
35

36 Mr. Doster stated that it is site specific and it depends on how close the project is from a town or a more  
37 developed area. He said that without the numbers in front of him it is hard to make an accurate  
38 determination and it would be pure conjecture. He said that he could obtain this information and forward  
39 it to staff for review.  
40

41 Mr. Hall stated that it is his expectation that Invenergy would not consider a wind farm where there are  
42 a lot of homes therefore Mr. Doster's previous comment regarding how a 1,200 or 1,500 foot setback



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1 would make it more difficult for a developer to accommodate and would have an impact seems  
2 inaccurate. He said that regarding Mr. Doster’s concern regarding the full year study for avian impacts  
3 the condition that is included in Paragraph 6.1.4L(2) states the following: If the risk assessment indicates  
4 risk may be high enough to potentially adversely effect the sustainability of bird or bat populations a full  
5 year of site specific, bird and bat use surveys may be required to address those species and conditions  
6 representing high risk from the beginning of the spring migration for birds or bats, and extending through  
7 the end of the fall migration for birds or bats and include both the spring and fall migration for both birds  
8 and bats in the proposed WIND FARM area. Mr. Hall stated that this year, he assumes, that Invenergy  
9 will be able to study the spring and fall migration and that might be good grounds for a waiver to prevent  
10 the need for another spring/fall cycle. He said that he cannot see how obtaining such a waiver would be a  
11 significant problem being that Invenergy is in an unusual situation because Invenergy would be first in  
12 line. He said that he would hate to see the county adopt a lesser standard when they have the option to  
13 grant a waiver. He encouraged Mr. Doster to work with the County because these are standard conditions  
14 and are subject to the request of a waiver.

15  
16 Mr. Doster stated that he understands the opportunity that Invenergy can request a waiver and he is fine  
17 with that option because they will have a substantial amount of data that they will be able to present staff  
18 when requesting a permit.

19  
20 Mr. Thorsland called Ms. Kim Schertz to testify.

21  
22 Mr. Thorsland reminded the audience that anyone desiring to testify should refrain from redundant  
23 testimony and should keep their testimony to zoning related issues only.

24  
25 Ms. Kim Schertz, who resides in Hudson, IL, stated that first of all she wanted to correct a couple of  
26 things from the previous hearing but she did misspeak when she said that 4,000 wind turbines were  
27 proposed for Livingston County. She said that it is more accurate to state that there are about 2,000 to  
28 4,000 megawatts proposed for Livingston County. She said that Jeannie Rapp, ex-president of the Board  
29 has indicated that, as of this week, approximately 1,400 actual towers are planned for that county and she  
30 believes that some of those turbines are up to 3 megawatts each.

31  
32 Ms. Schertz stated that there was an error on the flyer which she previously submitted titled: “Subsidies,  
33 Who Gets the Most While Producing the Least?” therefore she resubmitted the flyer with the correct  
34 information. She said that when the outputs were figured it was assumed that 240 wind turbines were  
35 proposed for Ellsworth but only 120 wind turbines are proposed. She said that the corrected number  
36 would be an operating factor of 12.4% for Ellsworth in August of 2008. She said that in the summer  
37 months when we need the power the most you can expect these wind turbines to operate at only around  
38 10-12% capacity.

39  
40 Ms. Schertz stated that Mr. Schildt spoke about two instances of turbines throwing debris up to 1,600 feet  
41 and those were turbines that were less than 400 feet tall therefore the setbacks that Champaign County is  
42 proposing would not protect your citizens from a 400 foot tall turbine let alone the nearly 500 foot tall

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1 turbines which are being proposed. She said that testimony, such as that presented by Michael Jarboe,  
2 which speculates that “they are developing new technology all of the time and wind turbines could be not  
3 higher than 100 feet” flies in the face of everything that is put out by wind turbine manufacturers that are  
4 stating that new technologies are allowing bigger turbines to be put in less windy places in order to  
5 capture the wind at higher heights. She said that she finds Mr. Hall’s statement that all aerial applications  
6 done by aircraft could essentially be done by ground sprayer to be absolutely ridiculous and indicative of  
7 an extreme lack of understanding of the agricultural nature of this county. She said that if it all could be  
8 done by ground sprayers then we would not have had the need for aerial application for the last 40 years.  
9 She said that an aircraft can cover about three times more ground in a day than a ground sprayer can and  
10 when there is an extreme crop threat such as with Asian Soybean rust, in which there is a very short  
11 window of time to treat in conditions which generally involve a wet field, and in those situations an  
12 aircraft is the only viable means to treat the field. She said that she has heard so much about the John  
13 Deere Hagee ground sprayer and how it can be used with the same efficiency as an aircraft but she has  
14 heard from people who use them and they have indicated that a full height corn crop cannot be treated  
15 without major damage to the canopy and without massive amounts of pollen buildup on the unit causing  
16 it to overheat. She said that she discussed this issue with a member of the Champaign County Board  
17 when they both attended a landowner meeting on February 13<sup>th</sup> and he told her the exact same thing.  
18

19 Ms. Schertz stated that no one has discussed the issue of all the specialty seed corn crops grown in this  
20 area and the problems that the 500 foot towers will cause to the effective treatment of those crops. She  
21 said that her husband is an aerial applicator and does treat the Monsanto fields down here and it usually  
22 involves a steady three day rotation of spraying to protect those high value crops. She said that this issue  
23 brings her to another point that she can testify to personally. She said that the mere suggestion of these  
24 wind turbines coming to Champaign County has already stymied your real estate market whether you  
25 realize it or not. She said that their business just purchased a fourth aircraft and they have been looking  
26 for land near the Monsanto plant for months to put up a landing strip and hangar but they have ruled out  
27 Champaign County until they see what the wind developers will do here. She said that her husband went  
28 to Piatt County to search for available land but when she came home from the last public hearing she told  
29 him that Piatt County was not an option because wind turbines are proposed for Piatt County also. She  
30 said that she knows from a personal standpoint that just the mention of these turbines coming to  
31 Champaign County has prevented them from purchasing land here and bringing business into the county.  
32 She said that generally when there is one situation such as this there are normally more to follow.  
33

34 Ms. Schertz stated that the Board needs to take a hard look at just where the *Model Wind Ordinance* came  
35 from and what facts back up the supposed justification for the 1,000 foot setback or 1.1 times the tower  
36 height. She said that she enclosed a copy of the *Model Wind Ordinance* so that the Board is aware of  
37 where it came from. She asked the Board if they have required any wind developer to submit scientific  
38 facts to back up their claims that these are “safe zones” based on research and not just pulling a number  
39 out of a hat in order to fit more wind turbines into a smaller area with larger concentrations of people who  
40 will be harmed. She said that the first *Model Wind Ordinance* appeared in May 2003 and it was written  
41 by the Chicago Legal Clinic and funded by a grant from the Illinois Clean Energy Foundation. She said  
42 that it was drafted after consultation with a wide group of stakeholders including wind energy developers,

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1 technical consultants, environmental non-profits, government, third party certifying agencies and private  
2 environmental attorneys and they all shared office space with the first wind company in Illinois which  
3 was Illinois Wind Energy. She said that the Environmental Law Clinic was in the same building as the  
4 Chicago Legal Clinic which was in the same building as Illinois Wind Energy which was developing the  
5 first utility scale wind farm in Illinois. She said that their goal was a statewide, multi-stakeholder task  
6 force to develop uniform local siting standards for utility scale wind farms. She said that the task force  
7 developed the uniform local siting standards which were to be distributed to the full range of local  
8 officials. She said that the standards which each county is adopting were written by the wind industry, for  
9 the wind industry with no scientific studies and no claims to back it up other than “trust us” which is the  
10 last thing which she is inclined to do. She said that the Board needs to seriously consider who’s guarding  
11 the henhouse and whether or not these suggested setbacks were written to protect your citizens from the  
12 hazards of wind turbines or to line the pockets of developers by opening up your county to wind turbines.

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Ms. Schertz stated that the purpose of the special use permit is to protect the health and safety of your citizens not to allow wind developers at all costs, especially when those costs are born by your citizens. She submitted informational handouts as Documents of Record.

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

Mr. Thorsland asked staff if there were any questions for Ms. Schertz.

Mr. Hall asked Ms. Schertz to explain to the Board why the noise readings that were referenced were so different than the measurements that she submitted at the last hearing.

Ms. Schertz stated that she stayed on the main roads at Ellsworth and she was quite a distance from the turbines. She said that she drove towards the turbine on the main gravel road and stuck the noise meter out the window and took a reading. She said that she was not really near the turbine and as she got further away she crossed Route 9 which is probably one-mile away and that is where she got the night-time noise readings of 26 decibels. She said that she does not have specific measurements as to how close she was to the turbines but only wanted to give an overview that at two miles away from the turbines the reading was at 26 decibels and ½ to ¾ miles was up to 50 decibels.

Mr. Hall stated that as he recalled there was only one reading that was above 48.9 decibels and it appeared that it was either in a car going at 65 mph or a car passed her at 65mph.

Ms. Schertz stated that was to demonstrate the difference because she was on Route 9 at an intersection with no noise and when one single car went past her the decibels increased. She noted that these were short readings and normally the readings are at one hour minimum but since she was standing in the middle of the road at night she was taking short readings to get an idea of the background noise.

Mr. Hall stated that his previous statement, that Ms. Schertz referred to in her testimony, that aerial

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1 applications could be essentially be done by ground sprayers was recounting testimony made by a farmer  
2 and was not his idea of what was possible.

3  
4 Ms. Schertz stated that the statement made by that farmer is very incorrect and very simple. She  
5 apologized that she did not understand that Mr. Hall was referencing someone else's testimony.

6  
7 Mr. Miller stated that he would like to present a handout for the Board's review titled, "Wind Power  
8 Myths vs. Facts." He said that this handout was part of the packet distributed by Invenergy but it appears  
9 that it was put together by the American Wind Energy Association.

10  
11 Mr. Thorsland called Mr. Rich Porter to testify.

12  
13 Mr. Rich Porter who resides at 1400E CR 100N, Paxton stated that he represents a group called Illinois  
14 Wind Watch which is a new statewide group to begin assessing the claims of the wind industry. He said  
15 that what Champaign County does tonight and in the next few weeks is going to be very important for its  
16 citizens because if it is not done right the County will not protect all of the citizens that are paying taxes  
17 to the County and are depending on the Board to make the correct decisions. He said that this Board is  
18 being asked to quickly make a decision so that these companies can come in and develop. He said that  
19 Mr. Doster has stated at least three times that if Champaign County does not do this right then the  
20 companies will simply go elsewhere. Mr. Porter stated that he is here to tell the Board that if they do this  
21 right they will be able to live with themselves and their constituents.

22  
23 Mr. Porter stated that Dekalb County has a wind ordinance that they have already put into place and now  
24 the companies are coming to make their presentations for special uses. He said that Florida Power and  
25 Light, the largest wind company in the country, has just lost their hearing in Dekalb County because the  
26 Hearing Officer ruled against them. He said that Florida Power and Light thought that they could go to  
27 Dekalb County and the citizens of that county would just roll over and allow them to develop but they  
28 were wrong. He said that the citizens came prepared and they brought a different perspective than what  
29 the companies had said. He read one of the Dekalb County's Hearing Officer's comments from the  
30 March 21, 2009, Findings of Fact as follows: There is significant disagreement between expert sources  
31 relative to the effect of wind farms on property values. Mr. Porter stated that property values are  
32 something that this zoning body is here to protect and it is very clear using simple common logic that  
33 when you take a certain number of people out of the pool that are prospective buyers you necessarily then  
34 decrease the value and property price. He said that when you take away buyers you increase the supply of  
35 that property therefore fewer buyers and a bigger supply means lower prices and that is what we are  
36 finding from independent people who are not paid for by the wind companies. He said that they are  
37 finding this from the independent property assessors and from the citizens that are paying for independent  
38 reports which show that numbers have not been necessarily true when it comes to what property values  
39 are and in fact they are decreasing. He said that there is a report from the University of Iowa's Legal  
40 Department and they were advising lawyers, based on what is happening in Illinois, to be very careful  
41 advising their clients, the farmers, about wind turbines coming in and to make sure that the farmer's  
42 property values are protected.

1  
2 Mr. Porter stated that the Dekalb County Hearing Officer also stated in the March 21, 2009, Findings of  
3 Fact that there was a significant disagreement between expert sources as to the impact of wind turbine  
4 noise on public health and it is essential that appropriate setbacks and conditions for the placement of  
5 wind turbines are identified because financial gain cannot take precedence over public health, safety and  
6 welfare of the citizens of Dekalb County. Mr. Porter stated that apparently the Hearing Officer does feel  
7 that Florida Power and Light has paid attention to the public's well being even though they followed  
8 Dekalb County's minimum zoning ordinance, which is the *Model Ordinance* that the State came up with  
9 but that was not good enough for the Hearing Officer because of the testimony that was given at the  
10 hearing. He said that this hearing lasted 19 hours it started at 9 a.m. and ended 3:45 a.m. the next day  
11 and it is his opinion that this was a complete abrogation of due process to the citizens because many of  
12 the citizens were unable to speak because they needed to go home.

13  
14 Mr. Porter stated that the Dekalb County Hearing Officer stated that adequate property value guarantees  
15 were not put in place in the Florida Power and Light's plan. He said that the Hearing Officer felt strong  
16 enough about property values that without protection put into their own zoning for this particular special  
17 use he said no. He said that the Hearing Officer indicated that there is no evidence to clearly show how  
18 Florida Power and Light would pay property taxes after the current formula for paying taxes expires after  
19 2011. Mr. Porter stated that the property taxes that these companies report that they will pay will not be  
20 required of them any longer because that law expires and then a new one will have to be made. He said  
21 that the real issue is will they be left exempt although there is some talk that these companies are pushing  
22 for a national exemption through the federal government and there is also a possibility that the companies  
23 will make pilot payments which are in lieu of taxes and if they do the payment will not be as much as  
24 what the property taxes would have been. Mr. Porter stated that the Hearing Officer indicated concerns  
25 that the proposed project would negatively impact drainage tiles and farmland. Mr. Porter stated that  
26 since this is proposed for Grade-A farmland the drainage implications were so much that the Hearing  
27 Officer decided that was one of the points he decided would have to mean "no" for Florida Power and  
28 Light. Mr. Porter submitted the Dekalb County Findings of Fact dated March 25, 2009, as a Document of  
29 Record.

30  
31 Mr. Porter stated that farmers and other landowners in New York were not adequately protected by their  
32 contracts from the wind companies and as a result mechanic's liens have been filed against landowners.  
33 He said that he has been told by people in New York that those liens are expected to increase because not  
34 one company but many companies are nearing financial difficulty. He said that the way the laws are  
35 written no matter what happens to the wind turbine companies and no matter what the wind contracts  
36 indicate when people do not pay the bills for what has happened to the wind turbines the bills attach to  
37 the landowner and the same thing would happen if the taxes are not paid or a bankruptcy is filed. He  
38 submitted a Malone Telegram dated March 18, 2009, from Darcy Fargo as a Document of Record. He  
39 also submitted a photograph, taken on March 26, 2009, of a damaged wind turbine in LaSalle County. He  
40 said that the National Weather Service called for a high wind warning, which consists of a 45 to 50 mph  
41 wind event, for all areas south of Interstate 80 two days ago. He said that the wind turbine is less than  
42 2,000 feet from a neighbor's house and the woman who lives in the house told him that nothing that she

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1 was told, in order for her to sign the neighbor agreement, was true including the noise and safety  
2 concerns. Mr. Porter said that from what he understands the proposal for the wind towers in Champaign  
3 County will be more than the 1.5 megawatts turbine that is indicated in the photograph and it is evident  
4 what happens when a 50 mph wind occurs. He said that the question is what will happen when tornadoes  
5 strike and will the turbines become projectiles. He said that a study from Rutger's University is available  
6 on the internet which estimates that the setback should be no less than 1,800 feet because the potential for  
7 debris throw, because of the increased height of the newer turbines versus the older, existing turbines.

8  
9 Mr. Thorsland asked the Board if there were any questions for Mr. Porter and there were none.

10  
11 Mr. Thorsland asked staff if there were any questions for Mr. Porter.

12  
13 Mr. Hall stated that Dekalb County has not seen fit to add the use WIND FARM to their Zoning  
14 Ordinance therefore they have not taken the time to add standards for such use.

15  
16 Mr. Porter stated that he is not familiar with Dekalb County's standards but what Florida Power and Light  
17 was proposing in their proposal was that they would follow the state model wind ordinance.

18  
19 Mr. Hall stated that there is no state model wind ordinance but there is a *Model Ordinance* but it is not  
20 promulgated by the state and he is not sure if it is encouraged by any state agency. He said that he has  
21 spoken with Dekalb County and they have no standards, for example, they have no indication of what is  
22 required in a public road agreement.

23  
24 Mr. Porter stated that the Finding of Fact indicates that Florida Power and Light left that out of their  
25 agreement which is one of the reasons why the Hearing Officer bounced it out. He said that Florida Power  
26 and Light did not even propose to protect the roads.

27  
28 Mr. Hall asked Mr. Porter if he has any idea why Dekalb County would let a project like that go into a  
29 public hearing without requiring an agreement.

30  
31 Mr. Porter asked Mr. Hall if he is speaking about a blanket zoning agreement.

32  
33 Mr. Hall stated that he doesn't understand why they would let it move forward if they could not obtain an  
34 agreement about their roads. He said that this is not relevant to Champaign County because we have an  
35 extensive list of requirements therefore we would not enter into a public hearing if we do not have an  
36 agreement on roads.

37  
38 Mr. Porter stated that it has been said that Florida Power and Light, being the largest company owning  
39 wind turbines in the United States, knows how to do it right. He said that wind turbine companies that  
40 supposedly, "know how to do it right," apparently do not know how to go to a Hearing Officer and get  
41 this passed and they had alot of problems with that in Dekalb County. He said that he is not familiar as to  
42 whether Dekalb County has passed a blanket ordinance but the state does have a model standard.

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Mr. Hall noted that the State of Illinois does not have standards for wind farm development.

Mr. Porter stated that his county, Ford County, indicated that they drafted their own ordinance based on what the state said.

Mr. Hall stated that the model ordinance is not a state ordinance.

Mr. Porter stated that he did not indicate such and it isn't a state law that everyone has to follow but it is a suggested model that counties can base their ordinance upon.

Mr. Hall stated that it is not suggested by the State of Illinois.

Mr. Hall asked Mr. Porter if he could provide any background regarding this anecdotal evidence that is reported in the Iowa State University Center for Agricultural Law and Taxation. He said that it is a footnoted paper yet there are no footnotes regarding the anecdotal data from Illinois.

Mr. Porter stated that what he would suggest, since they are talking to attorneys about this, that staff calls that organization since their attorneys deal with land use. He said that there must be some weight to this study because they are teaching their attorneys that they must be aware of that.

Mr. Hall asked Mr. Porter if he is familiar with the *Champaign County Zoning Ordinance* and the limits on residential development in rural areas. He said that Champaign County does not encourage residential development and requires rezoning, just as is being proposed for the wind farm, because the zoning district is for agriculture. He asked Mr. Porter if he was aware of how Dekalb County approaches their zoning.

Mr. Porter stated that as far as he knows, which is merely a guess on his part, one of the main topics at the hearing had to do with rural versus developed use of the land. He said that what they were looking at specifically with the people who came with complaints were people who were living in existing rural homes therefore he is assuming that this is similar to Champaign County in that there are a certain number of homes that are already there that are old.

Mr. Thorsland asked if there were any further questions for Mr. Porter and there were none.

Mr. Thorsland called Ms. Sherry Schildt to testify.

Ms. Sherry Schildt, who resides at 398 CR 2500N, Mahomet thanked the Board for allowing her to speak again tonight. She said that she has had a chance to read the Revised Draft Ordinance and the Draft Finding of Fact for Part A. of Zoning Case 634-AT-08, and would like to make a few comments and ask a few questions.

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**ZBA**

1 Ms. Schildt stated that at this time she will be referring to Attachment E, Page 7, Paragraph C.2. She said  
2 that she is glad to see that an expanded setback of 1,500 feet from a non-participating dwelling or  
3 principal building has been suggested, however according to her research as well as the information that  
4 has been made available to the Board this would still be insufficient to protect against the ill effects of  
5 noise and shadow flicker. She said that she must continue to contend that the setback from a non-  
6 participating landowner should be measured at his/her property line not from the residence, otherwise the  
7 free and clear use of a portion of that non-participating land will be taken away. She said that in regard to  
8 Paragraph C.4 she is not sure if she is interpreting it correctly and asked if this separation distance refers,  
9 under any circumstance, to a non-participating property and if so, what are the exact conditions.

10  
11 Mr. Hall stated that the separation distance indicated in Attachment E, Page 7, Paragraph C.4, does not  
12 refer to a non-participating property. He said that it is not intended to and that is what it means when it  
13 indicates the separation distance equals 1.1 times the total WIND FARM TOWER height (measured to  
14 the tip of the highest rotor blade) from the exterior above-ground base of a WIND FARM TOWER to the  
15 nearest adjacent property line for property that is also part of the WIND FARM County Board SPECIAL  
16 USE Permit.

17  
18 Ms. Schildt stated that this is what she thought but she wanted to make sure. She said that Attachment E,  
19 Page 17, Paragraph H.4, indicates that the electromagnetic interference mitigation refers only to “local  
20 broadcast residential television. She asked about private AM and FM radio reception, cell phones and  
21 GPS systems because she understands that there can be problems with those as well. She said that in  
22 general she does not see any provisions for handling violations of the regulations regarding shadow  
23 flicker and what recourse and remedies might affected citizens be able to call upon.

24  
25 Ms. Schildt stated that she will now address the Draft Finding of Fact beginning with Page 9, Item #8.  
26 She said that regarding farmland protection and preservation, which is very important to this county, she  
27 would disagree with the contention that wind developments do not violate this land use goal although  
28 each turbine may only take about one or one-and-one half acres out of production, the cumulative effect  
29 of a wind farm with, say, 100 towers and a substation, which she understands takes about 10 to 15 acres,  
30 would be to remove 115 or more acres. She said that if you consider that we are possibly looking at 3  
31 developments in this county you could be looking at the loss of approximately 300 acres or more and this  
32 would be equivalent to adding about 20 or so typical rural subdivisions to the County. She said that  
33 judging from the memoranda that has been distributed so far she assumes that the following statement,  
34 included on Page 14, Item 9(c), “Based on evidence there is no apparent detrimental effect on property  
35 values” is based mostly on the Renewable Energy Policy Report (REPP). She said that there are critiques  
36 of this report that find serious defects with its methodology. She submitted two such critiques as  
37 Documents of Record and read from one of them (Hoen’s critique). She said that it is also interesting to  
38 note that the REPP study was done in 2003 and did not study any developments that came online after  
39 2001 therefore even if the methodology were not flawed the results are not applicable to today’s reality  
40 where turbines are much larger and getting larger all the time. She said that the IEEE reports that in  
41 Denmark legislation is going into effect next year “that will require wind-park operators to compensate  
42 residents if wind turbines reduce their property values.”



1  
2 Ms. Schildt stated she does not understand the statement included on Page 15, Item #9.A(1)(f) and  
3 requested clarification.  
4

5 Mr. Hall stated that Paragraph 6.1.4.C. is the wrong reference because at the time that this item was  
6 written the 1,000 foot separation was in the map amendment and not the special use permit. He said that  
7 with the new material, if the Board accepts it, that reference would be correct.  
8

9 Ms. Schildt stated that, in general, she is concerned about the noise discussion included on Page 11 of the  
10 Preliminary Draft Finding of Fact. She said that an article that was published on March 26, 2009,  
11 although she could not distribute copies of the article because it has a huge warning about reproducing it,  
12 can be found at [www.watertowndailytimes.com](http://www.watertowndailytimes.com) and it is titled "Engineer talks to Orleans wind panel  
13 about noise." She read the article as follows: An acoustic engineer told the Town of Orleans Wind  
14 Committee that low frequency noise needs to be measured and controlled as part of any zoning ordinance  
15 created. Charles E. Ebbing, retired engineer with Carrier Corp. with nearly 50 years experience,  
16 explained the source and stress effects of low-frequency noise to the committee, which met Tuesday  
17 night. Low frequency noise ranges from a few thousand hertz down to nearly zero hertz. A house shuts  
18 out all high frequency noise and allows in only low frequency. The noise level of low frequency can be  
19 greater inside than outside because of the residents inside buildings. Mr. Ebbing observed that very few  
20 acoustical engineers have worked on low frequency noise. Besides the decibel level Mr. Ebbing pointed  
21 to other types of problems with noise. The meter does not measure what you hear but measures the  
22 energy of the sound pressure and does not measure noise but only the loudness and does not measure  
23 quality. Mr. Ebbing said that heating and air conditioning systems are often required to be quieter if they  
24 have an impulsive tone quality. He said that measurements of both audible or dBA and low frequency or  
25 dBC noise should be conducted and those measurements should be compared to each other by subtracting  
26 dBA from dBC. He said that if dBC is greater than dBA by more the 25 decibels the noise will have a  
27 rumbling quality. In working with air conditioning products Mr. Ebbing has seen the effects of low  
28 frequency noise and the rumbling quality increases stress, distraction and in homes sleeplessness occurs.  
29 Mr. Ebbing stated that to protect people should include initial measurements, compliance afterwards and  
30 regular monitoring as the years pass. He reiterated that ambient background noise in rural areas is as low  
31 as 24 decibels at night and according to the wind industry a typical wind farm is about 44 decibels at  
32 1,500 feet.  
33

34 Ms. Schildt noted that 1,500 feet is the proposed extended setback from non-participating homes and as  
35 she has read from the information distributed by Mr. Hall 10 decibels is a doubling of the noise. She said  
36 that this would be an increase of 20 decibels which means the noise would be four times louder than what  
37 people are used to in a rural setting at night.  
38

39 Ms. Schildt continued reading the article. Noise explanations from the wind industry indicate that rural  
40 areas are quiet when there is no wind and turbines do not generate power when there is no wind. They  
41 are implying that when the wind is blowing and the turbines move they will create noise but there will be  
42 other noise to cover it. She said that Mr. Ebbing stated that they are wrong and most of the time there

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1 could be no wind blowing at the ground but have wind higher up so wind turbines can turn when we  
2 don't have any other noise on the ground and with the turbines becoming taller and taller this could  
3 become more of a problem.  
4

5 Ms. Schildt stated that in the draft ordinance there does not appear to be any consideration of dBC noise  
6 nor does there seem to be any provisions for affected property owners if noise levels should be found to  
7 be above the required levels nor according to previous statements made at this hearing are there any  
8 enforcement mechanisms by the County or by the State. She said that the discussions that she has heard  
9 here seem to indicate that this is an area that is not well understood by the County and her concern is that  
10 if there should be a problem after the turbines are up and running what is going to be done. She said that  
11 given that the turbines will be over 400 feet tall sitting on a foundation of tons of concrete and steel rebar  
12 it is not likely that they will be moved in order to mitigate the problem. She said that given the million or  
13 so dollar cost for each turbine it is also unlikely that the developer will just turn it off therefore she would  
14 suggest that either the County take some time to study the issue so they can get the setbacks right or that  
15 they increase the setbacks to such an extent that the likelihood of a problem will be negligible. Ms.  
16 Schildt submitted her written statement as a Document of Record.  
17

18 Mr. Thorsland asked the Board if there were any questions for Ms. Schildt and there were none.  
19

20 Mr. Thorsland asked if staff had any questions for Ms. Schildt.  
21

22 Mr. Hall stated that he agrees with her criticism of the report on property values. He asked Ms. Schildt if  
23 there was good property value data from the study in Wisconsin.  
24

25 Ms. Schildt stated that in the handout, she is submitting as a Document of Record, Wisconsin indicates  
26 that it is almost impossible to obtain good data. She said that the actual transactions that take place near  
27 wind farms are so few that it is hard to find good property value data.  
28

29 Mr. Thorsland asked staff and the Board if there were any further questions for Ms. Schildt and there  
30 were none.  
31

32 Mr. Thorsland called Mr. Jerry Watson to testify.  
33

34 Mr. Jerry Watson, President of the Champaign County Farm Bureau, stated that he appreciates the  
35 opportunity to address this critical case before the Board and would like to provide the organization's  
36 thoughts on several items that are in the proposed Wind Farm Zoning Ordinance. He said that the  
37 Champaign County Farm Bureau Board of Directors supports wind energy and they hope that wind  
38 projects are able to develop here in Champaign County. He said that the CCFB believes that these  
39 projects can benefit both individual landowners and the County as a whole and they look forward to  
40 working together to ensure these projects become reality.  
41

42 Mr. Watson stated that with this being said, the Board of Directors also has a few thoughts regarding the

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1 proposed ordinance. First, in regards to the ag mitigation proposal, protecting the integrity of farmland  
2 and insuring that, upon completion of this project, the land is still in a farmable condition is of the utmost  
3 importance to their organization and their membership. He said that projects like this will cause  
4 considerable damage to the land that the towers, substations, access roads and underground cable go over  
5 and under. However, with proper precautions established by the County and the individual landowners  
6 they believe this damage can be mitigated, and the soil returned to the high level of productivity we  
7 currently enjoy. He said that the Farm Bureau believes that through the proposed standard conditions to  
8 mitigate damage to farmland the proper protection is being recommended and that through this and  
9 individual landowner contracts the quality of our soils in this area will be maintained. The Board of  
10 Directors would encourage the Board to review the ag mitigation agreement developed by the Illinois  
11 Department of Agriculture as another resource for ways to protect farmland. He said that the Directors  
12 believe that there are many points within the state’s agreement that are worthy of including in this section  
13 of the ordinance.  
14

15 Mr. Watson stated that in recent months the financial viability of many businesses, including banks across  
16 the country, has hit headline news stories on a daily basis. He said that this is one reason why their  
17 committee is concerned about the decommissioning and reclamation policy that Champaign County is  
18 proposing. He said that it is very difficult to determine what it may cost to decommission a wind farm  
19 site in the future however it is crucial that the county have some sort of policy in place protecting both the  
20 landowner and the county’s interest as a whole. He said that although they did not specifically identify a  
21 perfect approach to this potential challenge they do believe that strong decommissioning and reclamation  
22 policy that provides sufficient protection for landowners and the county must be in the *Zoning Ordinance*.  
23

24 Mr. Watson stated that their committee looked at the proposal for a Wind Farm Overlay Zoning District.  
25 He said that this proposal is the first of its kind in the state and does create some additional steps for the  
26 developers of these projects. He said that it may also lead to more confusion from the general public in  
27 trying to understand what the ordinance requires and what it does not however this portion of the proposal  
28 does allow for greater transparency in the process and allows for more input from townships that have  
29 plan commissions as well as individual landowners. He said that for these reasons, the Champaign  
30 County Farm Bureau is supportive of the proposed Wind Farm Overlay District. Furthermore, the Farm  
31 Bureau has taken into consideration the recommendation that additional conditions be added to the  
32 proposal explicitly authorizing the County to enforce the Illinois Pollution Control Board’s noise  
33 regulations. He said that the Farm Bureau believes that this may be costly to the county which is already  
34 facing a challenging financial position. He said that additionally the Farm Bureau questions the time that  
35 may be needed to follow through on these claims and whether the office has the type of spare time to  
36 investigate both legitimate and perhaps false claims of noise violations. He said that regardless if the  
37 County hires a professional noise expert, which they will have to do, or if the wind developers pay for this  
38 individual there will still be time and effort spent on these claims. He said that the issue of setbacks has  
39 been a point interest both from individuals addressing the Board at earlier meetings, as well as within the  
40 Farm Bureau. He said that they have examined numerous other county ordinances from throughout the  
41 state and are favorable to the proposed 1,000 foot setback with a signed waiver and they also believe that  
42 a 1,200 foot setback from any non-participating landowner’s dwelling is appropriate and thus supported

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1 by the Farm Bureau. He said that he believes that any further setback from a dwelling or property line  
2 would be detrimental to the locating of such projects in the county.

3  
4 Mr. Watson stated that the final issue that he would like to address is the proposed standard condition  
5 regarding liability insurance. He said that the proposed bodily injury and property damage limits of  
6 \$1million per occurrence and \$1 million in aggregate is simply not enough and the Farm Bureau would  
7 like to see these limits raised to \$5 million per occurrence and \$5 million in aggregate. He said that they  
8 firmly believe these increased limits will offer better protections to all involved in these types of projects.

9 He said that as he concludes his comments this evening he would like to reiterate the Farm Bureau's  
10 strong support for wind energy development in Champaign County and they appreciate the opportunity to  
11 address this vital issue and hope that the Board takes into consideration their views as it deliberates on  
12 this issue. Mr. Watson submitted his written statement as a Document of Record.

13  
14 Mr. Thorsland asked the Board if there were any questions for Mr. Watson and there were none.

15  
16 Mr. Thorsland asked if staff had any questions for Mr. Watson and there were none.

17  
18 Mr. Thorsland called Mr. Steve Burdin to testify.

19  
20 Mr. Steve Burdin, who resides at 2527N CR 450E, Mahomet stated that there is a very simple formula  
21 used to figure out what the distance to the horizon is for an object He said that it is based on the diameter  
22 of the planet and the height of the object or observer. He said that the Vestas wind turbines located in the  
23 Twin Groves Wind Farm has a height to the hub of 260 feet with the addition of 134 feet for the rotor  
24 radius with a total of 394 feet to the tip of the highest rotor. He said that the formula indicates that with  
25 that height the distance to the horizon for that object is 24 miles. He said that another good example  
26 would be in relation to a six foot tall person whose distance to the horizon would be about 2.8 miles. He  
27 said that if those two numbers are added together you could tell when that object for a six foot person  
28 would come into view and that number is about 27 miles. He said that this may sound alarming but the  
29 fact is that the formula does not account for numerous things such as atmospheric conditions or change in  
30 terrain. He said to indicate a better idea for the Board he went out and took some pictures, submitted as  
31 Documents of Record, on Tuesday evening. He said that he drove out on CR 2500N, which is west of  
32 where he lives, into Piatt County and the wind turbines located northwest of this area were unable to be  
33 seen and the only reason that he could photograph the wind turbines was with a pair of binoculars. He  
34 said that later during that day he drove out to Route 47, which is approximately a few hundred feet north  
35 of Champaign County Road 2425N and looking northwest you could see the blinking red lights which are  
36 on top of the wind turbines. He said that he took pictures in two locations, one at CR 2500N which is  
37 where you really can't see the turbines because just west of Route 47 the land rolls up and obscures the  
38 view where the turbines are located. He said that the other location is just north of CR 2425N because  
39 Route 47 actually rises there and there is a nice flat area to the northwest where you can see the wind  
40 turbines very clearly. He said that without some sort of magnification it is very hard to see the turbines  
41 during the day because they are simply down at the horizon. He said that at magnification, 432 mm you  
42 can see them sticking up in the horizon. He said that the formula may seem alarming in that you can

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1 supposedly see these objects at 26 miles away but the truth is that it is a lot more difficult to see them.

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

4  
5 Mr. Thorsland asked if staff had any questions for Mr. Burdin and there were none.

6  
7 **Mr. Schroeder moved, seconded by Ms. Capel to grant a five minute recess. The motion carried by**  
8 **voice vote.**

9  
10 **The meeting recessed at 8:35 p.m.**

11 **The meeting resumed at 8:40 p.m.**

12  
13 Mr. Thorsland called Mr. Jed Gerdes to testify.

14  
15 Mr. Jed Gerdes, who resides at 1448 CR 2700E, Ogden stated that he is a landowner and farmer in  
16 Champaign County. He said that it appears that everyone believes that Champaign County has to have  
17 this wind turbine project in our county but he wonders why it is so important to everyone. He said that he  
18 believes that the real reason why it is so important is because the wind turbine companies are handing out  
19 money. He said that he was wondering when the last time any corporation had all the residents and  
20 citizens of Champaign County's true interest in heart. He said that he was glad to see that the Board is  
21 considering a 1,500 foot setback. He said that he called Horizon Wind Energy to see what their typical  
22 setback recommendation would be and they indicated that anything less than a 1,500 foot separation  
23 would not be safe for their 400 foot towers. Mr. Gerdes asked the Board what is the point of having a  
24 *Zoning Ordinance* that is less than what the wind company actually believes is safe. He said that it is  
25 interesting that no one has discussed this but farmers normally plant their crops north and south because  
26 corn does not grow very well after the temperature reaches 85 degrees therefore they are trying to capture  
27 more light during the hours that the crop is growing. He said that a 500 foot tall wind turbine has a  
28 shadow at sunrise and still exists until 10:00 a.m. He said that if the setback is anything less than 1,000  
29 feet from the property owner's line the wind turbine will be shading the non-participating neighbor's crop  
30 which will deter their crop. He said that anyone who does not believe that this makes a difference should  
31 visit the University of Illinois Morrow Plots which are located right next to the underground library. He  
32 said that the library is underground for a reason and that reason is because it could very well cast a  
33 shadow on the Morrow Plots.

34  
35 Mr. Gerdes stated that anyone who sprays for fungicides knows that the best quality fungicide spray  
36 application comes with the most potent chemical or gallons per acre. He said that airplanes fly at two  
37 gallons per acre where most ground applicators are at least 10 to 15 gallons per acre. He said that a  
38 couple of years ago farmers were having Headline sprayed with ground rigs and they were spraying it  
39 before the corn tasseled because ground rigs can't handle it very well when the corn has tasseled. He said  
40 that there were severe yield reductions all over the state of Illinois due to people spraying Headline with  
41 ground rigs therefore proving that ground rigs cannot substitute for aerial application. He said that  
42 everyone is into conservation and keeping our soils in place and there are people out there who are

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1 actively growing cover crops such as annual rye grass every year. He said that he has been practicing this  
2 for several years and the only possible way for him to plant his crop in his field is with an airplane  
3 therefore will this Board take away a farmer's right to plant his crop in his field. He said that if the  
4 towers do go up and there is a non-participating landowner that is being charged 50% more for his crop to  
5 be sprayed, due to the surrounding wind turbines, he should be compensated for that additional cost or for  
6 any damage incurred by ground rig application. He said that this non-participating landowner could not  
7 negotiate with the wind turbine companies because he did not sign a contract with them.  
8

9 Mr. Gerdes stated that the life expectancy of the wind towers is 30 years. He said that one of the first  
10 wind projects in California was away from everyone and there were no houses around the project. He  
11 said that he believes that we have crossed the line because these wind farms were meant to function out in  
12 the open range away from people's houses not near people's houses where the transmission lines are  
13 located. He said that this is supposed to be a green project yet the County will allow tons and tons of  
14 concrete and iron to be left in the ground when the project is decommissioned. He said that if this is a  
15 green project then all of the concrete and iron should be removed, reclaimed and recycled when the wind  
16 project is over. He said that he has a buddy that worked on the pipeline that runs from St. Louis to  
17 Chicago and it was buried four feet deep into the ground 40 years ago and now there are places that are  
18 less than 18 inches deep because things work up. He asked what will happen to that buried concrete and  
19 iron when the 30 years have passed because the landowner will not be able to afford to get rid of it and  
20 we cannot allow this debris to be left behind to scar the land. He said that the wind company can tear  
21 down the tower and sell it for scrap iron. He said that we cannot call this a green project and not require  
22 recycling of all of the material.  
23

24 Mr. Gerdes stated that the Board needs to keep the map amendment because the landowner's of  
25 Champaign County that are signing up may not live near the projects. He said that there are a high  
26 percentage of people who own land in Champaign County but do not live in Champaign County and do  
27 not even live in the state. He said that he farms for people who live in Florida, Arizona, and Wisconsin  
28 therefore many of the people who are getting paid money for these projects do not live in Champaign  
29 County therefore will this Board protect the welfare and safety of the citizens of Champaign County. He  
30 requested that the Board keep the map amendment because people should have the right to say what is  
31 going on around them and with distant landowners it is very hard to get a feel of what percentage of the  
32 population really wants this.  
33

34 Mr. Thorsland asked that Board if there were any questions for Mr. Gerdes and there were none.  
35

36 Mr. Thorsland asked if staff had any questions for Mr. Gerdes and there were none.  
37

38 Mr. Thorsland called Russ Taylor to testify.  
39

40 Mr. Russ Taylor, who resides at 1301 West Hickory Street, Mahomet stated that he would like to make  
41 two statements one regarding land value to residences and land value to farmland. He said that when he  
42 has clients who are being transferred from companies such as ADM and Pioneer they request that he goes

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1 out to evaluate different properties. He said that these companies use a Red Flag Checklist which has 27  
 2 items that are required to be checked to see if any of those items exist on or near the subject property as  
 3 well as their affect on value. He said that four of the items that are included on this list are: location to  
 4 railroad tracks (regarding noise); subjects view is undesirable; audible street or highway noise present;  
 5 and located near/in view of power lines, water towers, radio towers. He said that the companies created  
 6 the Red Flag Checklist so that when they transfer a person with their company they know the value of the  
 7 property so when they go to sell the property they know why it did not sell. He said that everyone knows  
 8 that farmland values have gone down a little bit but so have home values and it is unknown how the wind  
 9 farms will affect those values. He said that he spoke to Derry T. Gardner of Gardner Appraisal Group,  
 10 Inc. in San Antonio, Texas who did an extensive study on agricultural land and Texas rural land and he  
 11 proposed in his study that turbines decrease the value an average of 37% if the turbine is on the farm. He  
 12 said that if a turbine is within .4 miles it decreases the value 26% and if it is within 1.8 miles it decreases  
 13 the value 25% therefore the wind farms devalue houses and farmland both. Mr. Taylor submitted a copy  
 14 of the Red Flag Checklist and a copy of a handout from Gardner Appraisal Group, Inc. titled, "*Impact of*  
 15 *Wind Turbines on Market Value of Texas Rural Land.*"

16  
 17 Mr. Thorsland asked the Board if there were any questions for Mr. Taylor and there were none.

18  
 19 Mr. Thorsland asked if staff had any questions for Mr. Taylor and there were none.

20  
 21 Mr. Thorsland called Mr. Jeff Suits to testify.

22  
 23 Mr. Jeff Suits, who resides at 2703 CR 2500N, Penfield stated that he lives half way between Royal and  
 24 Penfield and is basically in dead center of the area proposed for the Invenergy Project. He said that he is a  
 25 school board member of Prairieview-Ogden School District and is also on the Compromise Township  
 26 Plan Commission but he is present at tonight's meeting as a farmer. He said that he and his family have  
 27 about 500 acres that is in the area that is involved and he is hoping that the Board will come up with some  
 28 sort of compromise which will allow the wind turbines to come into the County. He said that for 50 years  
 29 he has lived within a 1/2 mile of a railroad track and there is nothing that makes much more noise than a  
 30 train coming through, therefore you learn to tolerate a lot of things and you weigh the risks. He said that  
 31 a train could jump off the tracks and hit his residence but there are alot of things that could happen  
 32 because there are accidents all of the time. He said that as a school board member he is concerned about  
 33 the tax assessment and the sunset is in 2011 and the current law is Public Act 95-644 HB 664 with an  
 34 effective date of October 17, 2007. He said that this is about a 120 page bill and the sunset date is on  
 35 Page 5, Line 5 and 6. He said that Representative Matino from Spring Valley is the one who proposed  
 36 this bill. Mr. Suits stated that he spoke to Attorney Stuart Witt, who assisted in drafting the legislation,  
 37 and he indicated that the sunset was basically put in because Speaker Madigan insisted on it but the  
 38 intention is that it will be renewed next year in 2010. He said that if the Board makes the setback too  
 39 large they will be looking out for one landowner but will also be hindering a landowner who does want  
 40 the development on their property.

41  
 42 Mr. Thorsland asked the Board if there were any questions for Mr. Suits and there were none.

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Mr. Thorsland asked if staff had any questions for Mr. Suits and there were none.

Mr. Thorsland stated that Mr. Eric McKeever has signed the witness register to testify but he is only present to address Part B. He said that he will recall Mr. McKeever if the Board has time to address Part B.

Mr. Thorsland called Mr. Bill French to testify.

Mr. Bill French, Project Coordinator for Midwest Energy, stated that they are interested in developing a wind farm in the western side of Champaign County stretching out into Piatt County. He said that they have read the draft ordinance and offered three comments. He said that they feel that the overlay district is redundant since the request will be done as a special use which allows for public notice, review and comment. He said that the 1,600 foot setback near an underground gas storage facility is inconsistent with the development that has occurred in that area. He said that this is a very large facility and people already have houses in the area, roads have been built and other utilities have been installed above this facility and requiring a 1,600 foot setback for wind farms is rather excessive and is not consistent with what has already occurred in the area. He said that they would recommend a setback which is something closer to 1.1 or 1.5 times the turbine height. He said that they have typically seen a setback of 1.1 times the height of the turbine near high pressure pipelines and many cases there are no setbacks and they work with the utility companies. He said that they would request that 1.1 times the height of the turbine be considered for the setback from underground high pressure gas lines.

Mr. Thorsland asked the Board if there were any questions for Mr. French.

Mr. Courson asked Mr. French what type of generators are used in their projects.

Mr. French stated that they would be a typical 80 meter hub so roughly 400 feet therefore it would require a 475 foot setback. He said that they do not use one manufacturer and use several different kinds.

Mr. Courson asked Mr. French what the manufacturer recommends for setbacks from a structure.

Mr. French stated that he is not sure what those recommendations are at this time.

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

Mr. Thorsland asked if staff had any questions for Mr. French and there were none.

Mr. Thorsland called Mr. Jerry Cohen to testify.

Mr. Jerry Cohen, who resides at 3211 Cypress Creek Rd, Champaign stated that he is a landowner and would like to address some of the comments made tonight. He said that Mr. Suits indicated that House



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1 Bill 664 is to be renewed in 2010. He said that the banking system in this country is failing therefore  
2 there is no guarantee that anything is stable right now let alone the deduction that the federal government  
3 is going give for the wind turbines.  
4

5 Mr. Thorsland informed Mr. Cohen that he should direct his comments to zoning issues only.  
6

7 Mr. Cohen asked if there has been an independent soil compaction study that has been done by an  
8 independent company that will keep the integrity of the agricultural land in its proper state after the  
9 equipment that has been hauled across the property for set up of the wind turbines. He said that at the  
10 present time it is his understanding that there is no credible land study that has been completed for the  
11 compaction of the soil and the amount of heavy equipment that it takes to set these wind turbines into  
12 place. He did not know if the County has done any type of soil compaction study because the *Ordinance*  
13 requires keeping the integrity of the agricultural land in its most pristine place. He also recommended  
14 that the Board approve the map amendment.  
15

16 Mr. Thorsland asked the Board if there were any questions for the Mr. Cohen and there were none.  
17

18 Mr. Thorsland asked if staff had any questions for Mr. Cohen and there were none.  
19

20 Mr. Thorsland stated that this concludes the names on the witness register at this time. He asked if  
21 anyone in the audience desired to sign the witness register to present testimony regarding Case 634-AT-  
22 08 and there was no one.  
23

24 Mr. Thorsland requested a motion to close the witness register.  
25

26 **Mr. Palmgren moved, seconded by Mr. Schroeder to close the witness register for Case 634-AT-08.**  
27 **The motion carried by voice vote.**  
28

29 Mr. Thorsland stated that at the last meeting the Board tossed back and forth the idea of requiring a map  
30 amendment and there was some discussion as to how to approach such. He said that currently the way  
31 that the case is written is that the Board is working on a Preliminary Draft Finding of Fact for both a  
32 County Board Special Use Permit and a Wind Farm Zoning District. He said that if the Board chooses to  
33 go without a map amendment then the Board needs to indicate such.  
34

35 Mr. Hall stated that the Zoning Administrator and the Zoning Board are presumably all on the same page  
36 and he does not have a problem with the Board changing the petition and including something other than  
37 what was advertised. He said that it is up to the Board and whatever they deem necessary.  
38

39 Mr. Thorsland stated that at the last meeting he received some indications from Mr. Roger Miller and Ms.  
40 Capel that a map amendment was not needed and he played the devils advocate and sided with them. He  
41 said that since the Board has received additional testimony at tonight's hearing he requested that the  
42 Board discuss their views regarding a need for a map amendment.

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Mr. Roger Miller stated that it would be okay to have the map amendment included but we may be helping and hindering the project at the same time. He said that he still has a concern regarding requiring a map amendment but he is unsure if it would be overbearing.

Mr. Thorsland asked Ms. Capel for her thoughts about the map amendment.

Ms. Capel stated that she is sort of shell shocked. She said that with the map amendment the townships and landowners would have the right to protest but without the map amendment they can only give public input.

Mr. Thorsland stated that townships with a plan commission can protest the amendment to the *Ordinance* itself.

Ms. Capel stated that townships with plan commissions can protest the amendment to the *Ordinance* itself but once it is passed the protest rights are over. She said that the special use permit does not allow protests from landowners only public participation.

Mr. Thorsland stated that, at times, he gets the impression that when a map amendment is sent to ELUC that it may be possible that the amendment is not done therefore the Board will work on it some more. He asked Mr. Hall if the Board sends the amendment to ELUC with the map amendment does ELUC have the ability to modify what is sent to them.

Mr. Hall stated that this is how we got into this predicament in the first place because ELUC modified an amendment in 2000 which would have provided for wind farm development but they decided to change it at ELUC therefore we had to re-do it. He recalled that the State's Attorney has always advised against ELUC changing ordinances and it is not typical for them to change something. He said that he hopes that the ZBA's recommendation is not based on what the Board believes will get through the system the quickest.

Mr. Thorsland stated that this is not where he is going with this topic. He said that at the moment we need to settle this issue first because we have an alternative draft without the map amendment and the Finding of Fact has both in it therefore we can do it with or without it. He said that his personal opinion currently is that up until tonight the general consensus of public input has been on the distances and the setbacks more so than the simplicity of the map amendment. He said that tonight is the first night where he has heard any direction from the public so either public awareness is getting better or this is an issue that as been bandied about and people are more likely to comment on it now. He said that the map amendment is giving the landowners and certain townships more control over what happens in their area but not control over the *Ordinance*. He said that, regardless, at some point the amendment can still be protested upon while it's on its way to the County Board. He said that at the moment he is leaning on not having the map amendment because with it we will push non-participating parcels into small rectangular pieces as shown in the diagram.

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1  
2 Mr. Hall stated that the legal description of the land is just for purposes of the land which is to be  
3 rezoned.

4  
5 Mr. Thorsland stated that if the Board works off of the legal description of the wind farm overlay district  
6 will there be any setbacks to go off of that district border.

7  
8 Mr. Hall stated no, they are all part of the special use permit.

9  
10 Mr. Thorsland stated that the map amendment is included in the amendment currently therefore sending it  
11 back to ELUC changed would not be what staff had provided for review. He said that if the Board would  
12 like to go forward with the map amendment he would entertain a motion to do so or he would entertain a  
13 motion to move ahead without the map amendment.

14  
15 Mr. Palmgren stated that no less than twelve times the same statement appeared which indicated that the  
16 map amendment was warranted.

17  
18 Mr. Hall stated that staff was simply pointing out the benefits of the map amendment and the purpose was  
19 not to indicate that the County has to have a map amendment. He said that the purpose was simply to  
20 preload this and he would recommend that if the Board chooses to move ahead with the special use  
21 permit only the finding should contain why a map amendment is not necessary. He said that in  
22 anticipating a map amendment the finding explains why it is beneficial but it does not indicate why it is  
23 necessary. He said that the only thing that we have to be worried about is why a map amendment is not  
24 necessary. He said that staff does not believe that it is necessary legally and these issues can be dealt with  
25 during the special use permit but the map amendment is more consistent in his mind as to how the *Zoning*  
26 *Ordinance* currently treats development in the rural areas.

27  
28 Mr. Palmgren stated that currently he is leaning towards keeping the map amendment.

29  
30 Mr. Courson stated that he supports the map amendment because it will protect the public who live near  
31 the turbines.

32  
33 Mr. Thorsland stated that at this point the Board will review the Draft Finding of Fact. He asked the  
34 Board if there were any concerns or comments on the required setbacks. He said that the Board needs to  
35 make sure, before they continue with the amendment itself, that it is functional and works well  
36 countywide.

37  
38 Mr. Thorsland stated that Item 6.1.4.C.9 of Attachment H, dated March 20, 2009, should be revised to  
39 indicate 10,000 gallons capacity in the aggregate rather than 500 gallons capacity in the aggregate. He  
40 said that Item #8.C.(2)(b) of the Preliminary Draft Finding of Fact dated March 26, 2009, recommends a  
41 1,500 feet setback separation from any wind farm tower to an existing, non-participating dwelling or  
42 principal structure. He said that it is his opinion that 1,500 feet may be excessive and perhaps 1,320 feet

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1 may be more appropriate because that would coincide with how the sections are laid out in Champaign  
2 County. He said that the 1,000 feet separation from any wind farm tower to an existing, participating  
3 dwelling or principal structure would remain the same with their right to obtain a waiver.  
4

5 Mr. Miller asked Mr. Thorsland if he was talking about a setback from the dwelling or the property line.  
6

7 Mr. Thorsland stated that the setback would be from the dwelling.  
8

9 Mr. Courson stated that if the wind farm developers are telling the owners that they need to be 1,200 or  
10 1,300 feet away from a structure then the County should not be telling them that they can place them any  
11 closer. He said that the Board could add text regarding the developers required setback from a dwelling.  
12

13 Mr. Thorsland asked Mr. Courson what would happen if there were different developers with different  
14 recommendations. He asked Mr. Courson how the County would handle that.  
15

16 Mr. Courson stated that each one would be based on the recommended setbacks from that manufacturer.  
17

18 Mr. Thorsland stated that he recommended the 1,320 feet separation because when the wind farm  
19 developer comes in they do not run out to the dwelling with a tape to measure the distance and then begin  
20 digging. He said that the Board has heard from some the wind farm developers that they intend to go  
21 further in.  
22

23 Mr. Courson stated that he prefers a 1,500 feet separation but if the Board goes lower it should not be  
24 lower than the manufacturer's recommended setback.  
25

26 Mr. Thorsland asked Mr. Courson if he desires to make the separation distance specific to each tower.  
27

28 Mr. Courson stated yes.  
29

30 Ms. Capel stated that the Board should just establish a minimum setback regardless of the manufacturer.  
31

32 Mr. Thorsland stated that the 1,320 feet separation would be the minimum and if for some reason a  
33 developer comes out with a 499 foot tower that is built in a way that they want the setbacks much further  
34 then a clause should be inserted which states this is the minimum or the manufacturer's recommendation.  
35

36 Ms. Capel stated that relying on the manufacturer to indicate the minimum setback may not be adequate  
37 in every case.  
38

39 Mr. Hall stated that the *Ordinance* was originally proposed with a 1,200 foot separation from non-  
40 participating dwellings and at one point Vestas was recommending 1,300 feet. He said that this would  
41 have been an instance where the County would have allowed something less than what Vestas was  
42 requiring at the time. He said that the Board needs to decide what it believes is the minimum and then

1 include a provision that if the manufacturer requires more then that is what will be used.  
2

3 Mr. Palmgren stated that Champaign County will have to enforce these structures therefore the closer  
4 they are placed to dwellings the more enforcement action that will be required. He said that perhaps there  
5 should be a waiver available for non-participating landowners. He said that the participating landowners  
6 have an interest in the project but he is worried about the non-participating landowners.  
7

8 Mr. Miller stated that there are young people in the community that would like to build in the rural setting  
9 and if their family has had farmland for many generations they may want to build on that property. He  
10 said that if we do not address the non-participating and the family so chooses to not put their 80 acres in  
11 the wind farm area the setbacks mean nothing to them and the Board would be disregarding their choices  
12 as to where their house or farm would best be suited on their land. He said that non-participating acres  
13 should be looked at totally different than beyond the standard setbacks.  
14

15 Mr. Thorsland asked Mr. Miller if he is suggesting a larger setback from the non-participating dwellings  
16 or from the entire property.  
17

18 Mr. Miller stated that it needs to be addressed completely separate. He said that one-mile, as previously  
19 mentioned, is not practical either but we have to visualize, for example, three 80 acre parcels lying side by  
20 side and if the middle 80 acres decides not to participate and a tower is placed on each side of that 80  
21 acres on the property line there may not be adequate separation for the non-participating landowner to  
22 build on that non-participating 80 acres. He said that if the Board skips over this issue then we have  
23 taken away the future or current rights of those property owners.  
24

25 Mr. Thorsland asked Mr. Miller how he would like the Board to approach this issue.  
26

27 Mr. Miller stated that Item # 8.C.(2)(b) should indicate a 1,500 feet separation from the property line and  
28 not from the dwelling or existing structure.  
29

30 Mr. Thorsland stated that if a wind tower is placed 1,500 feet from a non-participating, existing dwelling  
31 and the non-participating landowner decides that they want to construct another house that new house  
32 could be sited without any waiver as close as 1.5 times the height.  
33

34 Mr. Hall stated that there is no mandatory separation relative to a new dwelling. He said that the  
35 *Ordinance* which is before the Board assures a 1,000 foot separation when a dwelling is within one-  
36 quarter mile from a public street but when you are more than one-quarter mile from the public street you  
37 cannot be assured and should not expect a 1,000 foot separation. He said that this would either be a big  
38 increase in land area required for the wind farm or it is a big decrease in the number of turbines and once  
39 you are more than one-quarter mile from the street Champaign County doesn't care if someone could put  
40 a house there. He said that the County does not want to encourage people placing houses where the fire  
41 protection district has to go one-quarter mile from the street to get to them. He said that this is mainly  
42 because of the impact on the wind farm developer which really means the impact on the people who are

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1 going to participate in the wind farm because it cuts down on the number of turbines which makes the  
2 whole thing less attractive.

3  
4 Mr. Miller stated that he would like to think that the bigger part of the landowners within these proposed  
5 areas, if they are on board, is a non-issue. He said that for the few who have decided to not accept the  
6 \$10 dollars per acre and desire to reserve their development rights whether it means maintaining the land  
7 as farmland or for a future home for their family. He said that in those particular cases taking the  
8 setbacks to the property line would be justified.

9  
10 Mr. Thorsland stated that, in the example of the three 80 acres, placing the setback from the property line  
11 could potentially make an interested party's land a non-viable site for a tower. He said that they may be  
12 willing to participate in the wind farm but will be prevented due to the required setback, especially if they  
13 have an odd shaped site.

14  
15 Mr. Miller stated that he disagrees with Mr. Thorsland because the placement of the towers is entirely up  
16 to chance.

17  
18 Mr. Thorsland stated that Mr. Miller appears to be leaning towards the map amendment.

19  
20 Mr. Miller stated that he is willing to give up the map amendment if the Board gets the setbacks right.

21  
22 Mr. Thorsland asked Mr. Miller if he would be comfortable with 1,500 feet from the structure.

23  
24 Mr. Miller stated that the 1,500 feet from the structure does not protect the non-participating landowner in  
25 regards to their future rights.

26  
27 Mr. Thorsland asked Mr. Hall if the 1.5 times the height could be applied to a non-participating property  
28 line. He said that this would prevent a participating property from having a tower right on the line. He  
29 said that this was done for the road so that the road separated the activity.

30  
31 Mr. Miller stated that just because a building is not located on a property currently does not mean that the  
32 landowner does not have plans for a future home. He said that if someone chooses that the tract be non-  
33 participating then that is what the Board is here for also to look after that landowner's interests. He said  
34 that it would be easy to look over this issue because the wind farm isn't there now.

35  
36 Mr. Thorsland asked Mr. Miller if Item# 8.C.(2)(b) should indicate a 1,000 feet separation from any wind  
37 farm tower to an existing, participating dwelling or principal structure, and a 1,500 feet separation from  
38 any wind farm tower to any non-participating dwelling or principal structure with a minimum setback  
39 from a non-participating property line of 1.5 times the tower height.

40  
41 Mr. Hall stated that the draft that is before the Board currently indicates 1.5 times the tower height to the  
42 street, 1,000 feet to a property line within one-quarter mile of the road and at more than one-quarter mile

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1 of the road it is 1.1 times the height.

2  
3 Mr. Courson stated that if there was a forty acre tract that is subdivided and houses are placed on the  
4 entire 40 acre tract those landowners would not have that protection.

5  
6 Mr. Hall stated that first of all this is Champaign County therefore any subdivision is not guaranteed and  
7 it depends on the shape of the 40 acres. He said that if the entire subdivision is along the street then the  
8 landowners are protected and if it is a long 40 acres then ½ of it is protected and ½ of it would have some  
9 overlap.

10  
11 Mr. Schroeder stated that he is concerned with the legal aspects because we don't want to tie somebody  
12 down.

13  
14 Mr. Thorsland stated that the County is currently doing this with the RRO.

15  
16 Mr. Schroeder stated that he does not want to step on anyone's toes or make anyone mad but this Board  
17 has to do this right because we will only have one chance at it.

18  
19 Mr. Thorsland asked Mr. Schroeder what he would suggest in making this right.

20  
21 Mr. Schroeder stated that he would like to have heard from some of the County Board members.

22  
23 Mr. Thorsland stated that the State's Attorney has requested that County Board members do not testify  
24 during this hearing.

25  
26 Mr. Schroeder stated that he is just being cautious because he doesn't want this to be sent back to the  
27 Board because of disagreements by the County Board.

28  
29 Mr. Thorsland stated that currently it has been discussed that we leave the 1,000 feet separation for a  
30 participating dwelling and 1,500 feet from a non-participating dwelling and 1.5 times the tower height  
31 from a non-participating property line.

32  
33 Mr. Hall asked Mr. Thorsland if he is intending to not mention the greater separation within one-quarter  
34 mile of the street.

35  
36 Mr. Thorsland stated no, it would have to include that text.

37  
38 Mr. Miller stated that he is having a hard time of keeping track and may need to see it in writing before he  
39 can vote.

40  
41 Mr. Hall reviewed Attachment H. with the Board beginning at Paragraph #6.1.4.C.1 through 6.1.4.C.5, all  
42 of which remains unchanged. He said that a new Item #6.1.4.C.6 should read as follows: A separation

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1 distance equal to 1.50 times the total WIND FARM TOWER height from the above-ground base of a  
2 WIND FARM TOWER to the nearest property line of a non-participating property. He said that the  
3 items following new Paragraph #6.1.4.C.6 should be renumbered. He said that Paragraph #5.5.3.C.2  
4 should be revised as follows: All land that is within a distance of 1.50 times the total WIND FARM  
5 TOWER height (measured to the tip of the highest rotor blade) from non-participating property lines.

6  
7 Mr. Thorsland stated that this would put a buffer around the non-participating landowner's property.

8  
9 Mr. Miller stated that it might not be enough but it would be making an effort.

10  
11 Mr. Thorsland read Item #8.C(2)(d) and stated that the noise issues are very difficult and he is not sure  
12 about the 1,500 feet separation because the noise level could be different for every landowner.

13  
14 Mr. Hall stated that the noise discussion in Item #8.C(2)(d) is not a requirement and is only intended to  
15 give an idea because the important thing about these separations is what the Board is doing about noise.

16  
17 Mr. Palmgren stated that on Page H-17 of the Attachment H, Paragraph #6.1.4.I.4 indicates 1,200 feet and  
18 should be revised to 1,500 feet.

19  
20 Mr. Hall stated that Mr. Palmgren is correct.

21  
22 Mr. Hall stated that Subparagraph #6.1.4.A.2(c) discusses areas leased for underground gas storage and to  
23 eliminate questions he proposed the following: In any area leased for underground gas storage or under  
24 easement for same, unless the lease or easement requires that gas injection wells and other above ground  
25 appurtenances be located in conformance with paragraph 6.1.4.C.8.

26  
27 Mr. Palmgren commented that in regard to Paragraph 6.1.4.C.10, he does like the 3,500 feet separation  
28 from the exterior above-ground base of a wind tower to any restricted landing area or residential airport.  
29 He said that this is fine for the side but it should be specified as to how close the turbines can be at both  
30 ends of the runway. He said that he feels that a 7,500 feet separation, using the 15:1 ratio, as stated in his  
31 attachment to the March 20, 2009, Supplemental Memorandum, should be added to indicate how close a  
32 turbine can be located from the front and rear of the runway.

33  
34 Mr. Hall stated that Paragraph 6.1.4.C.10 establishes a minimum and a greater separation off the end of  
35 his runway is something that staff would catch during the review of the wind farm that will be located  
36 near his subdivision. He said that he would prefer not to keep adding statements.

37  
38 Mr. Palmgren agreed. He said that testimony was received tonight from Jerry Watson, Farm Bureau  
39 President, mentioned liability concerns. Mr. Palmgren stated that he also had this concern in his notes  
40 and he does not believe that \$1 million per occurrence is nearly enough. He said that testimony was  
41 received that an up-and-running tower costs approximately \$1.5 million therefore perhaps \$5 million per  
42 occurrence would be a good number.



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1  
2 Mr. Thorsland requested the Board's comments regarding this issue.  
3  
4 Mr. Hall stated that Paragraph #6.1.4.O.2 indicates the standard condition for liability insurance.  
5  
6 Mr. Palmgren asked Mr. Hall if there is a formula that could be used to determine the amount of liability  
7 per occurrence that would be acceptable. He said that hopefully it is something that would never be used  
8 but it could and the recommendation from the Farm Bureau was \$5 million per occurrence and \$5 million  
9 per aggregate. He said that perhaps the question should be who will get sued.  
10  
11 Mr. Thorsland stated that this is why the County has attorneys.  
12  
13 Mr. Hall stated that staff will revise Paragraph #6.1.4.O.2 to indicate \$5 million per occurrence and \$5  
14 million per aggregate.  
15  
16 **Mr. Palmgren moved, seconded by Mr. Courson to extend the meeting for fifteen minutes. The**  
17 **motion carried by voice vote.**  
18  
19 Mr. Thorsland asked Mr. Hall if the Board should address the new Attachment H. Revised Draft of  
20 Paragraph 6.1.4.L dated March 26, 2009.  
21  
22 Mr. Hall stated that staff discussed the attachment and Mr. Doster indicated that he agreed with the  
23 proposed changes. He said that the new attachment will replace the text included on Page H-18-19 of  
24 Attachment H. Revised Draft Ordinance dated March 20, 2009. He said that the important change on the  
25 new attachment is Item #2(e) which indicates if the risk assessment indicates the risk may be low, no  
26 further surveys are required.  
27  
28 Mr. Thorsland stated that he is comfortable with this text and requested the Board's comments.  
29  
30 **The consensus of the Board was that they accepted the revisions indicated in Attachment H.**  
31 **Revised Draft of Paragraph 6.1.4L dated March 26, 2009.**  
32  
33 Mr. Thorsland asked the Board if there were other areas of the *Ordinance* which they believe requires  
34 revision.  
35  
36 Mr. Hall stated that Paragraph 6.1.4.T.(a)(1) should be revised to indicate WIND FARM towers rather  
37 than WECS Towers. He asked the Board if they are comfortable with the fees.  
38  
39 Mr. Miller stated that it appears that Champaign County will be within reason of other counties.  
40  
41 Mr. Hall stated that the fees are very reasonable and some might say that they are too low. He said that  
42 the difficult thing is that these are fees so unlike other fees and it is hard to compare them to anything else

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1 but clearly this is going to be a lot of work and it would be very unfortunate for the County to end up  
2 subsidizing the wind farm approval.

3  
4 Mr. Thorsland asked the Board if they feel like they have gone through the draft *Ordinance* and come up  
5 with an agreeable setback formula that covers both participating and non-participating landowners.

6  
7 Mr. Miller stated that the fees are something that staff recommendation would have to supersede what the  
8 Board thinks.

9  
10 Mr. Thorsland stated that staff should have the best idea of what things cost.

11  
12 Mr. Miller stated that if staff believes that the fees are low then the Board should be informed of such.

13  
14 Mr. Palmgren asked Mr. Hall if there will be a fee structure for how staff will handle complaints.

15  
16 Mr. Hall stated that complaints will be an area where the County subsidizes the project. He said that he is  
17 very sensitive to fees and the higher the fee the harder it is to prove that the fee is related to the actual  
18 costs that are incurred therefore he will always under-estimate that cost. He said that as it stands now  
19 Champaign County will receive fewer fees per wind turbine than Ford County receives but it is only a  
20 difference of \$460. He said that Champaign County's standards are more complicated so we will put  
21 more work into approving a wind farm than Ford County. He said that it is unknown if the fees charged  
22 by Ford County are an accurate reflection of their costs therefore for that basis alone the Zoning Use  
23 Permit fee could be increased \$400 and we will still be in the middle and anything over that \$400 would  
24 not be worth it.

25  
26 Mr. Palmgren stated that he would not have a problem with increasing the permit fee to \$400.

27  
28 Mr. Hall stated that Item #20 on Page H-26 of Attachment H. Revised Draft Ordinance dated March 20,  
29 2009, should be revised to indicate \$4460, which would make Champaign County comparable to Ford  
30 County.

31  
32 Mr. Miller recommended \$4500.

33  
34 Mr. Thorsland stated that the Board has handled the issue of setbacks from non-participating landowners  
35 and gas storage fields and the fee has been adjusted appropriately and the liability issue has been  
36 addressed.

37  
38 Ms. Capel stated that the decommissioning process has not been completely addressed.

39  
40 Mr. Hall stated that the decommissioning cost will be 150% of an independent engineer's cost estimate to  
41 complete the reclamation.

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1 Mr. Thorsland asked who pays the independent engineer.

2  
3 Mr. Hall stated that the County pays the independent engineer.

4  
5 Mr. Thorsland asked the Board if there were any other suggestions other than the 150%.

6  
7 Mr. Courson asked Mr. Hall how the engineer determines the cost estimate.

8  
9 Mr. Hall stated that the wind farm developer will submit a cost estimate and staff reviews the estimate.  
10 He said that once staff agrees that the developer presented a reasonable estimate it is multiplied by 1.5 to  
11 get the cost for decommissioning.

12  
13 **Mr. Miller moved, seconded by Ms. Capel to extend the meeting for an additional fifteen minutes.**  
14 **The motion carried by voice vote.**

15  
16 Mr. Courson stated that it costs more to take concrete out of a hole than it does to put it in the hole.

17  
18 Mr. Hall stated that they have to take it down four feet. He corrected his previous statement in that the  
19 decommissioning is not based on the cost of construction but on the cost of removal. He said that in the  
20 only previous instance Vestas submitted an estimate from their contractor for removal costs and staff  
21 contacted another contractor to evaluate the estimate for accuracy. He said that staff establishes the  
22 values during the special use permit hearing but we do not actually need the Letter of Credit until they  
23 really build.

24  
25 Mr. Thorsland stated that the road agreement must be acceptable to everyone because no one has  
26 mentioned any concerns about it. He asked Mr. Schroeder if, as a farmer, is he happy with what the  
27 developer has proposed for land leveling and soil compaction.

28  
29 Mr. Palmgren stated that the Board received testimony regarding the removal of the concrete and iron  
30 work. He asked Mr. Hall to clarify the depth.

31  
32 Mr. Hall stated that it is four feet.

33  
34 Mr. Palmgren asked Mr. Hall if the concrete slab is 8' x 40'.

35  
36 Mr. Hall stated that the concrete slab is deeper than 8 feet.

37  
38 Mr. Palmgren stated that perhaps a slab that big will not resurface again out of the ground but it might in  
39 the future therefore why is only half of the depth required for removal.

40  
41 Mr. Hall stated the he would assume that four feet is the minimum that is required to try and farm the  
42 land.

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- 1  
2 Mr. Palmgren asked if the frost level is an issue.  
3  
4 Mr. Hall stated no.  
5  
6 Mr. Miller stated that the companies have an agreement in place that they will remove the concrete slab  
7 four feet below the ground level therefore some of the rest of the responsibility will fall back on the  
8 landowner. He said that the landowner will, at that point, have been compensated for all these years and  
9 if they want the additional concrete removed then the landowner will have to absorb those costs.  
10  
11 Mr. Schroeder stated that the County cannot protect everyone that has twenty feet of concrete on their  
12 land due to a turbine that they have been compensated for.  
13  
14 Mr. Miller stated that if someone builds a home today and in twenty-five years they decide that they do  
15 not want a basement they cannot expect the contractor to absorb the costs for tearing out the basement.  
16  
17 Mr. Palmgren stated that perhaps the reason that they are only removing the first four feet of the slab is  
18 because anything deeper than that is below the frost line.  
19  
20 Mr. Hall stated that the four feet is not included in the reclamation section and this seems to be generally  
21 applicable therefore this would be done on a case by case basis.  
22  
23 Mr. Thorsland asked Mr. Hall if this would be between the landowner and the wind farm developer or by  
24 each permit.  
25  
26 Mr. Hall stated that the County has to determine what will be required during the special use permit  
27 process.  
28  
29 Mr. Thorsland asked the Board if there were any other areas that need further review.  
30  
31 Mr. Hall stated that if the Board is comfortable with the provisions for non-participating landowners then  
32 he believes that it is ready for approval.  
33  
34 Mr. Palmgren asked Mr. Hall if the 3,500 feet separation from the exterior above-ground base of a wind  
35 farm tower to any restricted landing area or residential airport is just from the side.  
36  
37 Mr. Hall stated that there are other parts of the *Ordinance* which specifies no intrusion into those areas.  
38  
39 Mr. Thorsland asked the Board if they desire to send the amendment to the County Board with or without  
40 a map amendment.  
41  
42 Mr. Schroeder stated that he believes that it should be sent to the County Board with the map amendment.

1  
2 Mr. Palmgren agreed with Mr. Schroeder.

3  
4 Mr. Thorsland stated that he is comfortable with the required setbacks therefore he would recommend  
5 sending it forward without the overlay. He said that in order to send this forward without the overlay a  
6 vote is necessary by the Board.

7  
8 Mr. Hall stated that the Board has seen the language for the amendment and the changes that were made  
9 were for both.

10  
11 Mr. Thorsland stated that if the Board moves forward without a map amendment the amendment can still  
12 be protested by townships with plan commissions but that is where it stops. He said that if the Board  
13 moves forward with a map amendment the amendment can be protested and the townships can protest as  
14 well as the 20% of the bordering landowners. He said that the initial concern was that the non-  
15 participating landowners were not protected enough although he is comfortable with the additions that  
16 were made to ensure that protection. He said that he is comfortable moving forward without the map  
17 amendment.

18  
19 **Ms. Capel moved, seconded by Mr. Miller to remove the map amendment. The motion carried by**  
20 **voice vote with two opposing votes.**

21  
22 **Finding of Fact for Case 634-AT-08:**

23  
24 Mr. Hall stated that the description of the case must read as follows: Authorize the County Board to  
25 approve Special Use Permits (SUP) and to change the requirements for the development of wind turbine  
26 developments (wind farms) to a County Board Special Use Permit (CBSUP).

27  
28 Mr. Hall stated that the Board could simply eliminate all of the statements regarding the overlay district  
29 or they could be modified to indicate that the overlay district is not necessary. He said that indicating that  
30 the overlay district is not necessary is so simple that it may be questioned what value that statement  
31 provides but on the other hand it makes it very clear that the Board did not find it necessary.

32  
33 **Mr. Palmgren moved, seconded by Ms. Capel to extend the meeting for an additional fifteen**  
34 **minutes. The motion carried by voice vote.**

35  
36 Mr. Miller stated that he would prefer that the text be removed.

37  
38 Mr. Hall stated that the following items should be removed from the Finding of Fact: Item #7.A(4); Item  
39 #7.B(2); Item #7.D(5); Item #7.F(2); Item #8.C(8); Item #8.D(2); Item #9.A(1)(h); Item #9.A(2)(b); Item  
40 #9.A(3)(b); Item #9.A(4)(b); Item #11.B(5); Item #11.C(2); Item #11.G(6); and Item #11.I(3)(b).

41  
42 Ms. Capel stated that an item should be added indicating that the Board did not feel that the map

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1 amendment is necessary. She recommended the following text: The map amendment is unnecessary  
2 because the conditions imposed under the County Board Special Use Permit will adequately mitigate  
3 impacts on adjacent landowners.  
4

5 Mr. Hall agreed with Ms. Capel and stated that new Item #13 should read as follows: The map  
6 amendment is unnecessary because the conditions imposed under the County Board Special Use Permit  
7 will adequately mitigate impacts on adjacent landowners.  
8

9 Mr. Hall stated that the following items should be added to the Documents of Record: Item #28:  
10 Supplemental Memorandum for Case 634-AT-08, dated March 26, 2009, with attachments; Item #29:  
11 Example Wind Farm Plans submitted on March 26, 2009; Item #30: Letter from Champaign County  
12 Farm Bureau dated March 26, 2009; Item #31: Red Flag Checklist and Gardner Appraisal Group Handout  
13 submitted by Russ Taylor at the March 26, 2009; Item #32: Wind Power Myths versus Facts; Item #33:  
14 Pictures submitted by Steve Burdin on March 26, 2009; Item #34: Written statement submitted by Sherry  
15 Schildt on March 26, 2009; Item #35: Dekalb County Finding of Fact received on March 26, 2009,  
16 submitted by Rich Porter; Item #36: Noble Environmental information submitted by Rich Porter on  
17 March 26,2009; Item #37: Documents submitted by Kim Schertz on March 26, 2009; and Item #38:  
18 Documents submitted by Rene' Taylor on March 26, 2009.  
19

20 **Mr. Schroeder moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Documents**  
21 **of Record and Finding of Fact as amended. The motion carried by voice vote.**  
22

23 **Mr. Miller moved, seconded by Mr. Schroeder to close the public hearing for Case 634-AT-08, Part**  
24 **A. The motion carried by voice vote.**  
25

26 Mr. Thorsland informed Mr. Hall that a full Board is not present at tonight's hearing and four affirmative  
27 votes are required for approval. He asked Mr. Hall if he desired to proceed to the Final Determination or  
28 continue Case 634-AT-08 to a date when a full Board is present.  
29

30 Mr. Hall indicated that since Mr. Bluhm has abstained from the vote the Board is as full as it is going to  
31 get in regards to this case and yes, he would like the present Board to proceed to the Final Determination.  
32

33 **Final Determination:**  
34

35 **Mr. Miller moved, seconded by Ms. Capel that pursuant to the authority granted by Section 9.2 of**  
36 **the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**  
37 **determines that the Zoning Ordinance Amendment requested in Case 634-AT-08 should BE**  
38 **ENACTED by the County Board in the form attached hereto.**  
39

40 The roll was called:  
41

42 **Capel-yes**

**Courson-no**

**Miller-yes**

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Palmgren-no  
Bluhm-abstained

Schroeder-yes

Thorsland-yes

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42

**6. New Public Hearings**

None

**7. Staff Report**

None

**8. Other Business**

None

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

Mr. Schildt asked Mr. Hall how long it will take to obtain a copy of the *Ordinance*.

Mr. Hall stated that he anticipates that copies of the Ordinance will be available by Tuesday, March 31, 2009.

**10. Adjournment**

**Mr. Schroeder moved, seconded by Mr. Palmgren to adjourn the meeting. The motion carried by voice vote.**

The meeting adjourned at 10:45 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

**MINUTES OF REGULAR MEETING**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**1776 E. Washington Street  
Urbana, IL 61801**

**DATE: April 16, 2009**

**PLACE: Lyle Shields Meeting Room  
1776 East Washington Street  
Urbana, IL 61802**

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

**MEMBERS PRESENT:** Doug Bluhm, Catherine Capel, Roger Miller, Eric Thorsland, Paul Palmgren

**MEMBERS ABSENT :** Thomas Courson, Melvin Schroeder

**STAFF PRESENT :** John Hall, Leroy Holliday, J.R. Knight

**OTHERS PRESENT :** Albert Knox, Barbara Knox, Ben McCall, Birgit McCall, Philip Hult, Lenny Grussing

**1. Call to Order**

The meeting was called to order at 7:04 p.m.

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

The roll was called and a quorum declared present.

**3. Correspondence**

None

**4. Approval of Minutes (Closed Session: November 22, 2005)**

**Mr. Thorsland moved, seconded by Mr. Miller to approve the November 22, 2005, Closed Session Minutes and that those minutes shall remain closed. The motion carried by voice vote.**

Mr. Bluhm requested a motion to rearrange the agenda and hear Case 634-AT-08, Part A, Zoning Administrator prior to Case 632-AM-08, Mike Trautman.

**Ms. Capel moved, seconded by Mr. Miller to rearrange the agenda and hear Case 634-AT-08, Part A, Zoning Administrator prior to Case 632-AM-08, Mike Trautman. The motion carried by voice vote.**

**5. Continued Public Hearing**

**Case 632-AM-08 Petitioner: Mike Trautman Request: Amend the Zoning Map to allow for the development of one single family residential lot in the AG-1, Agriculture Zoning District by adding**

**DRAFT**



1 **the Rural Residential Overlay (RRO) Zoning District.** Location: **A 1.66 acre tract that is in the East**  
2 **Half of the Southwest Quarter of the Southwest Quarter of Section 35 of Newcomb Township and**  
3 **commonly known as the land east of Trautman’s Section 35 Subdivision approximately at 420 CR**  
4 **2425N.**

5  
6 Mr. Hall stated that neither the Petitioner nor his representative is present at tonight’s meeting. He said that  
7 staff has not heard anything from the petitioner but staff did contact the Illinois Department of Natural  
8 Resources – Office of Water Resources, the state agency that enforces the state dam safety regulations. He  
9 said that the IDNR-Office of Water Resources requested that staff send out notices to the four landowners to  
10 contact their office and staff prepared and mailed those letters.

11  
12 Mr. Knight stated that the IDNR-Office of Water Resources spoke to Mr. Ploeger and they indicated that  
13 they were preparing a letter to be sent to Mr. Trautman which detailed what information was needed.

14  
15 Mr. Hall stated that at the last hearing Phil Hult raised some questions as to if the proposed lot met the  
16 minimum requirement of 30,000 square feet above the water line and staff confirmed that the lot does meet  
17 the minimum requirement. He said that at a staff level he still has concerns about the remainder of the street  
18 frontage of the property and the dam. He said that if the Board approves the lot as requested it would leave  
19 nothing done about the remainder of the dam. He said that a dam has to be cared for and there has to be  
20 someone who has a clear description of how they are suppose to take care of the dam and presumably that  
21 will be part of the resolution of the dam safety requirements by the state. He said that since there is no one  
22 present tonight to represent the petitioner the Board could dismiss this case at tonight’s public hearing  
23 although he would recommend that the Board continue this case. He noted that there is a maximum  
24 continuance date of 100 days. He said that staff may find out that the Petitioner has decided to withdraw the  
25 case but no communication has been received recently about this case.

26  
27 Mr. Bluhm asked the Board if there were any questions for Mr. Hall.

28  
29 Mr. Palmgren asked Mr. Hall if the case was dismissed would the Petitioner have to re-file with an another  
30 fee.

31  
32 Mr. Hall stated yes.

33  
34 Mr. Bluhm stated that if this case is continued the Board will continue it to the maximum amount of time  
35 available which is July 16, 2009.

36  
37 Mr. Hall stated that he is at a loss as to why no one is present at tonight’s meeting therefore he is guessing  
38 that there was some sort of miscommunication.

39  
40 **Mr. Thorsland moved, seconded by Mr. Capel to continue Case 632-AM-08, Mike Trautman to the**  
41 **July 16, 2009, public hearing. The motion carried by voice vote.**

42  
43

1 **Case 634-AT-08: Petitioner: Zoning Administrator Request: Amend the Champaign County Zoning**  
2 **Ordinance as follows: Part B: Change the requirement for private wind turbines; and Part C: Add a**  
3 **requirement for a CBSUP for subdivisions in a Rural Residential Overlay District.**  
4

5 Mr. Hall stated that he plans to withdraw Part C. because it has been completely overshadowed by Part A  
6 and it will be some time before the Board will consider Part C. He said that Part B. is still needed and during  
7 the first public hearing, for the entire case, there was testimony received from Eric McKeever,  
8 Representative for Arends Bros. which requested a higher height than the 125 foot height that was  
9 advertised. Mr. Hall stated that he spoke to another private wind turbine retailer and they indicated that the  
10 125 foot height requirement would be adequate therefore we have the issue of continuing with the legal  
11 advertisement that was published or re-advertise allowing a greater height with the Board potentially backing  
12 off with something less. He said that even with the ZBA taking action on Part A, staff has been completely  
13 occupied with preparing Part A for ELUC and have not done anything else on Part B. He said that he had  
14 hoped that Mr. McKeever would be in attendance tonight but he is currently out of town. Mr. Hall informed  
15 the Board that they could continue this case and if Mr. McKeever continues to request an increased height  
16 requirement then Part B could be re-advertised. He said that some of the same evidence could be reused  
17 after the advertisement therefore his recommendation would be to continue Part B. and once Part A. is put to  
18 rest at the County Board staff will be able to focus on Part B.  
19

20 Mr. Bluhm asked the Board if there were any questions for Mr. Hall.  
21

22 Mr. Thorsland asked Mr. Hall to explain the expected timeframe for re-advertisement of Part B.  
23

24 Mr. Hall stated that he does not want to work on Part B. until the full County Board is truly finished with  
25 Part A. therefore the earliest docket date that Part B. could be heard is May 28<sup>th</sup>. He said that on the basis of  
26 previous testimony we could re-advertise with a higher height and lower it during the hearing if needed.  
27

28 Mr. Thorsland stated that he believes that Part B. should be continued and re-advertised with an increased  
29 height.  
30

31 Mr. Hall requested a height recommendation from the Board.  
32

33 Mr. Bluhm asked Mr. Hall if Arends Bros. recommended a height.  
34

35 Mr. Hall stated that it was a continuously changing height.  
36

37 Mr. Miller asked Mr. Hall to indicate at what height Part A comes into consideration.  
38

39 Mr. Hall stated 200 feet and above.  
40

41 Mr. Miller stated that perhaps a recommendation could be 199 feet.  
42

43 Mr. Thorsland asked Mr. Palmgren if 200 foot is the beginning of the F.A.A. requirement.

1  
2 Mr. Palmgren stated that it depends on where the turbine is located.

3  
4 Mr. Hall stated that he was being optimistic about Part A. because it will not be completed by the County  
5 Board until May 21<sup>st</sup> He said that it is clear that staff will be busy with Part A. until it is completed therefore  
6 his recommendation for a continuance date for Part B. would be June 11<sup>th</sup>.

7  
8 Mr. Bluhm called Mr. Ben McCall to testify.

9  
10 Mr. Ben McCall, who resides at 1085 CR 2200N, Champaign stated that he has two concerns regarding Part  
11 B. which are the setbacks and the limitation of only allowing one private wind turbine per parcel. He said  
12 that he understands the intent of the setback requirement but he wondered if there was a way to craft the  
13 language such that if an adjacent landowner agrees to have a private wind turbine closer to their property line  
14 that they could sign a waiver. He said that if there is a 2,000 square foot house in the middle of your  
15 property and you want to put a tower 1.1 times away (137.5 feet for a 125 foot tower) from the home and  
16 another 137.5 to the property line that is a total of 300 feet from the center of the property which would make  
17 it physically impossible to site a windmill on any property which is less than 10 acres. He said that in his  
18 particular case he resides on a five acre parcel in rural Hensley township which is completely surrounded by  
19 farmland and he is pretty sure that the corn and beans would not mind the placement of a private wind tower  
20 near his property line. He said that he is fairly confident that his neighbor would agree to such placement  
21 therefore he would request that a private waiver be allowed for the adjacent property owner to reduce the  
22 required setback.

23  
24 Mr. McCall stated that the requirement of allowing only one private wind tower per parcel appears too  
25 restrictive because the larger the wind turbine the more expensive it becomes. He said that he has  
26 investigated the possibility of locating a wind turbine on his property and was hoping to go with two smaller  
27 wind turbines rather than just one large turbine because he could save a lot of money in doing such. He said  
28 that he understands the intent of the *Ordinance* but he wonders if the allowance of only one private turbine is  
29 too restrictive especially in the AG-1 district. He said that he does not know if it is normal to have such a  
30 restriction in the agricultural districts because there are properties around him that has more than one grain  
31 bin therefore he should be able to have more than one wind turbine.

32  
33 Mr. Bluhm asked the Board if there were any questions for Mr. McCall and there were none.

34  
35 Mr. Bluhm stated that wind turbines can interfere with aerial applications for a neighbor's crops. He said  
36 that one neighbor may grant a waiver for one turbine but if two or three turbines are desired then he could be  
37 interfering with the other neighbor's ability to maintain their crops.

38  
39 Mr. McCall stated that he understands Mr. Bluhm's point but it would be nice if the option was there if the  
40 adjacent property owners did agree to a smaller setback rather than having an absolute setback requirement.

41  
42 Mr. Hall stated that he will check with the State's Attorney regarding a private waiver. He said that the  
43 County does not allow this option in any other context other than with a County Board Special Use Permit

1 for a wind farm which has just been proposed. He said that if this option is allowed then it should be  
2 included in the legal advertisement. He asked Mr. McCall if he believes that some property owners may  
3 desire to locate three private wind turbines on their property.  
4

5 Mr. McCall stated that of the main commercially available wind turbines there is difference between the  
6 power rating for smaller and larger models therefore it is big jump going from something that has a 500 watt  
7 output to 2 kilowatts. He said that he is not sure how many someone would want to place on their property  
8 but it appears that the allowance of only one seems too restrictive. He asked if this restriction would apply to  
9 “old school” windmills as well.  
10

11 Mr. Thorsland stated that he has considered locating small turbines on his property to power different  
12 facilities on his farm and he could picture three small units on his parcel. He said that his property consists  
13 of 38 acres but it is an oddly shaped parcel.  
14

15 Mr. Bluhm asked the Board if there were any further questions for Mr. McCall and there were none.  
16

17 Mr. Bluhm asked if staff had any questions for Mr. McCall and there were none.  
18

19 Mr. Bluhm asked the audience if anyone desired to sign the witness register to present testimony for this case  
20 and there was no one.  
21

22 **Mr. Miller moved, seconded by Ms. Capel to close the witness register for Case 634-AT-08, Part B.**  
23 **and Part C. The motion carried by voice vote.**  
24

25 Mr. Hall suggested that Case 634-AT-08 be continued to the June 11, 2009, public hearing and have this  
26 case be the only case for that hearing.  
27

28 **Mr. Thorsland moved, seconded by Ms. Capel to continue Case 634-AT-08, Part B. to the June 11,**  
29 **2009, public hearing with Case 634-AT-08, being the only case on the docket. The motion carried by**  
30 **voice vote.**  
31

32 Ms. Capel asked Mr. Hall if an old-fashioned windmill would also fall under this amendment.  
33

34 Mr. Hall stated that currently the whole idea with Part B. is if the windmill is less than 100 feet in height it is  
35 by-right therefore a permit needs to be submitted, reviewed and approved. He said that the Board has  
36 indicated that they desire to bump the height requirement up therefore if a windmill is under that requirement  
37 then it will be allowed by-right.  
38

39 Mr. Bluhm requested a motion to rearrange the agenda and hear Case 643-V-08, Albert and Barbara Knox  
40 prior to Case 632-AM-08, Mike Trautman.  
41

42 **Mr. Thorsland moved, seconded by Mr. Miller to hear Case 643-V-08, Albert and Barbara Knox**  
43 **prior to Case 632-AM-08, Mike Trautman. The motion carried by voice vote.**

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**6. New Public Hearings**

**Case 643-V-08: Petitioner: Albert and Barbara Knox Request: Authorize the construction and use of an existing, unauthorized carport with a side yard of five feet in lieu of the required side yard of 10 feet for an accessory building in the AG-1, Agriculture Zoning District. Location: Lot 105 in Claybaugh Subdivision in Section 10 of Somer Township and commonly known as the house at 2207 CR 1600E, Urbana.**

Mr. Bluhm informed the audience that this is an Administrative Case and as such the County allows anyone the opportunity to cross examine any witness. He said that at the proper time she will ask for a show of hands for those who would like to cross examine and each person will be called upon. He requested that anyone called to cross examine go to the cross examination microphone to ask any questions. He said that those who desire to cross examine are not required to sign the witness register but are requested to clearly state their name before asking any questions. He noted that no new testimony is to be given during the cross examination. He said that attorneys who have complied with Article 6.5 of the ZBA By-Laws are exempt from cross examination.

Mr. Hall stated that there is no new information regarding this case except for the fact that the carports are not open but actually have walls. He said that when it comes time to review the Finding of Fact we need to remove the items which incorrectly indicate that there are no sidewalls.

Mr. Thorsland stated that the front page of the Preliminary Memorandum dated April 9, 2009, indicates that the property is located within the one-and-one half mile ETJ of the City of Urbana but Item #3 of the Preliminary Draft of the Finding of Fact indicates that the subject property is not located within the mile and half ETJ of the City of Urbana. He asked Mr. Hall which statement is correct.

Mr. Hall stated that the subject property is not located within the one-and-one half mile ETJ of the City of Urbana.

Mr. Palmgren asked if the carports are on a foundation.

Mr. Miller stated no.

Mr. Hall stated that the carports are all metal with no concrete floor. He said that the Board should clarify what the carport structure can become in the future.

Mr. Bluhm asked the Board if there were any questions for Mr. Hall and there were none.

Mr. Bluhm called Mr. Knox to testify.

Mr. Albert Knox, who resides at 2207 CR 1600E, Urbana stated that he is present to answer any questions

1 that the Board may have regarding his case.  
2

3 Mr. Miller asked Mr. Knox if the carports could be re-located to the north to meet the required 10 foot  
4 setback.  
5

6 Mr. Knox stated that he spoke to the contractor who built the carports and he indicated that there would be a  
7 \$400 charge per carport to move them and he cannot afford it.  
8

9 Mr. Palmgren asked Mr. Knox what his long term plan was for the carports.  
10

11 Mr. Knox stated that the only thing that he plans to do is add more rock if it gets wet underneath the carports.  
12 He said that he does not anticipate placing any concrete under the carports.  
13

14 Mr. Bluhm stated that if the Board approves the request the carports would remain as they appear today.  
15

16 Mr. Knox stated yes, other than perhaps some gravel.  
17

18 Mr. Hall asked Mr. Knox if the contractor requested the location of his property line or did he just determine  
19 that for himself.  
20

21 Mr. Knox stated that he spoke to the contractor about permits and the contractor indicated that no permits  
22 were needed because he installs them all of the time therefore he took them at their word.  
23

24 Mr. Hall asked Mr. Knox if the contractor questioned the location of the property lines.  
25

26 Mr. Knox stated that the contractor asked him where he wanted the carports and he told him. He said that at  
27 that time he again asked the contractor about any required permits and the contractor stated that he did not  
28 need one. He said that they never asked him about the location of his property lines.  
29

30 Mr. Bluhm asked the Board if there were any additional questions for Mr. Knox and there were none.  
31

32 Mr. Bluhm asked if staff had any additional questions for Mr. Knox and there were none.  
33

34 Mr. Bluhm asked the audience if anyone desired to cross examine Mr. Knox and there was no one.  
35

36 Mr. Miller stated that there is a letter in the packet from the adjacent neighbor indicating that they do not  
37 oppose the current location of the carport and since the Board would be granting the variance at this time it  
38 doesn't matter what any future neighbors think about the location of the carports.  
39

40 Mr. Hall stated that Mr. Miller was correct. He said that in the residential districts within the one-and-one  
41 half mile jurisdiction of Urbana the side yard for a detached structure would be five feet. He said that the  
42 carport is not adjacent to farmland but is adjacent to another residential lot therefore there is no fear about  
43 interference with farming and in the residential district a five foot side yard setback is what would be

1 required for an accessory structure. He noted that this information should be included in the Summary of  
2 Evidence and Finding of Fact.

3

4 Mr. Miller asked if the Claybaugh Subdivision would be approved under today's standards.

5

6 Mr. Hall stated that the unique thing about this subdivision is that Mr. Claybaugh owned two adjacent  
7 parcels therefore under the current *Ordinance* and based on the size of those parcels Mr. Claybaugh could do  
8 three new parcels from the existing tracts. He said that the subdivision was a County subdivision that was  
9 created by-right and could happen again under today's standards.

10

11 Mr. Bluhm called Barbara Knox to testify.

12

13 Ms. Knox declined to speak.

14

15 Mr. Bluhm asked the audience if anyone else desired to sign the witness register and present testimony  
16 regarding this case.

17

18 Mr. Lenny Grussing, who resides at 2205 CR 1600E, Urbana stated that he is the adjacent neighbor that  
19 submitted the letter indicating approval of the location of the carport. He said that the carport is located five  
20 feet from the property line and it is far enough away from his home that it does not bother him.

21

22 Mr. Bluhm asked the Board if there were any questions for Mr. Grussing and there were none.

23

24 Mr. Bluhm asked if staff had any questions for Mr. Grussing and there were none.

25

26 Mr. Bluhm closed the witness register for Case 643-V-08.

27

28 Mr. Miller asked Mr. Hall if within a few years the property changes hands and the new owner desires to  
29 erect a permanent garage on the property, in the same location, would the ten foot side yard setback be  
30 required for the structure or would the five foot setback be sufficient.

31

32 Mr. Hall stated that any new structure would require a permit but the Board needs to be specific in the  
33 Finding of Fact if the five foot setback is reasonable for any permanent structure with this footprint. He said  
34 that the Board could allow this structure to be replaced with a traditional type garage, provided that it is the  
35 same footprint and the same site plan or the Board could take the approach that the variance will be granted  
36 provided that the structure is made no more permanent than it is today. He said that any new structure would  
37 require a permit but if that structure doesn't increase the area and is the same footprint it could go as just a  
38 replacement and be authorized by the variance or the Board could indicate that any reconstruction would not  
39 be authorized by the variance.

40

41 Mr. Bluhm stated that he is concerned that perhaps the carports are destroyed and the current or future  
42 landowners indicate that they rather than reconstructing the two individual units they desire to construct one  
43 large unit to encompass the entire area.

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Mr. Hall stated that such a request would be a problem.

Mr. Bluhm stated that it would but a five foot variance has already been granted.

Mr. Hall stated that historically staff takes the view that the variance is specific to the site plan therefore the only way the variance would be honored in the future would be if the new structure was the same exact footprint. He noted that the variance is not a blanket five foot variance but for just that footprint.

Mr. Miller stated that too often the Board grants a variance for these types of issues and at some point there won't be any need for an *Ordinance*. He said that if the current neighbor is okay with this request and he desires to put a building five feet from the property line then there is only a five foot clearing between the lot lines. He said that he does not want the Board to be too lenient in regards to variances.

Mr. Bluhm asked what would happen if the new construction was placed on the same footprint but it was two stories.

Mr. Hall stated that this would allow a 20 foot high accessory building. He said that in the Board's finding they may want to be very specific about the height of the building in this location.

Mr. Bluhm stated that a special condition could be inserted into the Finding of Fact that no further improvements can be made to make this a more permanent structure. He said that such a special condition would limit the use to what structure is currently there and not allowing it to become more permanent than what it currently is. He said that if the carport blows away and the owner desires to reconstruct the same size structure the special condition would prohibit such construction.

Mr. Hall stated that he assumes that the Board would not have a problem if Mr. Knox desired to place a door on the structure because it would not make the structure any more permanent.

Mr. Bluhm asked the Board if they would like Mr. Hall to construct a special condition regarding further improvements.

Mr. Miller asked Mr. Knox if he purchased the carports from Shaff Implement.

Mr. Knox stated that the carports were manufactured by American Steel Incorporated but Shaff Implement is their agent.

Mr. Bluhm requested that Mr. Hall construct a special condition regarding future use of the carport.

Mr. Bluhm asked if there were any changes or additions to the Summary of Evidence.

Mr. Hall recommended that Item #7.B. of the Summary of Evidence be deleted and add a new Item #7.C. as follows: The adjacent property to the south is a residential property and so no clearances are required for



1 farm equipment. He said that a new Item #7.D. should be added as follows: the landowner to the south has  
2 submitted a statement to the effect that they do not see a need for the petitioner to move the carport.  
3  
4 Mr. Hall asked the Board if the second sentence in Item #8.B. appears accurate. He said that during his  
5 review of the site plan it appears that both carports could have constructed without angling and being so  
6 close to the property line but if the Board feels that the sentence is accurate then it should remain as written.  
7  
8 Mr. Hall requested the Board's permission to address Mr. Knox and the Board agreed.  
9  
10 Mr. Hall asked Mr. Knox if both carports were constructed at the same time.  
11  
12 Mr. Knox stated that the larger carport was installed on the property first. He said that the reason that he  
13 angled the carports was because he desired to have a turn-around.  
14  
15 Mr. Hall stated that the last sentence in Item #10.B(2) indicating that the subject structure is a carport that is  
16 not enclosed with walls should be deleted.  
17  
18 Mr. Knight stated that the second sentence in Item #10.B(1) also indicates that the subject structure is a  
19 carport and is not enclosed with walls therefore it should also be deleted.  
20  
21 Mr. Hall stated that the last sentence in Item #11.B. has a similar statement indicating that the carport has no  
22 enclosed walls and should be deleted.  
23  
24 Mr. Bluhm asked if Item #11.B. should include a description of the carport.  
25  
26 Mr. Hall stated that the following text should be added to Item #11.B: The existing carport is a light weight  
27 metal frame with metal skin and a gravel floor.  
28  
29 Mr. Bluhm stated that he agreed with Mr. Hall's description of the existing carport. He said that Item #8.B.  
30 should include Mr. Knox's testimony regarding the reason why the carport was placed at an angle on the  
31 property.  
32  
33 Mr. Hall stated that the following text could be added to Item #8.B: The Petitioner testified at the public  
34 hearing on April 16, 2009, that the carports were angled to provide a turn-around area. He said that a new  
35 Item #12 should read as follows: The following special condition will ensure that the existing building is not  
36 made more permanent or increased in size: The garage shall not be made into a more permanent type of  
37 structure other than the current type of metal shell construction with a gravel floor to ensure that the effects  
38 of the reduced side yard will not be further pronounced than what currently exists. He said that the way this  
39 condition is written if the carport is blown away in wind storm Mr. Knox could replace it with the exact type  
40 of structure but a wooden garage in the same location would not be permissible.  
41  
42 Mr. Bluhm asked Mr. Knox if he agreed to the special condition as stated.  
43

1 Mr. Knox stated yes.

2

3 **Mr. Thorsland moved, seconded by Mr. Palmgren to accept the following special condition:**

4 **The garage shall not be made into a more permanent type of structure other than**  
5 **the current type of metal shell construction with a gravel floor to ensure that the effects**  
6 **of the reduced side yard will not be further pronounced than what currently exists.**

7

8 **The motion carried by voice vote.**

9

10 Mr. Hall stated that the staff photographs should be added to the Documents of Record as Item #3.

11

12 Mr. Bluhm requested a motion to adopt the Summary of Evidence, Finding of Fact and Documents of  
13 Record as amended.

14

15 **Ms. Capel moved, seconded by Mr. Palmgren to adopt the Summary of Evidence, Finding of Fact and**  
16 **Documents of Record as amended. The motion carried by voice vote.**

17

18 Mr. Bluhm requested a motion to close the public hearing for Case 643-V-08.

19

20 **Mr. Thorsland moved, seconded by Ms. Capel to close the public hearing for Case 643-V-08. The**  
21 **motion carried by voice vote.**

22

23 Mr. Bluhm informed Mr. Knox that two Board members are absent from tonight’s meeting and he will need  
24 four positive votes in his favor for an approval. He asked Mr. Knox if he desired to continue to the Final  
25 Determination at tonight’s meeting or request a continuation of his case until there is a full Board present.

26

27 Mr. Knox requested that the current Board proceed to the Final Determination.

28

29 Mr. Bluhm stated that, in error, he prematurely requested adoption of the Summary of Evidence, Finding of  
30 Fact and Documents of Record and to close the public hearing for Case 643-V-08, therefore the Board will  
31 move to completion of the Finding of Fact.

32

33 **Findings of Fact for Case 643-V-08:**

34

35 From the documents of record and the testimony and exhibits received at the public hearing for zoning case  
36 643-V-08 held on April 16, 2009, the Zoning Board of Appeals of Champaign County finds that:

37

- 38 **1. Special conditions and circumstances DO exist which are peculiar to the land or**  
39 **structure involved, which are not applicable to other similarly situated land and**  
40 **structures elsewhere in the same district.**

41

42 Mr. Thorsland stated that the special conditions and circumstances DO exist which are peculiar to the land or  
43 structure involved which are not applicable to other similarly situated land and structures elsewhere in the

1 same district because the carport is in line with the southern most located driveway and angled to provide a  
2 turn around area. He said that the carport is not located near structures located on the adjacent neighbor's  
3 lot.  
4

5 **2. Practical difficulties or hardships created by carrying out the strict letter of the**  
6 **regulations sought to be varied WILL prevent reasonable or otherwise permitted**  
7 **use of the land or structure or construction.**  
8

9 Mr. Palmgren stated that practical difficulties or hardships created by carrying out the strict letter of the  
10 regulations south to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or  
11 construction because it would be expensive to move the carport and the adjacent neighbor has indicated that  
12 they agree to the current location of the carport.  
13

14 **3. The special conditions, circumstances, hardships or practical difficulties DO NOT**  
15 **result from actions of the applicant.**  
16

17 Mr. Thorsland stated that the special conditions, circumstances, hardships or practical difficulties DO NOT  
18 result from action of the applicant because the contractor was unaware of the required setback and placed the  
19 carport in line with the existing driveway.  
20

21 **4. The requested variance, subject to the proposed special condition, IS in harmony with**  
22 **the general purpose and intent of the Ordinance.**  
23

24 Ms. Capel stated that the requested variance, subject to the proposed special condition, IS in harmony with  
25 the general purpose and intent of the *Ordinance* because the adjacent residential neighbor has indicated that  
26 they have no concern with the existing location of the carport and there is no concern regarding conflict with  
27 farm equipment.  
28

29 Mr. Thorsland stated that the structure meets all other zoning requirements.  
30

31 Mr. Miller stated that a five foot setback is not uncommon in other residential areas even though this  
32 subdivision is located in a suburban area located in the AG-1 district.  
33

34 **5. The requested variance, subject to the proposed special condition, WILL NOT be**  
35 **injurious to the neighborhood or otherwise detrimental to the public health, safety or**  
36 **welfare.**  
37

38 Mr. Palmgren stated that the requested variance, subject to the proposed special condition, WILL NOT be  
39 injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare because a letter  
40 has been submitted indicating that the residential neighbor is okay with the placement of the carport. He said  
41 that there are no concerns related to interference with agricultural equipment and no comments were  
42 received from the fire protection district or the highway commissioner.  
43

1 Mr. Miller stated that the setback pertains the side yard rather than the front yard which alleviates any safety  
2 concerns from the township.

3  
4 **6. The requested variance, subject to the proposed special condition, IS the minimum**  
5 **variation that will make possible the reasonable use of the land/structure.**

6  
7 Ms. Capel stated that the requested variance, subject to the proposed special condition, IS the minimum  
8 variation that will make possible the reasonable use of the land/structure because anything less would require  
9 that the shed be moved.

10  
11 Mr. Thorsland stated that the requested variance is 50% of the required distance although the carport meets  
12 all other *Zoning Ordinance* requirements.

13  
14 Mr. Bluhm requested a motion to adopt the Summary of Evidence, Documents of Record and Finding of  
15 Fact as amended.

16  
17 **Mr. Thorsland moved, seconded by Mr. Miller to adopt the Summary of Evidence, Documents of**  
18 **Record and Finding of Fact as amended. The motion carried by voice vote.**

19  
20 **Mr. Miller moved, seconded by Mr. Capel to close the public hearing for Case 643-V-08. The motion**  
21 **carried by voice vote.**

22  
23 Mr. Bluhm asked Mr. Knox if he still desired to proceed to the Final Determination.

24  
25 Mr. Knox stated yes.

26  
27 **Final Determination for Case 643-V-08:**

28  
29 **Mr. Miller moved, seconded by Mr. Thorsland that the Champaign County Zoning Board of Appeals**  
30 **finds that , based upon the application, testimony and other evidence in this case, that the**  
31 **requirements of Section 9.1.9.C HAVE been met, and pursuant to the authority granted by Section**  
32 **9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign**  
33 **County determines that the variance requested in Case 643-V-08 is hereby GRANTED WITH**  
34 **CONDITIONS, to the petitioners Albert and Barbara Knox, to authorize the construction and use of**  
35 **an existing, unauthorized carport with a side yard of five feet in lieu of the required side yard of 10**  
36 **feet for an accessory building in the AG-1, Agriculture Zoning District.**

37  
38 **Subject to the following condition:**

39  
40 **The garage shall not be made into a more permanent type of structure other than**  
41 **the current type of metal shell construction with a gravel floor to ensure that the effects**  
42 **of the reduced side yard will not be further pronounced than what currently exists.**  
43

1 The roll was called:

3 **Capel-yes**

**Courson-absent**

**Miller-yes**

4 **Palmgren-yes**

**Thorsland-yes**

**Schroeder-absent**

5 **Bluhm-yes**

7 Mr. Hall informed Mr. and Mrs. Knox that their variance has been approved and staff will send out the  
8 appropriate paperwork as soon as possible.

10 Mr. Bluhm stated that the Board will now return to Case 632-AM-08, Mike Trautman.

13 **7. Staff Report**

15 Mr. Hall stated that ELUC held their first meeting regarding Case 634-AT-08, Part A. and had no  
16 reservations in amending what the ZBA had recommended. He said that staff sent notices to the townships  
17 and municipalities advising them what ELUC’s recommendation was and the case will go back to ELUC on  
18 May 11, 2009. He said that staff assumes that ELUC will make a final recommendation to the County Board  
19 at the May 11, 2009, meeting and hopefully Part A. will be finalized at the May 21, 2009, County Board  
20 meeting.

22 Mr. Hall stated that ELUC reduced the separation to non-participating dwellings to 1,200 feet and adjusted  
23 one of the pipeline separations to 1.1 times the height of the turbine. He set that ELUC deleted all of the  
24 visual assessment, which was not much of a requirement to begin with.

26 Mr. Miller asked Mr. Hall if the setbacks still apply to the dwellings and not the property line.

28 Mr. Hall stated yes. He said that ELUC allowed testimony although not many people testified. He said the  
29 Committee took a lot of time reviewing all of the various parts and raised a concern regarding the shadow  
30 flicker requirements and requested that staff report back with additional information regarding this issue. He  
31 said that it is clear that ELUC desires to keep the shadow flicker study but they are concerned that as it  
32 comes back to them it provided no flexibility as to roads and homes.

34 Mr. Hall stated that two of the wind developers did attend the ELUC meeting and presented testimony  
35 therefore no one could say that Champaign County is not showing interest in wind farm development.

37 Mr. Miller stated that it appears that since two of the wind farm developers were present at the ELUC  
38 meeting that they are still interested in pursuing Champaign County. He said that the Newcomb Township  
39 Plan Commission will probably protest the amendment.

41 Mr. Hall stated that a copy of Newcomb Township’s Plan Commission filed protest was received today.

43 Mr. Miller asked how that protest would effect the amendment since there is no proposed wind development

1 in Newcomb Township.

2  
3 Mr. Bluhm stated that there is a proposed wind development project for Newcomb Township.

4  
5 Mr. Miller stated that their protest will be presented at the County Board meeting when the *Ordinance* is  
6 presented for approval.

7  
8 Mr. Bluhm stated yes and their protest will require a ¾ majority vote for approval.

9  
10 Mr. Thorsland stated that it was his understanding that the Newcomb Township Plan Commission violated  
11 the Open Meetings Act.

12  
13 Mr. Bluhm stated that he has had two other townships request information as to how they can set up a plan  
14 commission.

15  
16 Mr. Hall stated that he would be happy to speak to them but his advice would be to have them contact their  
17 attorney. He requested that if those townships did set up a plan commission that they contact the  
18 department.

19  
20 **8. Other Business**

21  
22 None

23  
24 **9. Audience Participation with respect to matters other than cases pending before the Board**

25  
26 None

27  
28 **10. Adjournment**

29  
30 **Mr. Thorsland moved, seconded by Mr. Palmgren to adjourn the April 16, 2009, meeting. The motion**  
31 **carried by voice vote.**

32  
33 The meeting adjourned at 8:25 p.m.

34  
35  
36  
37 Respectfully submitted

38  
39  
40  
41  
42 Secretary of Zoning Board of Appeals

# CASE NO. 611-AM-08 Revised

SUPPLEMENTAL MEMORANDUM

May 8, 2009

Champaign  
County  
Department of

**PLANNING &  
ZONING**

Petitioners: **Casey's Retail Company  
and Henri Merkelo**

Request: **Amend the Zoning Map to  
change the zoning district designation  
from the R-5 Manufactured Home  
Park Zoning District to the B-2  
Neighborhood Business Zoning  
District.**

Site Area: **approx. 1.04 acres**

Time Schedule for Development:  
**Immediate**

Location: **A 1.04 acre tract in the  
Southwest Quarter of the Southwest  
Quarter of the Southwest Quarter of  
Section 10 of Urbana Township and  
commonly known as the vacant house  
at 2218 East University Avenue,  
Urbana.**

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

Prepared by: **J.R. Knight**  
Associate Planner  
**John Hall**  
Zoning Administrator

(217) 384-3708  
FAX (217) 328-2426

---

## STATUS

This case was continued from the January 29, 2009, public hearing. This is the second meeting for this case. Staff met with City of Urbana staff and representatives from Casey's on April 28, 2009, to discuss possible revisions to the Casey's request for rezoning and revisions to the proposed site plan.

---

## REVISED REZONING REQUEST

The petitioner has revised their request for rezoning from B-4 General Business to B-2 Neighborhood Business. This will reduce the different types of uses that are allowed on the subject property, and when the property is annexed to the City of Urbana it will translate to the City's B-1 Neighborhood Business District.

## ATTACHMENTS

- A Revised Land Use Map dated May 8, 2009 (included separately)
- B Letter from Stephen O'Byrne, received on May 4, 2009
- C Letter of opposition from Jean Thompson to Steve O'Byrne, received on May 4, 2009, with attachments
- D Letter of opposition from Lloyd Wright, received April 28, 2009
- E Letter of opposition from Betty Brinegar, received on April 28, 2009
- F Letter of opposition from Jerry Ray, received on April 28, 2009
- G Letter of opposition from Luke and Catherine Schneider, received on April 29, 2009
- H Letter of opposition from Florence Fuchs, received on April 30, 2009
- I Letter of opposition from Shelly Estrada-Walters, received on May 5, 2009
- J Letter of opposition from Joseph Williams, received on May 5, 2009
- K Letter of opposition from J.B. Williams, received on May 5, 2009
- L Letter of opposition from Bryan Fogelson, received on May 5, 2009
- M Letter of concern from Karen Steiner, received on May 6, 2009
- N Letter of opposition from Carolyn McCammon, received on May 7, 2009

J. Michael O'Byrne  
Of Counsel

Edward H. Rawles\*

Stephen M. O'Byrne

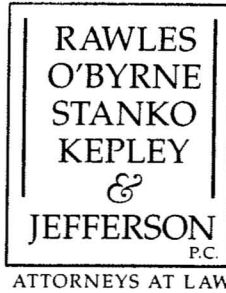
Glenn A. Stanko

Brett A. Kepley

Timothy S. Jefferson<sup>■</sup>

\*Licensed in Illinois and Colorado

■Licensed in Illinois and Missouri



Reno & O'Byrne  
1952-1962

Reno, O'Byrne  
& Kepley  
1962-1984

Reno, O'Byrne  
& Kepley, P.C.  
1984-1994

Rawles, O'Byrne,  
Stanko & Kepley, P.C.  
1994-2005

May 1, 2009

Mr. John Hall, Zoning Administrator  
Champaign County Planning & Zoning  
1776 E. Washington Street  
Urbana, IL 61801

RE: 2218 E. University Ave., Urbana Rezoning Request

Dear John:

Enclosed please find a copy of the letter addressed to me from Jean Thompson addressing her concerns regarding the request by Casey's to rezone the property on University Ave. I am also enclosing a copy of the report from Brown & Brown Real Estate Appraisals regarding the rezoning issue.

Ms. Thompson has also forwarded to me search results of various websites reporting crimes at Casey's Stores over the country for your own review.

Would you please include these in the records for the case? Once you have had a chance to review the enclosed documents, please give me a call if you have any questions regarding same.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen M. O'Byrne".

Stephen M. O'Byrne

SMOB/dlm  
Enclosure

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CHAMPAIGN CO. P & Z DEPARTMENT



April 7, 2009

Stephen O'Byrne  
510 W. Church  
Box 800  
Champaign, IL  
61824-0800

Dear Stephen,

You have suggested that I prepare a memo that might be useful to you in your discussions with Mr. John Hall of the Champaign County Planning and Zoning Department. I'm happy to do so. Since the January 29 ZBA meeting I've had the chance to gather and assess further information. I will be referring at times to the Letter of Opinion prepared for me by Mr. Tom Brown of Brown and Brown Real Estate Appraisals, Urbana. (Enclosed.) His conclusion is that a commercial operation such as a Casey's General Store would have a negative impact on my Smith Road property. As he notes, his letter is not to be considered an appraisal report, since a more in-depth analysis would be required to determine actual dollar amounts. For my own information I have also consulted a realtor, and while his estimate is not a substitute for an appraisal report, he has told me that in the event of Casey's building according to their current site plan, I could expect my property to decrease in value by about twenty per cent.

This issue is one of land use compatability, and I would argue that these usages are in conflict. Mr. Brown notes the extreme proximity of the proposed Casey's building, and concludes that 'nothing can properly separate the two locations sufficiently to not consider this a detriment to the Smith Road residence and other residences in the immediate area.' Casey's proposes to make full use of the parcel, including a point where the lot line comes to within three feet of my house. A fence at this location would have the effect of making it impossible for me to walk from my side door into my back yard, due to the location of an air conditioning unit. A loading area is also in very close proximity to the house, and to a permanent structure, a deck, which extends ten feet from the back of the house. Even if this loading area is meant primarily for the use of a specific Casey's supply truck, any paved surface will no doubt be used for parking by other vendors and customers. This can be seen on a daily basis at Casey's current Urbana location. It would be difficult to enjoy any residential outdoor use with a high-volume, extended hour business so close, and I would expect that even from indoors, sleep and other day to day activities would be disrupted by Casey's operations. Loss of privacy and security are real concerns. Mr. Brown also notes that the rear sections of such commercial buildings are most often used for waste/garbage collection and are prone to deterioration over time.

I will state my other concerns more briefly:

1. Alcohol sales and the nuisance behavior associated with them.
2. Increased foot traffic and the possibility of littering, loitering, congregating and trespassing. This is a frequent problem at Casey's current Urbana store.

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CHAMPAIGN CO. P & Z DEPARTMENT

3. Crime. Convenience store crime is a well-known problem, and even a cursory internet search (see sample), reveals that Casey's is not immune from it. As of this date, 2009 crime reports at Casey's stores include ten armed robberies (three at Illinois locations), one sexual assault on the premises (followed by armed robbery), one stabbing, and three after-hours burglaries. I would not be consoled by any statistical analysis showing that most convenience store locations are crime-free most of the time. No violent crimes have occurred next door to me in my more than thirty years at this location. No one would choose such an unsafe neighbor. No one should have such a neighbor imposed on them.

4. Lighting. Please see Mr. Brown's letter.

5. Noise. Again, please see Mr. Brown's letter. I would add to this noise (and exhaust), from idling delivery trucks, and, as mentioned in the ZBA Preliminary Report, noise from commercial air conditioning and refrigeration units.

6. Food service operations. It is my understanding that Casey's new store plans include an area for increased prepared food offerings, such as breakfast items, salads, hamburgers, etc., and made to order pizzas and submarine sandwiches. There is also a coffee bar and customer seating. In short, this is something close to a fast-food restaurant, open until late night, and with the sorts of litter and cooking smells that would accompany it.

7. Hours of operation. Casey's would be open from 6 a.m. to 11 p.m., seven days a week. There would be little respite from this commercial operation, and certainly some lighting would remain on, and some equipment (such as refrigeration units), might function constantly.

8. Drainage. See Mr. Brown's letter for discussion of potential problems.

9. Tree loss. The parcel is now heavily wooded. These trees have always helped to screen me from the light and noise of the adjacent highway, and also prevented drainage and erosion problems. And while all these trees offer some landscaping value, some specimens may be valuable from a preservationist point of view.

In addition, I have noted to the Urbana City Council the example of Aldi's Foods, about a mile east of here on Route 150. Before the City allowed Aldi's to open in 2004, a number of conditions were required, such as a solid six-foot wall around the property, landscaping on the outside of this wall, noise-muffling fabric around air conditioning units, restrictions on hours of operation and delivery, and a distance of 150 feet from the nearest residential structure. I would hope that there would be consistency in the way that other similar commercial residential properties are separated, and equal protection for the rights of residents.

Sincerely,

  
Jean Thompson  
203 N. Smith Rd.  
Urbana

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CHAMPAIGN CO. P & Z DEPARTMENT

March 13, 2009

Ms. Jean Thompson  
203 North Smith Road  
Urbana, IL 61802

Re: Rezoning and development adjacent to the property located at:  
203 North Smith Road, Urbana, IL

Dear Ms. Thompson,

Per your request I have reviewed documents pertaining to the possible rezoning of the property located along the North side of U. S. Route 150 in the 2200 Block of East University Avenue, Urbana, Illinois. In addition, I have visited the subject location for a better understanding of the proposed change. This letter is not to be considered an appraisal report.

The information provided indicates that the land parcel you own is located along the West side of North Smith Road and would border the tract of land proposed to be rezoned. The South and Southeast portion of your land area would be the North boundary of the East University Avenue land parcel. The tract located along U. S. Route 150 is indicated to be a rectangular and consist of approximately 1.04 acres. This land area is adjacent West of the present Edge-Scott Fire Station Building which is on the Northwest corner of U. S. Route 150 and Smith Road.

The property along U. S. Route 150 (University Avenue) is presently zoned R-5 (Manufactured Home Park) by the County of Champaign and is proposed to change to B-4 (General Business). The proposed change is to allow for the construction of a Casey's General Store. This is a convenient store which also provides gasoline sales.

I have been asked for an opinion as to what type of affect this proposed zoning change, as well as construction of the proposed improvements would have on the property located at 203 North Smith Road, Urbana, Illinois. My analysis is as follows.

The documents provided indicate a possible change in zoning for a 1.04 acre land parcel. The tract is presently zoned R-5 and a request has been made to change this zoning to B-4 for the construction of a Casey's General Store. The plats submitted show the need to use the entire land area to accomplish proper on-site accessibility. The project would place the main building structure to the far north section of the parcel with the majority of the remaining land area being concrete surfaced with gasoline pumps under an island canopy more to the south half of the tract. There will be two cut out drive access points to University Avenue. Presently the land parcel is improved with an older frame dwelling in only fair to poor condition. It is apparent that a number of potential issues will occur if the property zoning is changed and allow a commercial development. My concerns are as follows:

**Brown & Brown Real Estate Appraisals**

113 S. RACE STREET • P.O. BOX 488  
URBANA, ILLINOIS 61801

1. A new commercial development will most likely include a visual change in the landscape that will cause a negative affect to the surrounding residential properties. Factor's that could occur and would occur based on the proposed development project is increased traffic in the immediate area which would cause a rise in noise levels. Stores such as Casey's have extended operating hours and sometimes open all 24 hours. The constant traffic could be disturbing. In addition, commercial operations such as this require significant on site exterior lighting. This is especially the case when there is an island canopy gasoline area with raised fixtures. Though lighting fixtures can be directed to specific areas and illumination can be softened it certainly will be a change from the present quiet enjoyment and less active usage.
2. The proximity of the proposed Casey's General Store to the dwelling at 203 North Smith Road is close. This in itself is a concern. Though a wall or some other barrier could be constructed to separate the property, nothing can properly separate the two locations sufficiently enough to not consider this a detriment to the Smith Road residence and other residences in the immediate area. During my inspection it appears that once construction is complete the Smith Road property topography elevation grade could end up slightly lower than that of the University Avenue property. This would make it even more difficult to separate the two locations and bring in the possible question of drainage.
3. This appraiser is also concerned that when facilities such as this convenient store are built there is very little consideration given to the rear sections of the development. Most developers are concerned with the visual appearance of the front and sometimes, to a lesser extent, "side yard" appearance. More often than not the rear portion of a property is not a priority. As the property ages the rear section of a commercial location continues to deteriorate. Many of the rear locations are used for waste/garbage collection and can be an inconvenience to the surrounding properties due to potential smell, unsightliness as well as litter.

Though the thoughts presented are not specifically analyzed they would be concerns and must be considered if an appraisal of 203 North Smith Road, Urbana, Illinois was to be prepared. It is this appraiser's opinion that changing the zoning of the adjacent property located in the 2200 Block of East University Avenue from R-5 to any Commercial Zoning would have a negative affect on the Smith Road property. The actual dollar amount affected is not part of this assignment and would require a more in depth analysis.

**Brown & Brown Real Estate Appraisals**

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URBANA, ILLINOIS 61301

This letter should not be considered an appraisal report. I have not prepared a full analysis of the property and my presentation is based on you requesting my opinion regarding zoning change and its possible affect upon your property value. If you have questions about the information submitted or wish to discuss please contact me at your convenience.

Respectfully submitted,

**BROWN & BROWN REAL ESTATE APPRAISALS**



Thomas L. Brown  
Certified General Real Estate Appraiser  
Illinois License # 553.000139

**Brown & Brown Real Estate Appraisals**

118 S. RACE STREET • P.O. BOX 488

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1 - 10 of 10 for Casey's General Store + armed robbery - Local - 4/4/09

SearchSca**BETA** On

Two face armed robbery charges

... Dec. 28 for allegedly robbing the **Casey's General Store** on 42nd Street. ... robbery was the second in Mt. Vernon in December involving a **Casey's General Store**. ... register-news.com/local/local\_story\_025114319.html/... - Cached

Armed robbery reported at Casey's in Lohrville - MessengerNews.net

... an armed robbery that occurred at **Casey's General Store** in Lohrville ... release a man armed with a knife entered the **Casey's store** at Lohrville and took ... www.messengernews.net/page/content/detail/id/514153.html?nav=5010 - Cached

Armed Robbery, No Arrest | KSFY.com - Your Source for News, Sports, and ...

The **Casey's General Store** at 5th & Kiwanis in Sioux Falls on Friday night. ... News they are investigating an armed robbery at **Casey's General Store** at 5th and ... www.ksfy.com/news/local/42037592.html - 75k - Cached

Pantagraph.com | News | 2 people in custody after Normal armed robbery

... with an apparent armed robbery at the **Casey's General Store** in north Normal Sunday afternoon. ... The armed robbery was reported shortly before 4 p.m. at ... pantagraph.com/articles/2006/12/31/news/doc4598520c9d9bb983904826.txt - 54k - Cached

Armed Robbery in Sparta |

WEAU 13 NEWS - WEAU.com Providing NEWS, WEATHER, SPORTS & more to Eau ... the suspects in an armed robbery at **Casey's General Store** in Sparta Sunday night. ... www.wEAU.com/sunrise/headlines/15503082.html - 55k - Cached

Casey's Robbery

... Police in Farmington are investigating an attempted **armed robbery**. ... and he was acting alone when he walked into **Casey's General Store** with a pistol. ... centralillinoisproud.com/content/fulltext/?cid=7956 - 51k - Cached

Oskaloosa.com - Robbery at Casey's Sunday

... **Casey's General Store** in University Park was the scene of an armed robbery Sunday morning. ... who robbed the **Casey's General Store** in University Park ... www.oskaloosaherald.com/homepage/local\_story\_119102221.html - Cached

Tomah Journal - Printable Version

... an armed robbery that occurred Sunday night at **Casey's General Store** in Sparta. ... to a robbery in progress at **Casey's General Store** shortly before 10: ... www.tomahjournal.com/articles/2008/02/15/news/03robbery.prt - Cached

December 2001 Press Release / Robbery

... inside the new **Casey's General Store**, on Market Street, and is believed to have ... **Casey's General** convenience store; and the December 27th, 2001, strong arm ... www.ctownpd.com/0112robbery.htm - Cached

The top local news headlines from Yahoo! News

LOHRVILLE - An armed robber escaped the **Casey's General Store** in Lohrville with ... an armed robbery that occurred at **Casey's General Store** in Lohrville ... news.yahoo.com/localnews/24701005/source/16225913/... - 55k - Cached

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27 results for Casey's General Store + armed robbery - April 11, 2007

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Spencer Daily Reporter: Subject: Robbery And Burglary

... **armed robbery**, which took place Monday night and a convenience store in ... mask and **armed with a knife allegedly robbed the Casey's General Store, located ...**  
www.spencerdailyreporter.com/keywords/robbery\_and\_burglary\_ - Cached

WDAY : News Weather Sports for North Dakota and Minnesota

... of a **Casey's General Store** employee for an **armed robbery** at the store in August. ... for **Casey's armed robbery**. On Sunday, she told police the store's safe ...  
www.wday.com/news/index.cfm?id=6703

Armed robber hits Casey's | police, casey, alton - Local News - The ...

... **Armed robber hits Casey's | police, casey, alton, armed, robber, fosterberg, robbery, displayed, ... armed robbery at Casey's General Store, 3499 Fosterburg ...**  
www.thetelegraph.com/news/police\_23223\_\_\_article.html/casey\_alton.html - Cached

Robbery trial postponed

... 22, of Rolling Meadows Estates, is charged with **armed robbery** after being ... in December for allegedly robbing the **Casey's General Store** on South 42nd Street. ...  
register-news.com/local/local\_story\_089113406.html/... - Cached

The Commercial-News, Danville, IL - Police arrest robbery suspects

... 2007 11:29 am. **Police arrest robbery suspects. STAFF REPORT ... Casey's General Store** at 225 E. Orange St. to the report of an **armed robbery** at the business. ...  
www.commercial-news.com/local/local\_story\_164112923.html - Cached

City of Lincoln: Police Dept

**Robbery. Casey's General Store/550 W. Cornhusker Hwy** was the victim of an **armed robbery** ... An **armed robbery** occurred at K/N NAILS, 8222 Holdrege, on 1-16-09 ...  
lincoln.ne.gov/city/police/stats/crime\_stop.htm - Cached

West Terre Haute ~~armed robbery~~

... **armed robbery** suspect is on the loose after holding up a West Terre Haute ... 7:30 p.m., at the Discount Tobacco Store just east of **Casey's General Store**. ...  
wthitv.com/dpp/news/news\_wthi\_WestTerreHaute\_armedrobbery\_200901262239 - Cached

Jury selected for Epp robbery trial - News - Local - The Beatrice Daily ...

Beatrice, Nebraska's Community Newspaper providing local news, events and ... involvement in the **armed robbery** of the **Casey's General Store** in Wymore April 24. ...  
beatricedailysun.com/articles/.../local/doc47839a1e3acfa058735126.txt - Cached

GlobeGazette.com :: Crime Stoppers give \$250 reward in Casey's arrest ...

... the Sunday morning **armed robbery** of **Casey's General Store** received a \$250 reward ... after he allegedly robbed **Casey's General Store** at 813 N. Federal Ave. ...  
globegazette.com/articles/2007/11/13/.../doc473a5ab28ed97221423458.txt - 68k - Cached

Casey's Robber Close to Building Meth Lab | KSFY.com - Your Source for ...

... 29 year old, Laticia Knight for the suspected **armed robbery** of **Casey's General Store** this past friday, Sioux Falls Police referred to it as a "high-risk" ...  
www.ksfy.com/news/local/42296572.html - 82k - Cached

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~~[Flooding charge tied to Casey's profit drop | DesMoinesRegister.com ...](#)~~

~~Casey's General Stores Inc.'s earnings fell 3.3 percent from the same quarter a ... Former Hawkeye charged with armed robbery in Detroit ...~~

~~desmoinesregister.com/apps/pbcs.dll/article?AID=.20080904/BUSINESS/... - 81k - Cached~~

[The Cedar Rapids Gazette - Cedar Rapids, Iowa City, Eastern Iowa](#)

... 19, 2008. Waterloo police investigate convenience store robbery ... to investigate an armed robbery at Casey's General Store, 3035 Logan Ave., late Sunday. ...

gazetteonline.com/apps/pbcs.dll/article?Date=20080519&... - Cached

[Waterloo police investigate convenience store robbery | GazetteOnline ...](#)

News stories from eastern Iowa, Cedar Rapids and Iowa City ... to investigate an armed robbery at Casey's General Store, 3035 Logan Ave., late Sunday. ...

gazetteonline.com/apps/pbcs.dll/article?AID=.r... rrs01&rssfeed=rss01 - 82k - Cached

[\[PDF\] News Release - Johnson County \(Kan.\) Sheriff's Office](#)

253k - Adobe PDF - [View as html](#)

... November 15, 2005 at 9:30 p.m. an armed robbery occurred at the Casey's General Store located in Wellsville, Kansas at 4. th. and Main. ...

jocosherriff.org/...pdf/Wellsville Armed Robbery 11-15-05.pdf

[Granite City Press-Record | Law & Order | Madison Police seeking armed](#)

... are continuing to search for two suspects in an armed robbery last month. ... 42 p.m. on March 16, two men robbed Casey's General Store at 225 McCambridge Ave. ...

granitecitypress-record.stltoday.com/articles/2008/04/13/news/... - Cached

[Sioux Falls resident faces armed robbery, drug charges after Casey's holdup](#)

... resident faces armed robbery, drug charges after Casey's holdup. Melanie ... Tuesday related to an armed robbery at Casey's General Store, 500 N. Kiwanis Ave. ...

m.argusleader.com/apps/pbcs.dll/article?AID=/20090331/UPDATES/... - Cached

[Forest Lake Times - Suspects named in Wyoming liquor store robbery](#)

... an armed robbery at Rick's Liquor Store Rick's Liquor Store, 26687 ... m. when a vehicle was reported stolen from Casey's General Store in North Branch. ...

forestlaketimes.com/content/view/2292/1 - Cached

[The Maneater - No leads on suspects in Casey's robbery](#)

Two men, one of whom was armed, entered a Casey's General Store on Nov. 2 and demanded money from two ... on how to handle disturbances in the stores when ...

theman eater.com/stories/2007/11/6/no-leads-suspects-casey-s-robbery - Cached

[Police arrest robbery suspects](#)

Police arrest robbery suspects. STAFF REPORT. DANVILLE June ... Casey's General Store at 225 E. Orange St. to the report of an armed robbery at the business. ...

commercial-news.com/local/local\_story\_164112923.html/... - Cached

[The Joplin Globe, Joplin, MO - Tip helps trace robbery suspect to Texas](#)

... in connection with a robbery two weeks ago of Casey's General Store in Aurora. ... A man armed with a knife robbed two stores there on March 23, and Adams was ...

www.joplinglobe.com/local/local\_story\_092222204.html - 64k - Cached



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The Joplin Globe, Joplin, MO - Tip helps trace robbery suspect to Texas  
... in connection with a robbery two weeks ago of Casey's General Store in Aurora. ... A man armed with a knife robbed two stores there on March 23, and Adams was ...  
www.joplinglobe.com/local/local\_story\_092222204.html - 64k - Cached

Police seek suspect in Casey's robbery | News-Leader.com | Springfield ...  
Springfield police were searching for an armed robber who fled the Casey's General Store at 703 S. Scenic Ave. with the till from the cash register Wednesday night.  
www.news-leader.com/article/20081020/COMMUNITIES0401/816220333/1145 - 56k - Cached

Armed Robbery and Chase Ends in Johnson County | Kansas City infoZine ...  
Two suspects, a man and a woman fled the scene and were pursued by ... m. an armed robbery occurred at the Casey's General Store located in Wellsville, ...  
www.infozine.com/news/stories/op/storiesView/sid/11454 - 51k - Cached

WTCA NEWS  
Van Hits Building at Casey's General Store ... responded to Casey's General Store on East Jefferson ... Photo Released of Suspect in Armed Robbery at Pak-A-Sak ...  
www.am1050.com/pg/news.php?pg=22 - Cached

Spencer Daily Reporter: Subject: Identity Theft  
... armed robbery, which took place Monday night and a convenience store in ... mask and armed with a knife allegedly robbed the Casey's General Store, located ...  
www.spencerdailyreporter.com/keywords/identity\_theft - Cached

GlobeGazette.com  
... early Sunday morning, a masked gunman robbed the Casey's General Store ... the Sunday morning armed robbery of Casey's General Store received a \$250 reward ...  
globegazette.com/articles/2007/.../local/doc473a8a4a9c038569463440.txt - 68k - Cached

MP robbery 112007  
... in jail on a \$25,000 bond charged with first-degree robbery. ... was armed with a kitchen knife when he robbed Casey's General Store, 400 W. Washington St. ...  
www.thehawkeye.com/print/MP\_robbery\_112007 - Cached

Quincy robbery suspects in court : News : KHQA  
... arrested for a pair of armed robberies in Quincy last week, were ... Lot Grocery Store at 9th and Jefferson and the Casey's General Store on North 24th street. ...  
www.connecttristates.com/news/news\_story.aspx?id=87635 - 50k - Cached

Email This Story  
Beatrice man facing charges in case of armed robbery at Wymore convenience store ... involvement in the robbery of the Casey's General Store in Wymore April 24. ...  
www.beatricedailysun.com/articles/2007/09/05/news/news6.eml - Cached

City of Spencer, Iowa: Official Home Page  
... ARMED ROBBERY THAT OCCURRED MONDAY EVENING @ 9:10 P.M. AT THE CASEY'S GENERAL STORE ON ... A SKI MASK ENTERED THE STORE AND DEMANDED MONEY FROM EMPLOYEES. ...  
www.spenceriowacity.com/notices.php - Cached

< Prev 1 2 3 **4** 5 6 7 8 9 10 11 Next >

To: Champaign County Zoning Board of Appeals, c/o Mr. John Hall, Champaign County Dept. of Planning and Zoning, Brookens Administrative Center, 1776 E. Washington St., Urbana, IL 61802

Re: Casey's General Store proposal to rezone the property at 2218 E. University, Urbana

I wish to oppose Casey's General Store's plans to build a new and larger store at this location. My concerns include (check any that apply):

- increased traffic congestion
- increased noise
- increased lighting
- loss of trees
- increased crime, both at the store site and in the surrounding neighborhood
- nuisance behavior by Casey's customers, such as littering, loitering, and trespassing

Other comments:

*I build in this neighborhood 40 years ago. that was Zone R residential which I like. Not Industrial. So please let it stay that way.*

Name

*Lloyd L. Wright*

Address

*204 N. Smith Rd. Urbana, IL*

*Lloyd L. Wright*

RECEIVED

APR 28 2009

CHAMPAIGN CO. P & Z DEPARTMENT

To: Champaign County Zoning Board of Appeals, c/o Mr. John Hall, Champaign County Dept. of Planning and Zoning, Brookens Administrative Center, 1776 E. Washington St., Urbana, IL 61802

Re: Casey's General Store proposal to rezone the property at 2218 E. University, Urbana

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- increased noise
- increased lighting
- loss of trees
- increased crime, both at the store site and in the surrounding neighborhood
- nuisance behavior by Casey's customers, such as littering, loitering, and trespassing

Other comments: *We moved here because it is a quiet area + not wanting any noisy businesses around. Also trees clean the air + since Urbana is known for trees, why remove any that have been growing for years? This is a lovely little neighborhood. Let's keep it that way.*

Name Betty Brinegar

Address 205 Carrie Ave  
Urbana, IL  
61802

*Thanks.*  
RECEIVED

APR 28 2009

CHAMPAIGN CO. P & Z DEPARTMENT

To: Champaign County Zoning Board of Appeals, c/o Mr. John Hall, Champaign County Dept. of Planning and Zoning, Brookens Administrative Center, 1776 E. Washington St., Urbana, IL 61802

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- increased traffic congestion
- increased noise
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- increased crime, both at the store site and in the surrounding neighborhood
- nuisance behavior by Casey's customers, such as littering, loitering, and trespassing

Other comments:

RECEIVED

APR 28 2009

CHAMPAIGN CO. P & Z DEPARTMENT

Name

Jeremy W. Raus

Address

308 Carrie Ave Urbana IL 61802

To: Champaign County Zoning Board of Appeals, c/o Mr. John Hall, Champaign County Dept. of Planning and Zoning, Brookens Administrative Center, 1776 E. Washington St., Urbana, IL 61802

Re: Casey's General Store proposal to rezone the property at 2218 E. University, Urbana

I wish to oppose Casey's General Store's plans to build a new and larger store at this location. My concerns include (check any that apply):

increased traffic congestion

increased noise

increased lighting

loss of trees

increased crime, both at the store site and in the surrounding neighborhood

nuisance behavior by Casey's customers, such as littering, loitering, and trespassing

Other comments:

RECEIVED

APR 29 2009

Name Luke & Catherine Schneider

CHAMPAIGN CO. P & Z DEPARTMENT

Address 208 Carrie Ave, Urbana 61802

To: Champaign County Zoning Board of Appeals, c/o Mr. John Hall, Champaign County Dept. of Planning and Zoning, Brookens Administrative Center, 1776 E. Washington St., Urbana, IL 61802

Re: Casey's General Store proposal to rezone the property at 2218 E. University, Urbana

I wish to oppose Casey's General Store's plans to build a new and larger store at this location. My concerns include (check any that apply):

- increased traffic congestion
- increased noise
- increased lighting
- loss of trees
- increased crime, both at the store site and in the surrounding neighborhood
- nuisance behavior by Casey's customers, such as littering, loitering, and trespassing

Other comments:

*What kind of mess is Casey's going to leave at their present site?  
Remember! Talk is cheap.*

Name Florence Fuchs

Address 306 N. Smith Rd.

RECEIVED  
APR 30 2009  
CHAMPAIGN CO. P & Z DEPARTMENT

5-2-09

RECEIVED

MAY 05 2009

CHAMPAIGN CO. P & Z DEPARTMENT

To: Champaign County Zoning Board of Appeals, c/o Mr. John Hall, Champaign County Dept. of Planning and Zoning, Brookens Administrative Center, 1776 E. Washington St., Urbana, IL 61802

Re: Casey's General Store proposal to rezone the property at 2218 E. University, Urbana

I wish to oppose Casey's General Store's plans to build a new and larger store at this location. My concerns include (check any that apply):

- Residential area not commercial area! Keep it that way
- increased traffic congestion
- increased noise
- increased lighting
- loss of trees
- increased crime, both at the store site and in the surrounding neighborhood
- nuisance behavior by Casey's customers, such as littering, loitering, and trespassing
- People would be attempting to cross through yards.

Other comments:

I have lived in my mobile home for 13 yrs + most of my surrounding neighbors have lived here just as long if not longer. We appreciate coming home to a quiet neighbor hood/home. Elder ladies live in area. I truly believe that where Casey is now is acceptable.

We prefer it to continue quiet & safe & not have worry about robberies & them going into our homes, etc. Please reconsider.

Name Shelly Estrada-Walters Shelly Estrada-Walters

Address 72 Toni Ln, Urbana, IL 61802

We already have Aldi's & Wal-Mart for shopping needs! I am in agreement with Jean Thompson, she lives directly behind me. This is a residential area lets

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MAY 05 2009

CHAMPAIGN CO. P & Z DEPARTMENT

To: Champaign County Zoning Board of Appeals, c/o Mr. John Hall, Champaign  
County Dept. of Planning and Zoning, Brookens Administrative Center, 1776  
E. Washington St., Urbana, IL 61802

Re: Casey's General Store proposal to rezone the property at 2212 E. University,  
Urbana

I wish to oppose Casey's General Store's plans to build a new and larger  
store at this location. My concerns include (check any that apply):

- increased traffic congestion
- increased noise
- increased lighting
- loss of trees
- increased crime, both at the store site and in the surrounding  
neighborhood
- nuisance behavior by Casey's customers, such as littering,  
loitering, and trespassing

Other comments:

Name Joseph Williams

Address 2212 E. University Ave.



RECEIVED

MAY 05 2009

CHAMPAIGN CO. P & Z DEPARTMENT

To: The Urbana City Council, c/o City Clerk, City Building, 400 S. Vine, Urbana,,  
IL, 61801

Re: Casey's General Store proposal to rezone the property at 2212 E. University,  
Urbana

I wish to oppose Casey's General Store's plans to build a new and larger  
store at this location. My concerns include (check any that apply):

- increased traffic congestion
- increased noise
- increased lighting
- loss of trees
- increased crime, both at the store site and in the surrounding  
neighborhood
- nuisance behavior by Casey's customers, such as littering,  
loitering, and trespassing

Other comments:

Name

B Williams

Address

2212 E. University Ave.

RECEIVED

MAY 05 2009

CHAMPAIGN CO. P & Z DEPARTMENT

To: The Urbana City Council, c/o City Clerk, City Building, 400 S. Vine, Urbana,,  
IL, 61801

Re: Casey's General Store proposal to rezone the property at 2218 E. University,  
Urbana

I wish to oppose Casey's General Store's plans to build a new and larger  
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- increased lighting
- loss of trees
- increased crime, both at the store site and in the surrounding  
neighborhood
- nuisance behavior by Casey's customers, such as littering,  
loitering, and trespassing

Other comments:

Name Bryan Fogelson

Address 205 1/2 N. Smith Road

May 5, 2009

Champaign County Zoning Board of Appeals  
c/o Mr. John Hull  
Dept. of Planning and Zoning  
Brookens Center  
1776 E. Washington St.  
Urbana, IL 61802

To whom it concerns:

It has come to my attention that Casey's in Urbana has plans to develop a Super Casey's store along University Avenue in East Urbana. As a long-time resident of the city, I have concerns that this kind of development is not appropriate for the area and will adversely affect residents in the surrounding housing and result in the destruction of mature trees on the proposed lot.

I urge the Zoning Board of Appeals to reconsider the advisability of Casey's plan. As an Urbana property owner, I certainly support development in Urbana, but not at the expense of the livability of this area of the city. To minimize negative impact, I would much prefer to see a Super Casey's along Route 130, where other development of this scope already exists.

Thank you for your consideration.

Sincerely,



Karen Steiner  
206 W. Michigan Ave.  
Urbana, IL 61801

RECEIVED  
MAY 06 2009  
CHAMPAIGN CO. P & Z DEPARTMENT

To: Champaign County Zoning Board of Appeals, c/o Mr. John Hall, Champaign County Dept. of Planning and Zoning, Brookens Administrative Center, 1776 E. Washington St., Urbana, IL 61802

Re: Casey's General Store proposal to rezone the property at 2218 E. University, Urbana

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- loss of trees
- increased crime, both at the store site and in the surrounding neighborhood
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Other comments:

I live in the trailer park where Casey's is right now & I have trouble getting out of the park now, I'm afraid it would be worse with the traffic. Wouldn't the traffic be congested with the trucks getting in & out.

Name

Carlye McCommor

Address

71 Torie Lane - Urbana

RECEIVED

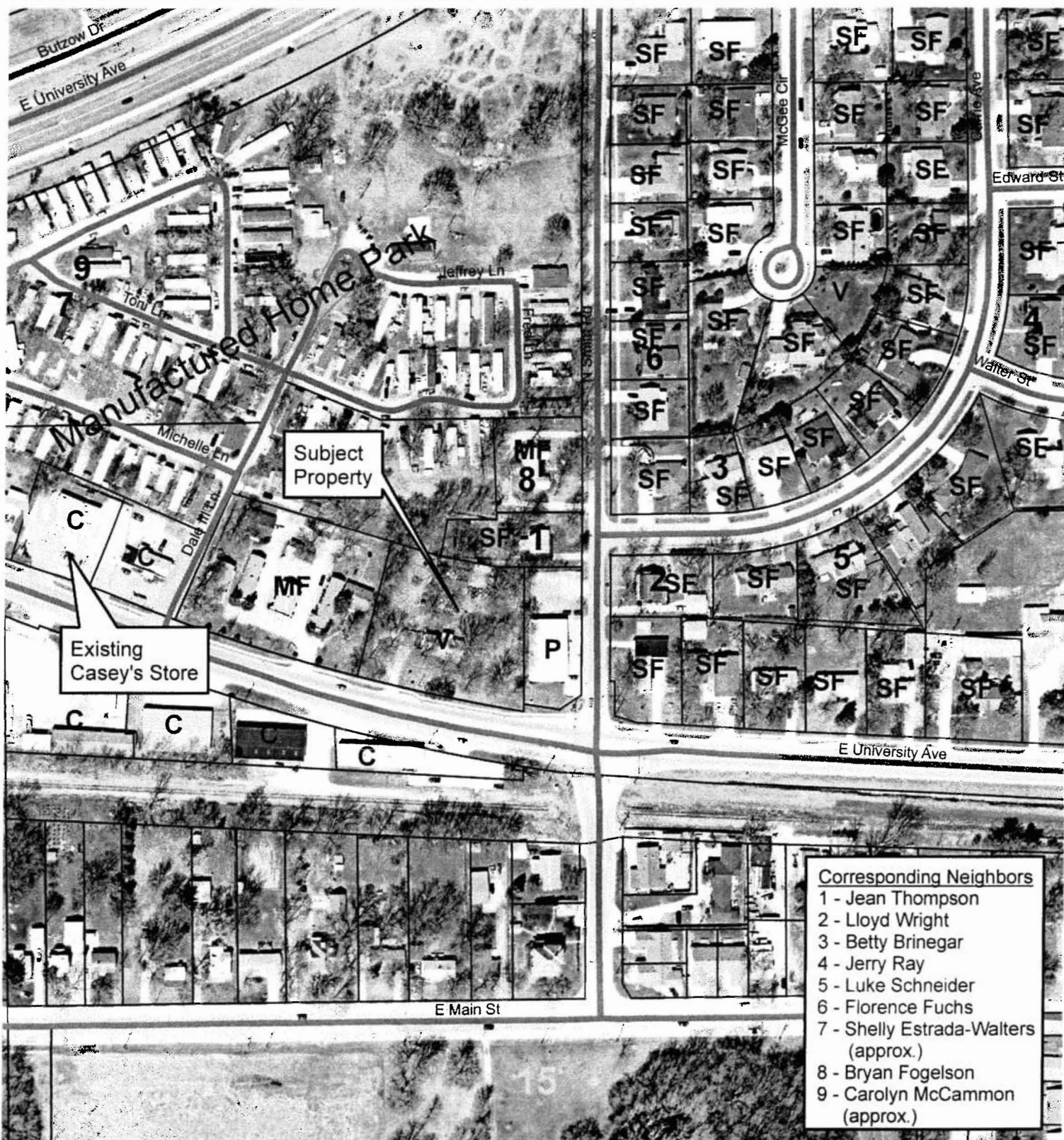
MAY 07 2009

CHAMPAIGN CO. P & Z DEPARTMENT

ATTACHMENT A. REVISED LAND USE MAP

Case 611-AM-08 Revised

MAY 8, 2009



SF

Single Family

P

Public

MF

Multi-Family

V

Vacant

C

Commercial



1 inch = 200 feet

Champaign  
County  
Department of

**PLANNING &  
ZONING**