

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 E. Washington Street
Urbana, IL 61802**

DATE:	April 14, 2022	PLACE:	Shields-Carter Meeting Room
			1776 East Washington Street
TIME:	6:30 p.m.		Urbana, IL 61802

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

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

OTHERS PRESENT: Margie Colter, Gary Place, Gerald Byrd, Steven Littlefield, Roger Henning, Kim Decker, Ed Decker, Andrew Miller, Regina Rice, Keith Kilian, Anne Kilian, Heidi Leerkamp, Justin Leerkamp, David Bosch, Traci Bosch, Marty Wilson, Virginia Schlorff, Bob Schlorff, Diane Boyer, David Happ, Adam Watson, Phillip Luetkehans, Tom Cler, Brian Taylor, Steven Herriott, Lynn Rice, Dirk Rice, Todd Herbert, Jan Carter Niccum, Brandon Hastings, Aaron Fenter, Darrel Rice, Larry Negangard, Shannon Reel, David Reel, Kate Boyer, John Melton, Matthew Herriott, Brad Mumm, Thomas Mumm, Cheryl Mumm, William Mitsdarfer, Benjamin Rice, Ted Hartke, Jenny Eisenmenger, Charles Mitsdarfer, Robert Bales, Donald Carter, Roger Negangard, S. Schwartz, Kelly Vetter

1. Call to Order

The meeting was called to order at 6:30 p.m.

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

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

3. Correspondence - None

4. Minutes- March 3, 2022 and March 17, 2022 Minutes

Mr. Elwell asked if there was any discussion on the March 3, 2022 minutes.

Mr. Randol moved, seconded by Mr. Wood, to approve the March 3, 2022 minutes. The motion carried by voice vote.

Mr. Elwell asked if there was any discussion on the March 17, 2022 minutes.

Mr. Randol moved, seconded by Mr. Wood, to approve the March 17, 2022 minutes. The motion carried by voice vote.

1 Mr. Elwell entertained a motion to move Case 037-AT-22 to the end of the Docket.

2
3 Mr. Roberts moved, seconded by Mr. Wood, to move Case 037-AT-22 to last on the agenda at this
4 public hearing. The motion carried by voice vote. (Note: minutes are transcribed in numerical order
5 per the agenda).

6
7 Mr. Elwell asked if there was any audience participation with respect to matters other than cases pending
8 before the Board.

9
10 Mr. Anderson asked Ms. Burgstrom if the screen could be turned on.

11
12 Mr. Herbert asked if there were speakers in the back of the room or are they just hearing what is on the
13 microphones.

14
15 Staff said that there were speakers in the back of the meeting room.

16
17 Someone from the audience said they couldn't here Board and staff very well at all – it's just a mumble.

18
19 Someone said they were not turned on.

20
21 Someone said they have been wondering about the speakers.

22
23 Mr. Elwell continued to Case 037-AT-22 seeing that there was no audience participation other than the
24 cases pending before the Board.

25
26 **5. Continued Public Hearings**

27
28 **Case 037-AT-22**

29 Petitioner: **Zoning Administrator**

30
31 Request: **Amend the Champaign County Zoning Ordinance as follows:**

- 32 **1. Add new paragraph 6.1.4 A.3. regarding Right to Farm Resolution 3425.**
- 33 **2. Amend Sections 6.1.4 C and D regarding WIND FARM TOWER height.**
- 34 **3. Revise paragraph 6.1.4 D.7. regarding Aircraft Detection Lighting Systems**
- 35 **(ADLS).**
- 36 **4. Add new Section 6.1.4 R to require conformance to the State of Illinois**
- 37 **Agricultural Impact Mitigation Agreement.**
- 38 **5. Revise Section 9 Regarding WIND FARM fees.**
- 39

40 Location: **Unincorporated Champaign County**

41
42 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
43 the witness register for that public hearing. He reminded the audience that when they sign the witness
44 register, they are signing an oath.

45
46 Mr. Elwell said that he wanted to thank the public from the last public hearing for allowing people who
47 hadn't spoken to be able to have time to speak and he thinks it worked out pretty well that they were able
48 to get back to whoever wanted to speak. He said that he remembered Ted Hartke was just starting his
49 presentation on the slideshow and he asked him if he would like to start.

1 Mr. Hartke said that if it is ready or if someone else wanted to go first while it is getting booted up.

2
3 Mr. Elwell asked Ted Hartke to state his full name and address before continuing with his testimony.

4
5 Theodore Phillip Hartke, 1183 County Road 2300 East, Sidney, said a couple weeks ago at the last public
6 hearing when they were all here talking he had only gotten to this first slide. He said that everything in
7 the blue background was presented by Dr. Paul Schomer to Boone County, Illinois in 2015. He said all of
8 the people who created IPCB noise limits are all deceased except for Dr. Schomer, and he was a graduate
9 student when this was created back in the 1970s. He said the IPCB noise limits don't address health issues,
10 it is only annoyance. He said that at his house, what they had going on was the wind company was running
11 the wind turbines at the full maximum noise level permissible in the State of Illinois multiple nights, and
12 that is why they couldn't sleep in their home. He said that Dr. Schomer, who helped make these standards,
13 said the IPCB noise levels do not protect health and he said the maximum noise limit from wind turbines
14 should be 39 dB or less. He referred to Dr. Schomer's slide that he gave to Boone County, and said some
15 of the issue with the wind turbine noise is that when they follow the rules of the IPCB, it lets them average
16 the noise. He said for one moment or a few moments someone may have a big pulsation or loud noise and
17 then for the next few seconds it is a quite time. He said if they are using a monitor and reading this out,
18 and it averages the noise, of course that loud noise is what is going to wake someone up – it's not the quiet
19 part. He said that is the issue with the wind turbines because it is a pulsating variable that is loud one
20 moment and quiet the next moment, and that is the part that causes someone's sleep disturbances and
21 discomfort. He said being as it has an uneven noise personality, Dr. Schomer said the maximum noise
22 level should be less than 39 dB and in this slide to Boone County, he said that is the maximum, but it is
23 not unlikely that the correct limit should be lower than that and the reason why that is the case is because
24 there is not enough experience with the wind turbines.

25
26 Mr. Hartke referred to slide three (page two) in the supplemental handout to the vertical red dashed line
27 on the bell curve chart, and said to keep the maximum noise level at 39 dBA, 95% of the noise should be
28 less than 39 dBA and there will never be all of it, but if the Board makes 39 dBA the maximum noise
29 level, there will only be some periods of time when someone can't hear it in their house or something like
30 that, but for the most part someone would be able to enjoy their property and be able to stand it. He said
31 that when they have a variable thing like a wind turbine that runs at different speeds with different wind,
32 different atmosphere conditions, wind direction changes, and sometimes it points, and someone is directly
33 downwind on some nights from their home or some nights it is the opposite direction – it's not a big deal.
34 He said to keep this 95% of the time below the 39 dBA, the design noise level needs to be about 34 dBA
35 in the middle of the bell curve and if the Board designed it for 34 dBA it is going to keep it less than 39
36 dBA for the most part – nothing is perfect. He said he thinks he has been saying 95% and there is the 95%
37 percent that is in this slide right there. He said in order to achieve the design level at 34 dBA, which puts
38 it at the peak of the bell curve, that is the design noise level to keep 95% of it less than 39 dBA and they
39 want to keep the maximum noise level at 39 dBA.

40
41 Mr. Hartke referred to slide four (page two) in the supplemental handout of the distance conversion chart,
42 which keeps noise at a 34 dBA noise level. He said he is going to tell the Board a little bit about how the
43 noise level will dissipate at certain distances away from a wind turbine. He said that one foot away from
44 the engine or nacelle of a lot of wind turbines that are in this noise level of about a 102, 106, and 108 dBA;
45 a push lawn mower is about 80 dBA. He said that at one foot it is a 102 dBA, but if the distance is doubled
46 it goes down 6 dBA, so at four feet it is down to 90 dBA and eight feet it is down to 84 dBA; between
47 four and eight feet away someone could remove their headphones, because hearing damage starts at 80
48 dBA. He said once someone gets more than eight feet away, someone could remove their headphones. He
49 said if the distance is doubled again it goes down another 6 dBA and if the distance keeps doubling from

1 the wind turbine, by the time the distance is over 2,000 feet away from the wind turbine, that is when it
2 finally gets down to around the 34 dBA, because that is where Dr. Schomer's design noise level is and his
3 distance that corresponds to 34 dBA design noise level is 2,580 feet, that is almost 0.5 mile. He said if
4 there is a wind turbine that is more noisy or bigger, then all someone has to do is start with that higher
5 noise level at 102 dBA and start subtracting 6 dBA every time and use the same distance conversion chart
6 going down the list of these same distances. He said that if someone has a quieter wind turbine, then
7 someone would start with the lower 30 dBA on the distance conversion chart and then that would help
8 someone figure out where their sweet spot is on these distances.
9

10 Mr. Hartke said that he gave testimony to Ford County, Illinois in 2018. He said that all of these slides he
11 has pulled out of that testimony that he thinks are very meaningful for Champaign County. He said there
12 is an acoustician by the name of Stephen Ambrose, and he first contacted him in the summer of 2013. He
13 said as he spoke with Mr. Ambrose for 30 minutes he stopped him and said, "Ted, you're telling me you
14 having sleep issues in your home," and he replied, "yes," he asked, "Do you have a wife and kids," he
15 responded, "yes," he said, "The first thing you need to do is you need to move out of your house, because
16 you can't keep going like you are, and I've been listening to you talk to me Ted and you are not right, and
17 the feedback I'm getting from you is the same feedback I've gotten from other people calling me in
18 desperation trying to figure out the problem." He said that was a devastating phone call to him and that
19 was when he realized he and his family were going to have to leave their home. He said that Mr. Ambrose
20 had worked and helped people with wind farm noise before, and one of the projects he worked on was in
21 Falmouth, Massachusetts. He said in one to two months, Falmouth, Massachusetts is going to tear down
22 two of their wind turbines, because they caused sleep issues for their neighbors and a very similar situation
23 that he and his family experienced. He said that he thinks there were seven or eight homeowners on a cul-
24 de-sac that was near the sewer plant where these two wind turbines were running, and they got a court
25 order and a judge had them shut down, then they went through the process to see if they were even legal
26 structures and both were declared as being nuisance structures, and they have been forced to be torn down
27 – that is coming up soon. He said that Mr. Ambrose has been a noise acoustician his entire career and he
28 has helped communities with all kinds of problems, not just wind turbines that are a more recent problem.
29

30 Mr. Hartke said that Mr. Ambrose made a graph of a combination of noise studies that were done during
31 the 1970s, and every black dot on slide five (page three) of the supplemental handout is a different location
32 and different noise study. He said that these black dots on the graph were placed on a levels graph that
33 classified them according to their community response to these noise complaints. He said that at lower
34 noise levels like 25 or 30 dBA, these noise levels on the graph had no complaints from neighbors, but as
35 soon as it got to a 30 dBA noise level, they began to jump up a level to sporadic complaints, and as the
36 Board can see there is still some in the low 30 dBA that have no complaints. He said that as soon as it got
37 to 33.5 dBA it jumped up to the widespread complaints category and this is where multiple neighbors
38 would come to county board meetings, town meetings, and file lawsuits for too much noise. He said that
39 if the Board looks back on the Dr. Schomer bell curve that he showed on slide four (page two), that bell
40 curve showed the design noise level for 34 dBA, and this widespread complaints community response
41 prediction graph is at 33.5 dBA – practically the same number. He said that the orange diagonal horizontal
42 line that is starting to increase across the graph is the percentage of people who are highly annoyed. He
43 said that in his situation, the noise level at his house was about 47 dBA, so 47 dBA lines up to the strong
44 appeals to stop the noise category. He said that is why he is here tonight, because he has a strong appeal
45 to stop the noise that happened to him, and he is predicting it is going to happen to the neighbors south of
46 his new house. He told the Board if they let this happen to the neighbors with their strong appeal to stop
47 the noise of the percent of the highly annoyed people, it is going to be up there in the 60% to 70% range
48 and it is not a way to live, he is here to testify to that.
49

1 Mr. Hartke said if the Board checks out the graph, it also has some lines that go across for the adverse
2 health effect level, so at 40 dBA begins the adverse health reaction, and the reason why it happens at 40
3 dBA is that is where the sleep disturbance part happens. He said that when he gave this graph to another
4 community, he put a huge red line on 50 dBA; this is what wind companies want communities in Michigan
5 to let them to allow maximum noise level from wind turbines at 50 dBA, he put that on there to show that
6 was just crazy; the maximum noise level for IPCB is 47 dBA. He said when Champaign County had all
7 the previous public hearings for solar around two years ago, they wouldn't go away from the IPCB noise
8 standards because they didn't know what else to do. He said that the Board didn't know how to measure
9 and quantify, because that is a standard that people know how to follow. He said that the IPCB does have
10 very good noise measuring protocols, it says someone would set the microphone here and put a wind
11 screen on it, so they would not get any wind noise; it has lots of rules and someone would have to sit there
12 and observe the measurement. He said if a semi drives by, someone is supposed to write down that a semi
13 drove by, so that doesn't count again the noise level. He said someone can't let a computer sit there and
14 crank and record noise forever without those disqualifiers of anomalies in there. He said that all those
15 rules are in the IPCB rule book, and it also says that the noise level has to be measured at a property line;
16 that is because people own all of their property and not just where their home is sitting. He said that the
17 Board could use the IPCB noise rules for measuring noise, but don't use their noise level, because Dr.
18 Schomer was there when it was written and doesn't apply for wind turbines because he said that multiple
19 times. He asked for a design noise level at 33.5 or 34 dBA and to have the maximum at 39 dBA.

20
21 Mr. Hartke said when the solar public hearings were over with, the Zoning Board made a Special
22 Condition for BayWa r.e. solar company for the approval of their Special Use Permit to follow the 39
23 dBA noise level. He said the reason the Board did that was because it was easily correctable for BayWa
24 r.e., because all they had to do was take their inverters and put them in the very middle of the solar field
25 and BayWa r.e. agreed to put shelters like a noise abatement cap, cabin, or some structure over their
26 inverters that would make all the noise. He said to him that was very satisfactory and he thought that was
27 good, and he had met his objective. He said the trouble with the wind turbine is that it can't be covered up
28 because it is 500 feet up in the air and a wind company can't put a noise shelter around a wind turbine –
29 it's just not going to happen. He said that with the wind turbines, they need to start with a rule of having
30 them at 39 dBA. He said that he wants to show the Board a sketch of how his house was situated from
31 wind turbines on slide six (page four) of the supplemental memo handout. He referred to the yellow star
32 on slide 6 that was his and his wife Jessica's house. He said the closest wind turbine was 1,665 feet away,
33 the second closest was 2,225 feet away, the third closest was 3,147 feet away, and the four closest was
34 3,454 feet away. He said from January until Mother's Day in May, two of those wind turbines were shut
35 off at night 49 times. He said 49 nights from January until May he called the wind company operator and
36 told them it was two o'clock in the morning or whatever time it was, and they are not sleeping in the house
37 because the windows are vibrating, the thumping is bad, and there is a diesel engine running in his
38 driveway, and it is their wind turbines. He said the wind company would shut off the wind turbine that
39 was northeast and southwest of his house – 49 times. He said on two occasions during that first 5 months
40 they had both of those wind turbines shut off, but it was still noisy inside his house and that is when the
41 wind company shut off the wind turbines that were 3,147 feet away and 3,454 feet away.

42
43 Mr. Hartke said just imagine at 3,300 feet away, they were still hearing inside his house at night, and they
44 were not sleeping. He referred to slide 6 and told the Board that this was a snip he took out of the Invenergy
45 Wind Farm permit application from Vermilion County, and he thinks the permit was filed in 2011. He
46 said that Invenergy had a company called HDR Engineering and they put these sections in their permit
47 application in order to be approved in Vermilion County. He said that on one of the pages from the
48 California Ridge Wind Energy Project Sound Analysis Report it refers to placing wind turbines and noise
49 levels, and says, "With conservative additions, the analysis indicates that the majority of locations would

1 experience turbine sound of less than 40 dBA (outdoors). This level is sufficiently low to minimize or
2 eliminate any potential for sleep interference or indoor/outdoor speech interference.” He said he wanted
3 to zoom in on slide 6 to show them this sentence so people in the audience could see this, the California
4 Ridge Wind Energy Project in this sentence their noise analysis engineers clearly say less than 40 dBA
5 outside someone’s house is sufficiently low to have no potential sleep interference. He said that if that is
6 true, then why did his house have persistent sleep deprivation issues – it just didn’t work for them. He said
7 that a section he wanted to refer to was not on this presentation, but the noise analysis engineers had called
8 his house receptor number 89 or something and gave him a number based on where his house was located.
9 He said the noise analysis engineers predicted the noise level in the chart that they gave to his county was
10 going to be at 43 dBA. He said that the California Ridge Wind Energy was already past admitting that
11 they were already past the 40 dBA, they were at 43 dBA at his house and that is what the noise analysis
12 engineers thought it was going to be. He said that in 2013 in August, September, October, and November,
13 there was a study done that took four months, they had microphones setup at his property line; and Michael
14 Hankard from Wisconsin and Dr. Schomer from Champaign, Illinois did a joint noise analysis of his
15 house.

16
17 Mr. Hartke said that Table 7-5: Analysis of Complaint Times During Noise Study on slide seven (page
18 five) are the times when his family complained about noise to California Ridge Wind Energy. He referred
19 to Table 7-5 that he had a noise complaint on August 26, 2013 at four o’clock in the morning, one at three
20 o’clock in morning, here is one at four o’clock in the morning, here is a midnight, 11 o’clock at night, one
21 o’clock in the morning, 11 o’clock at night, ten o’clock at night, 11 o’clock at night, and five o’clock in
22 the morning. He said that these are all times where his family woke up and got out of bed, and logged onto
23 the computer, emailed, or texted the California Ridge Wind Company to tell them they were not sleeping.
24 He referred to the noise level on the table and said this was what the wind company measured at that time
25 when his family called the wind company, pulled his family’s chart, and checked out how noisy it was at
26 his house. He said the wind company had told him his predicted noise was at 43 dBA, so he sees a 41
27 dBA, 43 dBA, 46 dBA, 44 dBA, 40 dBA, 47 dBA, so it was no wonder his family was having trouble
28 sleeping in their house, they were way over the 40 dBA sleep deprivation level. He said this shows the
29 Board what the IPCB noise level is going to do to their citizens that live in their county as soon as they
30 give Invenergy or NextEra Energy approval and legalize them to torture the neighbors with sleep
31 deprivation. He said that it makes him emotional that his family immediately got screwed out their house
32 and he is telling the God’s honest truth. He said he wishes he could go back in time and fight the California
33 Ridge Wind Farm and he didn’t know any of this stuff. He said that if this happens to citizens in
34 Champaign County, Mr. Hall, and the rest of this Board, he is going to be so sick of them and disappointed,
35 and these folks in the audience don’t know this either, they are just learning it. He said that he is proving
36 to them that the IPCB noise levels are too high and don’t even think about it; do what Dr. Schomer says
37 and make the 39 dBA as the maximum noise level. He said that he wants the Board to make that motion
38 tonight and make a motion to have the noise level at that level, and then go fight for it at the ELUC
39 committee meeting, because they don’t believe this stuff and he doesn’t think they do; he is going to try
40 and convince the ELUC committee.

41
42 Mr. Hartke said that during the noise study in Table 7-5: Analysis of Complaint Times During Noise Study
43 on slide seven (page five), they show that the wind turbines absolutely caused him and his family sleep
44 deprivation. He referred to Table 7-5 and said that there was a 49 dBA at the bottom of the list on the
45 table. He said that he was going to move on to before they did the noise study, they were logging his
46 family’s complaints. He said that Table 7-6: Comparison of Complaint Times Prior to Noise Study on
47 slide eight (page five) is kind of like his truth telling chart. He said that when he and his wife complained,
48 people just thought they were being babies, they were liars, and they just wanted money from the
49 California Ridge Wind Company; that is not true, because all they wanted to do was be left alone and

1 sleep in their house and have a good life. He said these were all the complaints from May 2013 to August
2 2013 in Table 5-7, and he wants the Board to see what times these were at: two o'clock in the morning,
3 11 o'clock at night, three o'clock in the morning, four o'clock in the morning, five o'clock in the morning,
4 six o'clock in the morning, four o'clock in the morning, and one o'clock in the morning. He said that on
5 May 27, 2013, they complained every hour all night long at three, four, five, six in the morning and it
6 doesn't just happen sometimes, because sometimes it is all night long. He said that in Table 5-7 under the
7 Site Power (% full) column is the power level for the entire California Ridge Wind Farm when his family
8 complained. He referred to the Site Power (% full) column that it was 87%, 98%, 99%, 70%, 96%, 96%,
9 and 90% full power on different days. He said that his family really concentrated their complaints, and he
10 can prove to the Board that they weren't just making this stuff up. He said that there are a couple anomalies
11 in there, but not very many.

12
13 Mr. Hartke referred to Table 3-1: Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted
14 to Any Receiving Class A Land from Any Class C Land on slide nine (page six) from the Hankard
15 Environmental & Schomer and Associates study in March 2014. He referred to the Octave Band Center
16 Frequency of 500 Hz and the Nighttime Noise Level Limit of 47 dBA as the maximum allowed in the
17 IPCB in Table 3-1. He said the IPCB has a different noise level for each frequency; high pitch noises are
18 allowed to have a higher noise level, because a high frequency noise dissipates and falls off quickly. He
19 made an analogy of someone being in their living room and their microwave has a high pitch buzz or high
20 pitch noise; they wouldn't hear that in their bedroom, but if they have something in the house making a
21 low pitch noise like a TV, subwoofer, or music, and they hear the thumping noise, they could hear that
22 noise upstairs, downstairs, in the back bedroom, and everywhere throughout the house, but not the
23 microwave. He said that the IPCB would allow a higher frequency for a higher lower pitch noise and in
24 the middle of Table 3-1 at 500 Hz, this is where audible noise and midrange noise mostly falls, and this
25 closely follows the dBA noise level comparison. He said that under the Nighttime Noise Level Limit
26 column in Table 3-1, the IPCB maximum allowed standards at 500 Hz is at 47 dBA under the Octave
27 Band Center Frequency column. He referred back to Table 7-5: Analysis of Complaint Times During
28 Noise Study on slide seven (page five) and said on October 30, 2013 it was at the maximum allowable
29 noise level at his house. He said that his conclusion is that IPCB noise levels fail to protect health in regard
30 to wind turbine noise because of sleep disturbance.

31
32 Mr. Hartke referred to slide ten (page six) of the most recent presentation that he was going to give the
33 Board from Dr. Schomer that he has seen. He said that this was done in July 2016, and this was two and
34 a half years after he did the noise study at his house. He said the guy that did the noise study at his house
35 did this slide presentation in Livingston County. He said in this project, Invenergy was trying to build 500
36 feet tall wind turbines and they had given them a lay of the wind farm, and they had given them a layout
37 of where all the homes were located. He said that Dr. Schomer's task was to figure out where the sweet
38 spot was on what distance from people's homes would allow the homes to be protected. He said that Dr.
39 Schomer started out at a setback of 2,000 feet away from someone's home and kept adding an additional
40 250 feet to that each time, and then would rerun his analysis. He said that when Dr. Schomer got to a
41 setback of 3,250 feet away in this chart on slide ten (page six), that he has circled in red. He said when
42 Dr. Schomer used that setback for a 500 feet tall wind turbine, there were 218 homes that were protected
43 and two remained unprotected out of 220 homes total. He said that this chart was spread out showing the
44 noise level of each home and he thinks the two homes that were unprotected are the two highest dots on
45 the chart. He said that not everyone's property, even at a setback of 3,250 feet away, would be protected,
46 but everyone was protected at 3,500 feet away on the chart. He said the Board from Livingston County
47 did this, they said look, at a setback of 3,250 feet away is the closest thing they have to being as good as
48 they could get and they know they are not going to be perfect, but they think that one percent of homes is
49 an acceptable loss to have people possibly not having a problem. He said that Livingston County put this

1 in place in their ordinance, because they knew with this evidence from Dr. Schomer who measured at his
2 house and was the best expert that they that had looked at and presented anything. He said the Board from
3 Livingston County knew they could fall back on this presentation on this slide, and he was under oath,
4 and say the wind company was not going to file a lawsuit that there was exclusionary zoning, or they were
5 being unfair, because they could still show that not everyone is protected, but this was as good as it gets.
6

7 Mr. Hartke said that at this point, if the Board put the setback at 3,250 feet away and the wind company
8 would want to make the setback at 2,500 or 3,000 feet away, this would put the citizens who live in the
9 wind farm in control, and they would get to decide if they would want to sign off on noise, shadow flicker,
10 and property value loss – the citizens could negotiate that themselves. He said what this does, if the County
11 Board put this in place, the Board would no longer have to be the middleman and give it away, they
12 wouldn't just let the wind company run over the neighbors, they would put up a fence and let the neighbors
13 negotiate their own deal, because this is the United States of America, and they have freedoms and all
14 those things. He said let the neighbors do it on their own, but don't just give it away and force it down
15 their throat or up their you know what. He said that he tried keep this presentation clear, precise, and short,
16 but he has so much stuff to tell the Board. He said that this presentation was just the numbers part of it,
17 but he could tell the Board all day about moving beds into the living room for the last two months that his
18 family lived in their house; they moved on Christmas weekend. He could really get into the emotional,
19 personal, spiritual, marriage, and harming part of all this. He said that this is really hard on a marriage
20 when a family with children is sleeping in the same room all together when they have a nice big house,
21 and they can't use the bedrooms. He said that he is really lucky he has a really good wife and they made
22 it through all of that and they are good, but it is very tough on a marriage and a lot of people don't have
23 that. He said at the beginning of the presentation when he talked about Steven Ambrose, he had told him
24 that if he wanted to stay married then his family would need to leave that house, and if he wanted his kids
25 to keep getting good grades in school then he needed to leave that house, and that is what happened.
26

27 Mr. Hartke said when all this went down they made a big deal about this in Vermilion County, and he
28 made sure as many people knew about this as possible. He said the next wind farm came in and they were
29 called Apex Clean Energy, and Champaign County Administrator who is in charge of the County Board,
30 he told Apex Clean Energy that they better not have any of these problems. He said that Apex Clean
31 Energy went and got a good neighbor agreement from every single homeowner in the entire wind farm
32 except for three and the three homeowners that would not sign a good neighbor agreement got the ultimate
33 good neighbor agreement, because Apex Clean Energy bought the homes from the homeowners. He said
34 they gave a good neighbor agreement to everyone within a half a mile except for those three. He said two
35 weeks from now he is going to show the Board some more of that stuff and if anyone here thinks wind
36 turbines are okay, they need to look at those buyouts. He said if wind turbines are perfectly fine, then why
37 would a wind company buy a homeowner's home. He said he would challenge Mr. Hall tonight to tell
38 them all in the next 30 days if the county has ever had an industry come and purchase the entire house
39 before the project was built and he bets that has never happened here, but it happened right next door over
40 by Hoopeston and Rossville, Illinois. He said that he feels there are a lot of speakers behind him in the
41 audience, that he could just feel it, and he could wait until later to tell the Board more, because he doesn't
42 want to wear the Board out in one night. He said he is done with his presentation for now and he would
43 come back in two weeks and get a fresh breath, and if the Board needs any questions answered he would
44 be glad to sit here, and he is an open book and will answer whatever they want.
45

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

48 Mr. Anderson said that he has solved Mr. Hartke's problem. He said the noise level of annoyance is about
49 500 cycles per second.

1 Mr. Hartke said yes 500 Hertz, that is right.
2

3 Mr. Anderson referred to Table 3-1: Allowable Octave Band Sound Pressure Levels (dB) of Sound
4 Emitted to Any Receiving Class A Land from Any Class C Land on slide nine (page six). He said the
5 sleep disturbance distribution is a lower frequency on the Octave Band Center Frequency from the wind
6 turbines. He asked Mr. Hartke to put this slide back up on the projector.
7

8 Mr. Hartke asked with the bell curve on slide three (page two).
9

10 Mr. Anderson said no, Table 3-1: Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted
11 to Any Receiving Class A Land from Any Class C Land on slide nine (page six) of the Octave Band
12 Center Frequency and Nighttime Noise Level Limit columns. He said the noise a person hears that disturbs
13 their sleep is right between 31.5 HZ and 69 dB column to 63 Hz and 67 dB column in Table 3-1; a person
14 can't hear it, but they could feel it. He said the health issues, which they haven't fully understood yet,
15 some of the audience have already talked about them in their testimonies. He said the Octave Band Center
16 Frequency of 500 Hz and Nighttime Noise Level Limit of 47 dB columns compared to the 63 Hz and 67
17 dB column. He said that means the limit could be on that border within reason, but a person could hear
18 that lower noise, but a frequency that is coming toward someone that their body can't sense and their
19 health senses, but they can't lay their finger on what health affects it is causing their body. He said that it
20 doesn't make sense to go with the Octave Band Center Frequency of 500 Hz and Nighttime Noise Level
21 Limit of 47 dB columns, then the next column down the list of a 1,000 Hz and 41 dB. He said when there
22 are other frequencies associated with that band, that noise that is driving a person's body crazy.
23

24 Mr. Hartke said okay, he could speak a lot more to Mr. Anderson's comments and this makes him want
25 to explain something even better.
26

27 Mr. Anderson said okay.
28

29 Mr. Hartke said he doesn't think it is the noise that a person could hear causing them to wake up, because
30 a person could get used to white noise, a TV turned on, or a refrigerator running. He said a person could
31 get used to that noise running inside their house, because they have a lot of noises like that. He said the
32 trouble a person has is that the thumping noise under this low frequency level is like hearing a car door
33 close in a person's driveway and they hear that thump and are like oh crap they have to go get a shirt, that
34 is like the disturbing part of it. He said it could also be compared to the kid that fell out of bed at night and
35 the parents hear a thump in the night and they have to go check on their kid, because they think their kid
36 just fell out of bed. He said that under this low frequency, it wakes a person up and their senses stimulate
37 them, and then when they do wake up they are excited and mad, because the wind turbine did it and then
38 a person can't relax enough to fall back to sleep. He said that it's not a noise that if a person goes and
39 visits a wind farm, and they sit there and think that it is no big deal. He said the trouble is that when a
40 person goes and visits the wind farm, they are not trying to sit there and relax enough to fall asleep. He
41 said that a person needs to be able to settle down and relax, but the thumping noise just doesn't let them
42 get that last five percent of relaxation to be able to even go to sleep. He said that it starts up in the middle
43 of the night and it starts to rumble, and it stimulates them awake.
44

45 Mr. Hartke said let's talk about the wind turbine height and everyone here has said oh my gosh they don't
46 want an unlimited height. He doesn't think the height has much to do with it as much as the length of the
47 wind turbine blades. He said the reason the wind farms want taller wind turbines is because at lower levels
48 there is not much air movement, but at the upper levels they want a taller wind turbine because the air
49 doesn't blow hard enough in this part of the state. He said that when a wind turbine blade gets vertical and

1 catches that really good wind that is 490 feet to 500 feet tall, that blade would catch the wind and the blade
2 would flex, because that pressure pushes on the blade. He said that every time the blade comes up in the
3 wind, it flexes in and when the blade gets out of the wind, it flexes back. He said when a blade flexes
4 forward and back it lets out an air pressure pulse, because noise is an air pressure pulse, so when the blade
5 goes forward and back that is why they heard thumping inside of their house – it's the blade flex action.
6 He said if the Board goes with a tall wind turbine, the low frequency noise increases, and one of things
7 Eric Thorsland from the ELUC committee said that the taller wind turbines were quieter and he about
8 came through the phone, because that is not true. He said the taller wind turbines have a longer blade and
9 the blade would flex more, causing the low frequency increase along with the thumping and pulsation
10 noise, which is going to be more disturbing. He would go back and defend Table 3-1: Allowable Octave
11 Band Sound Pressure Levels (dB) of Sound Emitted to Any Receiving Class A Land from Any Class C
12 Land on slide nine (page six) with the Octave Band Center Frequency of 500 Hz and Nighttime Noise
13 Level Limit of 47 dBA columns that the Board doesn't like. He said the reason why he is in favor of this
14 analysis is because this is easier to measure and this noise level at 500 Hz associates with the lower
15 frequencies as well, so if this 500 Hz is higher, the low frequency is going to be higher too. He said the
16 noise of the wind turbine is just bigger all the way across all these frequency bands. He said that if they
17 look at the nighttime noise limit of 39 dBA, that is something that is way too easier to measure and there
18 are tools for that, then there is a tool to go out there to measure a low frequency noise that a person could
19 not even hear – this makes it easier. He said the reason why Dr. Schomer ended up with a setback of 3,250
20 feet as his distance was because he took these measurements at his house and his analysis at the Livingston
21 County Invenergy Wind Farm; the thing that is easier to measure than noise is distance, because distances
22 are really easy to measure. He said there are a lot of land surveyors who live in Champaign County, but
23 there is only one acoustician who is Dr. Schomer who lives in Champaign County, and he is not working
24 anymore because he is too old. He said Dr. Schomer narrowed it down to what the setback distance needed
25 to be for the noise level; that is why they are recommending 3,250 feet for the setback distance. He said
26 that if the Board wants to go to court and discuss noise and argue about it, dealing with noise, measuring,
27 and testing – it is like nailing jello to a tree or herding cats, it is a pain in the butt, tough, and is very
28 difficult, and only a very expensive service provider can come and do that, and do a good job at it. He said
29 when a person tries to take that to court there is always these what ifs, what ifs, and what about the noise
30 wind speed, the corn in the field, and they just pile on a bunch of stuff. He said that a person could get
31 two, three, or four surveyors to agree within a foot on distance pretty quickly and could determine that
32 very easily. He said instead of trying to talk about measuring noise and having a county noise cop or
33 whatever, just make it about a distance; it is so simple and clear cut – that is the easiest thing to do.

34
35 Mr. Anderson referred back to the document on Wind Turbine Noise: Effects on Human Health given to
36 the Zoning Board of Appeals for Christian County, Illinois on June 23, 2020 from Dr. Jerry Punch, Ph.D.,
37 a Professor Emeritus at Michigan State University handed out at the last public hearing from the public's
38 attorney, and it says on page 30, "The distance recommended most often by researchers is 1.25 miles, but
39 some now recommend longer setbacks."

40
41 Mr. Hartke said that he understands those exist, but he was giving Mr. Anderson his personal experience
42 and the best thing he can give the Board that would be scientifically backed up is the setback of 3,250
43 feet.

44
45 Mr. Anderson said if the setback distance is 1.25 miles, then it would need to be way more than a setback
46 distance of 3,250 feet.

47
48 Mr. Hartke said that may be true, but he is just doing the best he can to give the Board solid evidence with
49 an actual study done on his home and what happened in Livingston County, Illinois for a real project that

1 was really looked at in detail. He said that he has seen the 1.25 miles also and he thinks the attorney could
2 talk about that tonight he guesses – he doesn't know.

3
4 Mr. Anderson said that he thinks they don't know enough about how the wind turbine noise bandwidth
5 frequencies affect people's health and those kind of things. He said the point he was trying to make is that
6 he thinks the Board should go for the distance rather than the average distance then if the Board learns
7 more later about how it affects peoples' health then they can change it, but they can't understand it enough
8 right now.

9
10 Mr. Elwell asked when Mr. Hartke referred to the blade being vertical and that blade would catch the wind
11 and the blade would flex, because that pressure pushes on the blade, if he knew where on Table 3-1:
12 Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to Any Receiving Class A Land
13 from Any Class C Land on slide nine (page six) where the Octave Band Center Frequency and Nighttime
14 Noise Level Limit columns would range for that thumping noise.

15
16 Mr. Hartke said 12 Hz, 13 Hz, 14 Hz, which is completely off the IPCB Table 3-1: Allowable Octave
17 Band Sound Pressure Levels (dB) of Sound Emitted to Any Receiving Class A Land from Any Class C
18 Land on slide nine (page six) of the Octave Band Center Frequency and Nighttime Noise Level Limit
19 columns. He said the reason why that thumping noise on the lower frequency/Hertz level doesn't exist on
20 IPCB is because this was from the 1970s when no one ever imagined a wind turbine would be 500 feet
21 tall – it's just not on the table. He said that is another reason why Dr. Schomer has a slide that says the
22 noise octave band limits just don't go low enough.

23
24 Mr. Elwell asked him if it was the actual sound or is it the thumping noise.

25
26 Mr. Hartke said it is a combination of all of it because this is a broadband item that has low frequency and
27 midfrequency content. He said the midfrequency is where the World Health Organization has said that
28 adverse health effects from the sleep deprivation started at 40 dBA. He said that is for things like airport
29 noise, traffic noise, railroad tracks, and other noisy industries.

30
31 Mr. Elwell said that he just Googled wind turbine frequency and Dr. Google said that it is between 20 and
32 200 Hertz.

33
34 Mr. Hartke said that he thought it was 15 or 16 Hertz in that manner, but that is very, very close.

35
36 Mr. Elwell asked him to help him with traffic and if traffic was more in that 500 to 1,000 Hertz.

37
38 Mr. Hartke said yes that is the middle of the frequency band. He said that is why a person sees noise walls
39 on the interstate and a noise wall could be made to either absorb or deflect the noise to protect homes
40 along busy highways, and that is in that 250, 500, and 1,000 Hertz levels from tire noise hitting the
41 pavement, engine noise, muffler noise, and things like that.

42
43 Mr. Elwell asked if it was 41 dBA that he had mentioned.

44
45 Mr. Hartke said 39 dBA maximum was what he was trying to the Board to approve, because 40 dBA is
46 where adverse health effects began and that is specifically about sleep deprivation. He said the good thing
47 about a highway at night is that traffic dies down at nighttime and at midnight a person might not have
48 any traffic, because at night is when people are sleeping, that is why there are less sleep problem
49 complaints next to highways and people will generally know where the highway was when they bought

1 their house, and they'll just stay away from it like these folks that live out in the country, because they
2 don't like any noise at all.

3

4 Mr. Elwell asked if the 40 dB that he was advocating for is for the 20 Hertz.

5

6 Mr. Hartke said no, he is advocating for 39 dBA and A is a weighted average of a combination of these.
7 He said if you take all these combinations and someone says what is the dBA of this IPCB noise level, it's
8 about 46 dBA. He said when it hits 46 dBA, that is a combination of these frequencies on typical noise,
9 except wind turbines are their own unique feature of having the low frequency content in addition to their
10 midrange frequency content.

11

12 Mr. Elwell told him what he is having trouble wrapping his head around is at 31.5 Hertz, which on Table
13 3-1 is closest to the thumping noise.

14

15 Mr. Hartke said yes.

16

17 Mr. Elwell said that the nighttime noise level is 69 dBA and then the traffic sound at nighttime is between
18 41 dB and 47 dB.

19

20 Mr. Hartke said that he was reading that correctly.

21

22 Mr. Elwell asked if he was averaging the two or not.

23

24 Mr. Hartke said no, he was advocating for the 39 dBA, because it is a weighted number and at 39 dBA
25 Dr. Schomer has put in his charts that at that level it is probably not going to cause problems for peoples'
26 sleep. He said that a person can't just have a standalone noise down at the low frequency with all this other
27 stuff in there making it. He said with a wind turbine, there are all the ranges of all the noise and an
28 especially disturbing portion is the sleep deprivation thumping noise part of it and the annoyance part of
29 it. He said when he started on the slide one (page one) with Wind Turbine Effects, Dr. Schomer said these
30 levels are only for annoyance and have nothing to do with the health effects. He read, "The Illinois
31 Pollution Control Board (IPCB) is only responsive to the first bullet: complaints and annoyance," at those
32 noise levels. He said the trouble with the wind turbine is the dang thing never turns off and it keeps going;
33 well, that isn't an annoyance problem that is a health problem, because it just doesn't stop, it's not just
34 once in a while. He made an analogy that his kid has subwoofers in his car, and he only drives by a
35 person's house twice a day, but he doesn't park in front of the person's house 24 hours a day like the wind
36 turbine is. He said that the trouble with it is the health effects part of it. He said another example is the
37 Board has been listening to him for a long time and he doesn't have the most pleasant voice, and they'll
38 be glad when this is over with, because he knows he doesn't have a radio voice and is a soothing person
39 when he talks, and someone can only stand him for so long. He said that it is the kind of noise that someone
40 is happy to hear and not happy to hear, it is just the noise personality of it and the tendencies of getting
41 sick of something quicker at a certain frequency than other things. He said nails on a chalkboard are really
42 bad, but the hum of the microwave is not as terrible, so that is what they have happening. He said that it
43 is true that he has neighbors over there where his house was that didn't think this was a big deal, because
44 it doesn't affect everyone the same; that is why that noise chart on Community Response Prediction of
45 page three (slide six) says the percent of highly annoyed people, it's only 25%, that is a fourth of us. He
46 said that if the Board wants to roll the dice and just risk it, then he thinks they should all advocate for
47 peanut butter every day in every school lunch, but they know that some kids are allergic to peanuts, they
48 will not force peanut butter on all of them. He said same thing for two guys that walk through a hay field,
49 one guy is fine, and the other guy is needing his inhaler and went to get an Epi shot because he is just

1 dying from his adverse reaction or hay fever to the hay field. He said that two people can't be judged the
2 same and then when the two guys were in the hay field, one guy can't turn to the other guy suffering and
3 say, he thinks he is a liar, and he just wants money from the wind company. He said that is what they are
4 dealing with, it's kind of like a Russian roulette type of thing. He said that people are going to react to
5 different things, and he is doing his best to give the Board something that will stand up to court, stand up
6 to peoples' ridicule, stand up to the ELUC Committee if the Board uses the proof that he has is the only
7 thing he can give them, because all the other stuff is speculation – that is all he can give them. He said that
8 if the Board wants to put a lower noise level for a low frequency, there are some accusations that have
9 sent out suggestions for lower band widths and he doesn't know those, but he could maybe give those to
10 the Board and if the Board wants to get really creative and have some different band width noise level,
11 then the Board will be nailing jello to a tree. He said it is very tough and he doesn't recommend that the
12 Board does that.

13
14 Mr. Elwell asked if there were any other questions from the Board or staff. Seeing none, he thanked Mr.
15 Hartke.

16
17 Mr. Hartke said thank you very much.

18
19 Mr. Elwell called Margie Colter to testify.

20
21 Margie Colter, 306 Eisenhower Drive, Philo, said she does not live in the country, but she lives on the edge
22 of town in Philo. She said she is here tonight because so many of her neighbors and family live out in the
23 country. She said that after the last public hearing she didn't really know a lot about wind turbines, so she
24 went out southeast of Philo where there is a pretty large wind farm out there east of Villa Grove in Douglas
25 County. She just wanted to kind of see what this was all about, so she pulled her car up beside the
26 windmills and turned her car off, and she rolled her windows down and laid back in her seat and just
27 listened to it for a while. She said if the Board has any question about what Mr. Hartke was saying, she
28 suggests they do that, because she could actually feel it vibrating through her body and that noise Mr.
29 Hartke is talking about, the blades making a doh-ing every time it comes around it's like doh-ing, doh-
30 ing, doh-ing – super annoying. She said the other thing she was shocked about, that she didn't know
31 anything about, was the shadow flicker effect and when the blades were turning around as the sun was
32 starting to set there was a constant motion of shadow going across the ground. She said she is not epileptic,
33 but she knows it bothered her driving down the road constantly having this shadow going across the road,
34 it's like a dog running in front of a person, because something is there, and it is catching their eye. She
35 would really advise people to go out there because it was very eye opening, that alone drove her crazy.
36 She said those windmills are 23 miles from her house and she was shocked since she measured when she
37 went out there. She said from her bedroom window the red lights that blink from the windmills actually
38 bounce off the mirror in her bedroom, so she had to get room darkening curtains, and she is 23 miles from
39 the wind farm, so she can't imagine these poor people having these wind farms put these wind turbines
40 right up against their houses. She said if the Board goes out in that area and they take a look, she was
41 shocked to find how close the wind turbines were to these people's homes, and she has pictures; it looks
42 like it is literally sitting right next to the farmer's grain silo and it looks like it could be hitting their house
43 – it is just so close. She couldn't imagine what it would be like to have to live through something like that.
44 She came home and she started researching it and the other thing is the decommission price; after 20 years,
45 if the wind turbine makes it 20 years when these are done, she was wondering and she didn't hear anyone
46 speak about if any money has been put back to take these wind turbines down, because that is also a huge
47 issue. She said that in Europe and also in California she found that a lot of these companies go bankrupt
48 or the little sister company that started it goes bankrupt, and then there is no money set aside to take these
49 things down. She said the wind turbines are just rusting in place and they know that the blades cannot be

1 recycled, so that is a huge issue and then these eyesores are sitting there, and then the concrete that is left
2 in the ground that will forever and always be in the ground. She said that the wind farms are taking prime
3 farm ground and putting concrete in, affecting the drainage, and then they are affecting these people's
4 lives. She said that is all she had to say – thank you.

5
6 Mr. Elwell asked if there were any questions from the Board or staff.

7
8 Ms. Colter said she would advise the Board going out there to just sit and listen, and they'll feel it and feel
9 it in their bones; the Board will know what Mr. Hartke was talking about. She said that she understands
10 why Mr. Hartke is so passionate.

11
12 Mr. Elwell thanked Ms. Colter. He called Brandon Hastings to testify.

13
14 Mr. Hastings said he wanted to give their lawyer, Phillip Luetkehans, a chance to speak first if he still
15 wishes.

16
17 Mr. Elwell asked Phillip Luetkehans if he would like to testify now.

18
19 Mr. Luetkehans said that he was on the list, but whatever the Board would like.

20
21 Mr. Elwell told Mr. Luetkehans sure, they were not in court.

22
23 Phillip Luetkehans, 105 East Irving Park Road, Itasca, Illinois, said thank you for allowing him to present
24 tonight to the Board and he represents multiple property owners in Champaign County who have concerns
25 about protecting the health, safety, and welfare of the residents and their property values in the county. He
26 said that he is not here tonight to suggest eliminating the possibility of wind turbines being built in
27 Champaign County, but only to make sure both the County and the residents are best protected by any
28 changes to their WECS Ordinance or Wind Energy Conversion System Ordinance. He said that he and
29 the rest of his clients are aware of the Board and staff's role in the process, and this is not an ordinance
30 that they have brought forth, and they know the Board and staff's role is to listen to everyone's testimonies
31 and make a recommendation. He said having sat through way too many of these hearings in his lifetime,
32 he knows that is not the most fun job in the world, but it is necessary and let him say it is appreciated. He
33 said that as Mr. Hartke had just said, it is important to have sufficient setbacks – why. He said one: to
34 protect property values and two: to protect the health, safety, and welfare of Champaign County residents
35 – the Board and staff's neighbors. He said there are suggested changes to the ordinance based on a
36 multiplier of the height of the wind turbine; however, height does not automatically correlate to sound,
37 safety, or property values; there is really no relationship between the two. He said that he has heard that
38 some of the Board and staff have taken the position that setbacks are not in front of the Board, he would
39 respectfully disagree with that notion and suggest that it was not a very supportable argument. He said
40 that the setbacks that are before the Board and staff on the changes of number 1. and 2. in Section 6.1.4C.
41 of the Zoning Ordinance. He referred to back what Mr. Anderson had said at the last public hearing that
42 would suggest the Board and Staff all look very closely through the PowerPoint on Wind Turbine Noise:
43 Effects on Human Health given to the Zoning Board of Appeals for Christian County, Illinois on June 23,
44 2020 from Dr. Jerry Punch, Ph.D., a Professor Emeritus at Michigan State University, that the Board and
45 staff were provided with at the first public hearing by the other attorney, Brian Armstrong, from Mr.
46 Luetkehan's office. He said that Dr. Punch's testimony was highly relevant and informative to the health
47 concerns that so many have when they live and work near wind turbines. He referenced a few specific
48 pages of Dr. Punch's PowerPoint starting with page 17, that talks about how sleep-disturbance is the most
49 well-documented symptom and it references a number of studies on there that talk about that. He said that

1 Dr. Punch is a well-known acoustician that has testified in these types of cases throughout the country and
2 has presented this PowerPoint or similar to many counties near this area like Ford County and Livingston
3 County just off the top of his head that he has testified in front of at these types of public hearings. He said
4 that they don't really know for sure what causes the problems, and he doesn't think that there is any
5 scientific study that has 100% determined what part of the wind turbines cause this disturbance, they do
6 believe it is the low frequency – the infrasound. He said that it is in that 15 to 20 Hertz range that the
7 Board was asking about – there is no doubt about that. He said that he is kind of getting off course here
8 but one of the reasons that it is harder to measure that 15 to 20 Hertz, is because it takes some very
9 sophisticated equipment and back in the 1970s they didn't have it. He said that still to this day it is kind
10 of harder to measure infrasound than it is these other sound levels; that is why Dr. Schomer and many
11 others have come up with this 38 dBA to 39 dBA. He said that it is a weighted average, and he has tried
12 to figure it out, but he'll be honest he is not smart enough. He said it is a weighted average, but it's not
13 like a 1:1 ratio where if they added all 15 levels of the Hertz up and divided it by 15, they would come up
14 with the weighted average; it isn't setup that way, but they can measure it and it is something like Mr.
15 Hartke had said is done and suggested by many of the experts in this area. He said that he got off track
16 here, but the thing is that sleep disturbance does adversely affect health, that is really what seems to happen
17 in most of what he has seen and heard from the experts and doctors that have testified. He said if someone
18 can't sleep, they all know what they are like: angry, annoyed, children can't learn, and if someone is older
19 that has health concerns – it feeds into it. He said that if someone has had a stroke or has health concerns,
20 their doctor wants them to get sleep, and if a child is trying to learn in school they need their sleep. He
21 said he knows when he is not sleeping he is angry and more annoying than ever, and has a hard time
22 concentrating and doing his job. He referred to Dr. Punch's PowerPoint on page 19 about how the Cape
23 Bridgewater Study: Australia was determined, and it kind of fed into what to Mr. Hartke said a minute
24 ago. He said that the certain things occur in wind turbines and at certain times when the power raises or is
25 at its highest at different times; the people who live near these can feel sensations. He said that in this
26 Cape Bridgewater Study: Australia they are asked to kind of chart when a person had these sensations on
27 when they could feel it, hear it, and know when it was going on. He said that those occurred at different
28 times and were consistent throughout the project; a lot when they first came on and a lot when the wind
29 turbines were at their highest power levels. He thinks there was information provided to the Board from
30 the first public hearing with what Dr. Schomer had said, that after this no one can say with any straight
31 face that there is not some effect, they know these people were actually feeling something and it was
32 scientifically determined. He said the Board heard what happened to Mr. Hartke's house and that everyone
33 is affected a little differently than others. He said when Ms. Colter had mentioned in previous testimony
34 tonight about hearing the wind turbine noise, it never did seem to be a truth when he was a kid, but now
35 it does; when someone has just one window open in their car and they're going 50 miles per hour, that
36 vibration, and he doesn't know if that is a noise or what, but he knows he feels it, that is what these people
37 are feeling who are living nearby some of these wind turbines. He said that he doesn't know if that is a
38 noise and he is not an expert, and he assumes it's some kind of sound, but he knows he can feel it and
39 guesses he can hear it, but it's that thing and that is the best he can explain this sensation that many people
40 hear. He said it's not everybody, because as Dr. Schomer had previously testified the wind turbines affect
41 maybe 25% to 30% of the public. He said that when you get to the greater setback and to the lower dBA
42 noise levels, that number is very low, and at 3,250 feet Dr. Schomer said that is one percent. He said that
43 they may never be able to completely eliminate someone from these kinds of sounds, but having a
44 significant portion of their population having to deal with that is not right, that is what Zoning Ordinances
45 are for is to protect health, safety, and welfare of the public and to have a significant portion of their
46 population or in his mind one child who can't learn correctly – they need to avoid that. He said that they
47 know when children start going down the wrong road learning wise it doesn't get better most of the time,
48 and obviously they want to avoid having any problems for anybody, but children in particular. He said
49 that if the Board goes to page 28 of Dr. Punch's PowerPoint about how noise and health are linked directly

1 and indirectly in relation to stress, energy, cortisol levels, and noise annoyance, the Board heard Mr.
2 Hartke talk earlier about annoyance in his presentation, and he said that sometimes a person's voice annoys
3 somebody and sometimes his children annoy him, and he is sure that he annoys them even more. He said
4 that this isn't that kind of annoyance, this is what they call highly annoyed, and it is actually a scientific
5 term, it is not just what he and other people kind of feel on a daily basis. He said that is the kind of high
6 annoyance that actually affects the way people live, that is what they are hearing here and that is what
7 they are seeing, they are not talking about something that someone can just get through. He doesn't live
8 in the city, and he knows no one here lives next to an L, but he has slept next to the L tracks many of times
9 at hotels, apartments, or wherever it may be, and yes, it annoys someone for the first 20 minutes, but after
10 a while somebody gets use to it, that is not this kind of sound, because if someone is subject to this and
11 not everybody is – this just doesn't leave somebody. He said that he has heard Mr. Hartke speak a number
12 of times, and no one leaves their home just because there is some slight annoyance, and if they were going
13 to stay, then they wouldn't have stayed there as long as Mr. Hartke had stayed in his home, because he
14 was there for months and months and months before he finally decided to move, and that is a last ditch,
15 that is not something that anyone wants to have to live through. He said that he knows one of the questions
16 was infrasound and if the Board looks at page 29 of Dr. Punch's PowerPoint about classifying the effects
17 of audible noise and infrasound on health, Dr. Schomer has a nice chart that says, "Wind turbine noise
18 can cause awakening, and chronic awakenings can lead to AHEs," which is adverse health effects. He said
19 that audible sound can lead to annoyance, which leads to sleep disturbance, and infrasound noise leads to
20 sleep disturbance and health effects; that is what they are trying to avoid here.

21
22 Mr. Luetkehans said that Mr. Anderson had talked about a 1.25 mile setback, and he thinks that Dr. Punch
23 talks about on page 30 of his PowerPoint about .5 mile to 2.5 miles and there is obviously no absolute,
24 this is the minimum they have to have. He said that he couldn't tell the Board and he isn't going to sit
25 there and lie to them, but he can tell them what Dr. Schomer did, and he knows the other attorney from
26 his office, Brian Armstrong, had talked about it, and Mr. Hartke had testified about the setback of 3,250
27 feet – he will talk more about that in a minute. He said that he was actually the person who commissioned
28 Dr. Schomer to do that study in Livingston County and he came up with a setback between 3,000 feet to
29 3,250 feet was kind of the sweet spot. He said that the Livingston County Board decided a setback of
30 3,250 feet, because they wanted to be a little safer and he actually recommended 3,000 feet, and their
31 Board went to a setback of 3,250 feet. He said that he thinks anywhere in that setback range they would
32 probably give a significant protection to their residents and the people who live near them. He referred to
33 Table 3-1: Allowable Octave Band Sound Pressure Levels (dB) of Sound Emitted to Any Receiving Class
34 A Land from Any Class C Land on slide nine (page six) of the Octave Band Center Frequency and
35 Nighttime Noise Level Limit columns that Mr. Hartke had presented earlier tonight and the table did a
36 nice job about the doubling as the Hertz and dB increased, and while that is true, the Board also has to
37 remember this is why it is interesting that the wind turbines that were over 3,000 feet away from Mr.
38 Hartke's home were the ones that bothered his family. He said that someone would think that the wind
39 turbines with a setback of around 2,000 feet would have changed something when the California Ridge
40 Wind Company turned them off, but it didn't change anything. He said the problem with wind turbines,
41 and he doesn't know if anyone has testified about this yet, but the wind turbines feed off of each other. He
42 said it not just this wind turbine 2,300 feet away from them, it is going to cause a problem; it is this wind
43 turbine 2,300 feet away and another one that is 2,800 feet way, and the wind turbines interact in such ways
44 that they don't understand, but they do and that is what increases, because they multiply each other – it's
45 not just each one individually. He said that this is way beyond his capabilities as a scientist because he
46 isn't one, and it depends if the wind turbines are lined up parallel or are lined up differently, and they all
47 feed off of each other, but he can't be the one to tell the Board. He said that people do noise modeling like
48 that, but he will tell the Board like Mr. Hartke had said; if the IPCB regulations measure out at about 46
49 dBA or 47 dBA and there is a difference, because what the Board saw on Table 3-1 was not dBA it was

1 at Hertz levels, which he thinks they call dBL. He said that dBA is the one thing that they see all the
2 experts talking about and he is not suggesting that the Board institutes a dBA limit, because he thinks it is
3 too hard for them, but he thinks what they have seen from Dr. Schomer's testimony and Dr. Schomer's
4 chart is that the sweet spot is hit at a setback of around 3,000 feet to 3,250 feet. He said he knows one of
5 the things that was suggested previously was at 2.4 times the tower height, and if there was a 600 foot tall
6 tower it would equal a setback of 1,440 feet. He said that he will tell the Board that is not a realistic setback
7 at all besides the distance setback issue of 3,000 feet to 3,250 feet, because no one is building wind turbines
8 at 600 feet tall with a setback of 1,440 feet, they might as well not have a setback – why. He said the wind
9 companies can't put a wind turbine 1,440 feet away from someone's house and even hit the IPCB
10 regulations, so the Board has really created a non-setback. He said that you will not see any wind company
11 build wind turbines 1,440 feet away from a house unless it is a waiver for a participating property owner
12 these days, because the IPCB modeling doesn't work. He said if the Board thinks they are getting a realistic
13 setback at 2.4 times a 600 feet tall tower, they are not, and he just wants to be honest with them. He said
14 that his suggestion is using a real setback such as 3,000 feet or 3,250 feet based on Dr. Schomer's
15 testimony, Dr. Punch's PowerPoint, and Kurt Kielisch, the appraiser who was the property value expert
16 and his Property Value Impact Analysis Report was provided at the first public hearing from them (LBGA
17 Exhibit 7). He said that he has heard about some other reports, and he wants to talk about those in a minute,
18 but if the Board approved a setback of 1.25 miles to 1.5 miles, then great, but he doesn't know if he has
19 heard of any other counties doing that and he is not suggesting it. He said at a setback of 3,000 feet to
20 3,250 feet, the Board would be protecting the health, safety, welfare, property values, and the Board would
21 have created some distance.

22
23 Mr. Luetkehans said the tower height multiplier is somewhat important, but it just isn't important for
24 sound; it is important for ice throwing and falling blades, so in his mind the Board kind of needs two. He
25 said the Board needs the greater of the setback, which he said was the 3,000 feet to 3,250 feet, and they
26 would also need a multiplier, because who knows how high these wind turbines are going to get, and if
27 one falls they want to make sure they would not have issues, or if there is an ice throw, or a blade falls.
28 He said that multiplier does have some value there and he does know one of the things that they saw and/or
29 discussed in this ordinance is not a height restriction, but one is needed; it is sometimes hard to fathom
30 the height of these wind turbines, but one thing that has kind of helped him understand the height is
31 referencing the height of the St. Louis Arch, which is 630 feet tall, and anybody who has ever been to the
32 St. Louis Arch knows how darn tall that is. He said that the wind companies right now are not building
33 any wind turbine tip height under 600 feet tall, that is what they are trying to build. He said that if there is
34 no height limit restrictions, then they are going to see 800 feet, 1000 feet, and 1,250 feet tall towers. He
35 said they are making them right now and putting them out in the ocean, because no one is allowing those
36 on land, but the county has to have some kind of a reasonable height limitation, and they can talk about
37 that in a minute. He said the St. Louis Arch is 630 feet tall and this unlimited height ordinance would
38 allow industrial structures to be built at 100%, 200%, and 550% more than that. He said that they all don't
39 know where the technology is going, but to say they want a 1,000 foot, 1,500 foot, or 2,000 foot tall wind
40 turbine; what use to be called the Sears Tower and he still calls it that, but it has 110 stories, that is just
41 barely over a 1,000 feet tall, they are going to allow those out here in the country where people came here
42 to avoid that kind of view, but now they are going to put it next door at 1,000 feet to 1,500 feet away from
43 somebody's house – that's crazy. He said that is not the viewscape that anyone came here to live or look
44 at or the people who were born here and stayed here thought this was what they were going to look at the
45 rest of their lives.

46
47 Mr. Luetkehans said he was provided the opportunity to review responses to the emails that staff sent out
48 he thinks on March 30, 2022, but he doesn't have them with him, but he does want to thank staff very
49 much for taking the time to answer the public's questions on this. He said that not every staff he has

1 worked with would have taken the time and the energy to do so, and he does appreciate it. He said if he
2 remembers correctly the reason provided for removing any height restriction was it did not make sense to
3 come back every time and change the ordinance whenever a taller wind turbine came into existence. He
4 said that he understands the reasoning; he has to admit he thinks it is faulting in a number of ways – let
5 him kind of go through some of those. He said they have no idea of the complications that may come from
6 those higher wind turbines, because none have been built. He said that when they talk about property
7 values and in a minute he will show them that surveys that were talked about, but those were 250 foot to
8 300 foot tall towers, they don't know what a 600 foot, 700 foot, 800 foot, or 1,000 foot tall tower is going
9 to do, but they haven't been built in this area yet, so they don't know those effects. He asked does the
10 Board really want to be the guinea pig for that and he doesn't think they want their residents to be the
11 guinea pigs for that. He said that they don't know the complications that come from it, whether it be
12 audible sound, infrasound, property values, and safety, they just don't know. He said that the County's
13 job and to a certain extent the Board's is to try and understand those, and those aren't easy issues, and he
14 feels sorry for anybody trying to figure this out, because he has now been doing this for six or seven years
15 and he still can't tell them the difference between dBA and dBL, so it is not really fair to the Board to go
16 through some of this, but it is kind of the job they are stuck with. He said that in his mind it is much better
17 to raise these in increments as they learn about whether the bigger wind turbines cause larger and more
18 significant problems. He said that variations could always be granted and if there was a 500 foot to 600
19 foot height, and a wind farm comes in and says they want 700 foot height, then make them prove to the
20 Board why a 700 foot tall wind turbine makes sense; why it is safe and why it is not. He said just like any
21 other variation, what is the hardship and what is the unique circumstance, the Board deals with that every
22 day, but he doesn't care what it is, someone wouldn't give someone a blank check for zoning to say go
23 build a 100 story skyscraper. He said that he assumes that Champaign County, like at least the cities,
24 doesn't have to worry about a 100 foot skyscraper, but there are limits. He said that most counties and
25 cities don't have unlimited height restrictions to their downtown area unless it is the city of Chicago; the
26 town he lives in has a four or five story height limit. He said that is what they provide, then if someone
27 has a seven story project that makes sense then great, but let's look at it and find out if it makes sense, but
28 not give them a blank check to do whatever they want without having to get some approvals; that gives
29 the Board more control and allows the County to protect the citizens. He said once the County allows one
30 of these 1,000 foot tall wind turbines it's not coming back, they are there and if it is bad, then they are not
31 going to be able to rein it back in; he suggests the Board do it in increments.

32
33 Mr. Luetkehans said the emails still talk about property values and he knows Mr. Elwell mentioned a
34 couple of the reports related to property values, and he would like to take a couple of minutes to talk about
35 the reports that were mentioned in email, and in the last public hearing, because unfortunately those same
36 reports have been cited by wind energy companies for some years. He said that he thinks someone
37 mentioned in an email about a report from Mr. MaRous and he has been testifying for wind companies
38 now for about six or seven years strictly for wind companies, and he is pretty much doing it on a monthly
39 basis throughout the state, and he isn't trying to rip Mr. MaRous because he is a friend and someone he
40 has used in other types of cases, but the reality of it is he is getting paid a lot of money every month by
41 the wind companies to provide these reports. He said that Livingston County was one of those counties
42 that heard his spiel, and the county still came up with 3,250 feet setback and they still denied the Invenergy
43 Wind Farm, and he testified that there was no property value diminution, and they found that there was.
44 He said that in fact it is kind of interesting because he drives to Springfield, Illinois a lot unfortunately for
45 him and he is not the best with geography down here, but anyone who has driven on Interstate 55 through
46 Bloomington where there is a single wind turbine at Heartland Community College; it's great, educational
47 purposes, and that is one of Dr. MaRous's comparisons that he uses in his reports to say there is no property
48 value impact, because that one single wind turbine, which is about 250 feet tall, didn't impact the property
49 values nearby; it's next to and a part of a school, it is one wind turbine, it is not 80 or 120 wind turbines,

1 it is one wind turbine. He said that he doesn't think that anybody is suggesting that one wind turbine has
2 a huge effect on property values, that is not what they are saying here, it's the huge number of these things
3 and the industrial complex nature of them. He said that the other thing Mr. MaRous does in his report is
4 that he asks assessors if there were any property value objections that were filed. He said that in the last
5 six or seven years since he has been doing this he has learned a lot about agricultural or the farm
6 community, and one of the things that farmers do better than anybody he has ever met is adapt. He said
7 that those of them that are farmers there tonight know that they adapt to conditions and everything that
8 goes on in their industry. He said that farmers don't usually complain and how many farmers or people
9 who live in the country have ever filed a tax objection, in fact, most people have never filed a tax objection,
10 that is what Mr. MaRous bases that testimony on. He said the people in his area who file tax objections
11 are the ones that are big office developers and industrial companies, because they have the money at stake.
12 He said that taxes are not high enough to make a lot of money and someone spends more when they object
13 for a residential real estate, that is what Mr. MaRous is relying on. He said that really quick, he heard the
14 other day, and he is guessing what reports these are, so he apologizes if he is stating the wrong ones, but
15 from a 2010 and 2014 report, both of those are what they call aggression analysis, they are not appraisers,
16 they didn't do them, they did huge mathematical calculations based hundreds or thousands of properties
17 and averaged them out. He said that they weren't done by appraisers, they couldn't help someone get
18 financed by a bank, and neither study looked at wind turbines over 300 feet to 400 feet tall; part of it is
19 because of the timing, one report from 2010 was done by a woman named Henmen that was a student at
20 Illinois State University trying to get her Master's thesis, and the other report was done by a guy named
21 Therr out of Massachusetts who has been paid a lot of times to do these. He said that neither study took
22 into account how much income those near the wind turbines were getting, so if he lived next to a wind
23 turbine, there is a good chance he has a good neighbor agreement or he is a participating property owner.
24 He said that those studies don't cut that out, so if he is getting \$12,000, \$15,000, or \$20,000 a year to have
25 a wind turbine on his property and he sells his property that income goes with it when he sells it. He said
26 that is obviously affecting his property value verses the guy who is 1,600 feet away, half-a-mile away, or
27 one mile away, and not getting anything. He said that it is not an apples to apples comparison, because
28 neither one of those studies really took that into account. He said the 2014 study he thinks is the
29 Massachusetts study and again that was based specifically on Massachusetts where there is less crop
30 farming, unlike Illinois that is in the Midwest. He said that every time he has asked to see the backup data
31 to those reports, no one is allowed to get it, so they can't check to work. He said the interesting thing about
32 that aggression analysis that the 2014 study is based off of is those same experts say, well if the value
33 decreases less than ten percent it is not "statistically significant." He said that it may not be statistically
34 significant, because he doesn't really understand what that means, but he knows what it means if he lost
35 nine percent of his house value and he would consider that significant; a person's real estate is most
36 people's largest asset and to lose nine percent, that would be a heck of a lot of loss for him. He said that
37 on the other hand, he knows the Board has the report from Kurt Kielisch (LDGA Exhibit 7) who bases
38 his report on Illinois and Wisconsin, he bases it on more new wind turbines and new wind turbine sizes,
39 and he finds a ten percent to 50 percent reduction in residential property values, and 6.3% to 8.5%
40 reduction in agricultural. He said to say there is no decrease in property values to live next to a wind
41 turbine just defies common sense, and in his area if someone has a 150 foot tall water tower next to their
42 property when they are building the subdivision, they give a person a ten percent discount right off the top
43 of their land value, they don't do that because they want to, they have to give them that for someone to
44 live next to it, that is the same thing here; to say otherwise is kind of silly.

45
46 Mr. Luetkehans said that if the Board provides reasonable safe setbacks such as 3,250 feet, then they can
47 provide variations if there is a reason. He said the Board could also do as they heard today; the wind
48 companies can get waivers, the wind companies will tell them that they can't build at a setback of 3,250
49 feet, they can, and if they are under oath they will tell them they can. He said in fact it was either Apex

1 Wind Energy or Invenergy he thinks that was under oath in Livingston County and was asked about the
2 setback of 3,250 feet, and they said they couldn't build with a setback of 3,250 feet. He said that question
3 was then asked if they bought a waiver from the people within that range and got a good neighbor
4 agreement or paid for a waiver could they build it, and the wind company said they could do it. He said it
5 is just more expensive for the wind companies to do it and he understands that, but more expensive is not
6 a reason to risk the health, safety, and welfare of their people. He said these wind companies are making
7 enough money, these companies are making billions, not millions, but billions, and for the wind companies
8 to pay to have the neighbors to put up this is not something not too much to ask for. He said he believes
9 the Board was also provided information about other county setbacks at the first public hearing, and the
10 counties that have most recently revised their WECS ordinance within the last three, four, or five years
11 that he has seen and been involved with have all increased their setbacks to well over 2,250 feet to 3,250
12 feet, such as Livingston, Dekalb, Christian, and Ford Counties have all revised their ordinances to protect
13 their residents with greater setbacks and some with noise restrictions. He said that in Ford County the
14 setback is 2,250 feet from the property line, not from the residence. He said that there is a reason the wind
15 companies in this area and nearby counties first try to get leases from landowners who do not live there,
16 that is a majority of the leases; people who don't live on their property, they sharecrop but have someone
17 else farm it, but whatever it is, they are not living there, that is the majority and there is a reason for that,
18 because the people that have to live amongst them don't want to have to do it. He said that he understands
19 that is the landowner's property right and they can lease to whomever they want, but it can't affect those
20 other property rights around them.

21
22 Mr. Luetkehans said that they talked about low frequency and infrasound, and really quickly since they
23 are all here tonight, and he knows this is not in front of the Board, but he does think it is something the
24 Board should be thinking of as they move forward. He said that in Section 6.1.4N. of the Zoning Ordinance
25 are the insurance requirements and he promises the Board he is almost done, but to protect Champaign
26 County, and he is not talking about his residents, and he is not talking about trying to stop a wind farm
27 because they can clearly do this, but there are some things that should go into their next ordinance for the
28 County's protection; it must say that the insurance has to be primary and noncontributory and if it doesn't
29 then it is useless, and that isn't in their ordinance today. He said that they need primary and
30 noncontributory in the insurance, otherwise the County's insurance is still going to be at risk, and he thinks
31 the limit is also five million dollars, that is way too low; at least ten to \$20 million dollars, the wind
32 companies have it anyway and it's not like it is costing them more, and it's not like they are going to stop
33 a wind project just because they asked for that kind of insurance. He said that he has general industrial
34 contractors who have \$24 to \$40 million dollars' worth of insurance, so to have that kind of limit is not
35 going to change anything. He said that he heard previous testimony ask about decommissioning, which is
36 a huge issue, and let him tell them why. He said that in his mind, when this ordinance is looked at again,
37 and hopefully soon, they would need an independent engineer hired by the County to determine the cost
38 to decommission, and that should be paid for by the applicant. He said that interestingly enough, he didn't
39 see it and if it is there he apologizes, but he didn't see an escrow setup by the applicant when they
40 petitioned for a wind farm. He said that the modern ordinances will require the applicant when they file
41 their application to put up \$50,000 to \$100,000 to cover their cost as a County, whether that be for experts,
42 court reporters, hearing officers, or wherever it might be, so that the County is not out of pocket, because
43 some of these public hearings can go three or four nights at least just on these smaller issues with their
44 ordinances and Special Use Permit public hearings can go for weeks anywhere from three nights to 40
45 nights. He said that they can go long because people bring in experts and the public testifies, and that is
46 something the County should not be out of pocket for; it doesn't help the residents, it's just something he
47 kind of wants to warn the County about.

48
49 Mr. Luetkehans continued with decommissioning by giving the Board an example from Invenergy in

1 Livingston County in the year 2015. He said that he may have the numbers wrong, but they are kind of on
2 the right scale, but to decommission Livingston County's wind farm of approximately 112 wind turbines
3 would be about four to six million dollars, so that is all they should put up in the fund. He said that
4 Livingston County had experts come in and they said the range was more like \$14 to \$18 million dollars
5 to decommission and it became very clear that there was something missing, so Livingston County goes
6 out and pays a company called Patrick Engineering out of Springfield, Illinois to do their own
7 decommissioning analysis, they came up with \$11 or \$12 million dollars. He said that if Livingston County
8 would have just gone with the applicant's amount, they would have been seven or eight million dollars
9 short for when this decommissioning goes on. He said that is not going to stop the wind farm project, but
10 it is going to help the County and get the County protected if these wind turbines are taken down, and
11 there are four or five huge wind companies that build these things, and one of them is like Invenergy,
12 Apex, Tradewinds, or whatever it may be, they don't put these things in their name, they put them in a
13 single entity LLC, and it will be Pleasant Ridge or some pretty sounding name like the one Mr. Hartke
14 lived by, he forgets the name of it, but they are these beautiful things and they think they are living on an
15 island, mountain, and everything else. He said that the reality is that they are single entity LLC's and own
16 one asset, they own this wind farm; Invenergy, Apex, or whoever owns that LLC, but there are no assets,
17 that wind farm goes bankrupt they aren't going to get any money out of it because it is gone, it's bankrupt
18 and there is no parent company; the County has to make sure they have enough money, because at the end
19 of the day it is what it is.

20
21 Mr. Luetkehans said that the Board heard Ms. Colter talk about shadow flicker and he would suggest a
22 limitation on shadow flicker because there is nothing in the County's ordinance now. He said 20 to 30
23 hours per year is kind of the standard and he doesn't think that anyone should have to live with it, and in
24 fact, these days like the ALDS or the Aircraft Light Detection System, they can turn these off when they
25 know there is shadow flicker, so if a house is here, they can have a program that says ok, there's a house
26 there that is going to get shadow flicker for the next 45 minutes, they can turn it off or change direction,
27 so you don't get shadow flicker. He said it's not hard, it doesn't cost them much, it doesn't change their
28 world, but it does protect someone from having to live through that, especially if someone has a child with
29 a problem. He said in summary, he has heard all the testimony so far, and no evidence has been introduced
30 that shows that unlimited height is appropriate – not one piece of evidence. He said in fact the opposite is
31 the only thing that has been presented on this issue. He said no evidence has been submitted that the
32 proposed new setbacks are reasonable or in any way protect the health, safety, welfare of the residents or
33 their property values. He said he would ask the Board to say no to recommending these amendments at
34 this time, and have the County take the time to have a look at the entire WECS ordinance in total and do
35 it right, as a whole, to take the necessary steps, do it right, fix the height requirement, fix the setbacks,
36 insurance, decommissioning, escrow, shadow flicker, and have a modern ordinance that deals with this.
37 He said that is his suggestion to them and what he would ask. He said don't fix it piecemeal; this isn't a
38 fix what the Board is being asked to do. He said it is just going to cause more problems. He asked that the
39 Board vote no, telling the County Board that it really needs to look at this as a whole, holistic method. He
40 said he is sorry for talking so darn long and he apologized and thanked the Board for their time.

41
42 Mr. Elwell thanked Mr. Luetkehans and asked if there were any questions from the Board or staff. Seeing
43 none, he called Mr. Steve Littlefield to testify.

44
45 **Mr. Randol moved to take a seven minute break.**

46
47 Mr. Elwell said there was a motion on the floor to return from a break at 8:50 p.m.

48
49 **Mr. Roberts seconded the motion. The motion passed by voice vote.**

1 Mr. Elwell reconvened at 8:52 p.m.

2
3 Steve Littlefield, 604 Winston Dr, St. Joseph, said the reason he was here is that he received a phone call.
4 He said he is a real estate agent and has been since 1998. He said the question that was posed to him is if
5 he knew if wind turbines negatively or positively affected real estate values of single family homes. He
6 said it was really not something he had given much thought to. He said he got on the Multiple Listing Site
7 and did a little quick research. He said from the handouts he gave the Board; he thought the most logical
8 one was the California Ridge wind farm because it has been running for about 10 to 12 years now. He said
9 that wind farm stretches from Royal in Champaign County due east to Newton in Vermilion County. He
10 said the search that he did on the MLS site was for any home that had sold more than two times, he pulled
11 it and got the information, whether it sold in 2010 or sold in 2022. He said he had five examples, and he
12 apologized for the map because it was not very well done. He referred to the map and said there's a little
13 pinpointing to Hope, which is literally a spot that is not very big, and the example is about three miles
14 south of Hope. He said there are no windmills within three miles of this particular property. He said it is
15 a 4.5 acre tract with a 2 bedroom, 1 bath small home and a couple of outbuildings as well. He said it was
16 originally listed on June 26, 2020. He said the California Ridge project went online on December 26,
17 2012. He said the property was originally listed at \$225,000 and it went down to \$215,000, it did not sell,
18 they changed realtors, went a different direction, came back on the market at \$214,900, and eventually
19 sold on September 18, 2020 for \$190,000, so that is example number one. He then referred to the next
20 example, which is straight north and due east of Royal, Illinois at the corner of Royal and Route 49 North.
21 He said this property was originally put on the market in 2005; it's 17 acres with a 3 bedroom, 2 bath brick
22 home originally listed at \$330,000. He said it came off the market, did not sell again until 2011, so about
23 a year before California Ridge went online. He said they were building the windmills a year prior to that,
24 so a lot of activity was going on by this property. He said they started at \$330,000 and ended up selling it
25 at \$149,750. He referred to subject property number three, which is all the way north of the map, north of
26 Hope and a little bit to the right. He said in 2008 it was listed at \$85,000 and sold for \$83,000; it's a small
27 three bedroom one bath home on about an acre. He said it next sold in 2017, nine additional years. He said
28 you would like to think that appreciation that it gained a little bit, and they did – they gained \$3,000. He
29 said they went from \$83,000 as a sold price in 2008 to \$86,000 in 2017. He referred to the fourth property,
30 a little bit south and due north of the red dot at Hope. He said the original list price with five acres was
31 \$289,950 on January 24, 2012; they changed realtors and dropped the price to \$262,500 in June 2012 and
32 still did not sell. He said in 2013, literally one year after the California Ridge project came on board, listed
33 the house at \$225,000 and accepted a sales price of \$210,000, so they went from the original price list of
34 \$289,950 and ended up selling for \$80,000 less than that – 30% to 40% percent off of that. He referred to
35 the last example, which is right next door to the previous example. He said in 2005, this house sat on 10.5
36 acres and the home originally listed for \$259,900 and finally sold in 2018 for \$262,000, but the acreage
37 did decrease; however, this house had a tremendous amount of updates done to it, so the homeowners
38 really didn't even get paid for their updates; some acreage did go away, so hopefully they sold that and
39 made a little money there, but just from the visuals and some of the explanations they had invested a lot
40 of money in the home and did not really receive any return on their investment for the time, energy, and
41 money they had put into the home. He said that his was short and sweet, that was all he had, but he would
42 answer any questions if the Board and staff have any.

43
44 Mr. Anderson asked when the California Ridge Wind Farm came in.

45
46 Mr. Littlefield said that it started operations on December 26, 2012. He said some of these home sales
47 were before that and some of these sales were after that, but they are the same homes, so the handouts that
48 are stapled together are the identical addresses.

49

1 Mr. Anderson asked what his conclusion was.

2
3 Mr. Littlefield said that it is obvious for him anyway that when someone is located in a wind farm area, at
4 least here locally is all he can say, because he has not done any other studies from other locations. He said
5 these examples were just from Champaign County MLS and after looking at this he decided he didn't
6 need to go to Danville's MLS, because it was going to tell them the same thing: that homeowners are
7 losing value if their home is within a wind farm area – every one of them virtually went down.

8
9 Mr. Anderson asked how close the wind turbines were to each property.

10
11 Mr. Littlefield said the first example was actually three miles away from it, the second one was literally
12 less than a half-a-mile from windmills, number three was in the windmill track, and they could actually
13 see them there, and then four and five are right in the middle, and in fact, Mr. Hartke's house was one of
14 them and he was right there in it. He said these examples are all right in that area from Champaign Count
15 over to Vermilion County, and it is the closest one he felt they could have history with, because they don't
16 have history on the one down in Douglas County yet, but they will, they just don't have that right now,
17 but they did have history on this that they could go back and say okay what has happened.

18
19 Mr. Elwell asked Mr. Littlefield to explain a little bit about the market conditions, comparing from
20 around 2005 to 2009-2010.

21
22 Mr. Littlefield said that in 2008 through 2011, from a real estate standpoint across the nation, there was a
23 slowdown in appreciation. He said prior to that, in this area they were appreciating anywhere from four to
24 seven percent, just depending on the location. He said in 2012-2013 they started seeing appreciation
25 happen again. He said obviously the last two years has seen exponential growth on that. He said other than
26 the case that was from 2020, the rest of the examples would not have hit that crazy price increase that has
27 been seen in the last year or two.

28
29 Mr. Elwell said that the price increases have been absolutely nuts here over the last couple of months. He
30 asked Mr. Littlefield if in his expertise the values have gone up; in other words, have the homes near wind
31 farms appreciated in the same manner as those that are not near wind farms in the last couple of months.

32
33 Mr. Littlefield said that because there weren't any there, he is not looking to speculate. He said based on
34 close to 15 years of data, he is going to venture to say that those within a wind farm are not going to
35 appreciate the same as a home that does not sit in a windmill area. He said he cannot see how it is going
36 to buck this 13-year trend; he's not sure why it would change, but he doesn't know what that would be.

37
38 Mr. Elwell thanked Mr. Littlefield and asked if there were any other questions from the Board. Seeing
39 none, he called Kim Decker to testify.

40
41 Kim Decker, 915 CR 1700E, Philo, said she had something written up to speak about, but after the lawyer
42 spoke she found that he covered most of what she was going to say. She said one thing she wanted to talk
43 about and that she is pretty passionate about is the setback and that the setback should come from the
44 property line. She said she thought Ms. Burgstrom emailed out or printed out the list of setbacks that she
45 had found. She said she noted that Mr. Anderson especially had been reading Dr. Punch's documents very
46 closely because he had been talking about the over a mile setback. She said the link she found has over 75
47 different setbacks, mostly in US locations, but a few are abroad. She said it amazes her how many of them
48 are a minimum of at least a mile setback; if you look at the second page, most of them are from the property
49 lines, not the structures. She said that is what she is here for – to encourage the Board to look at some of

1 those, give them the setbacks that they need, at least the 3,250 feet setback and maybe up to the mile or
2 mile and one-half as a lot of these studies are showing. She said she noted there were some cardiologists
3 quoted in the document, and their recommendations were from a mile to a mile and one-half for different
4 health benefits that they saw. She said she is asking the Board to do the responsible thing and in her
5 opinion that is to vote down the proposition they have before them, do what the lawyer said, hopefully
6 they can revamp this whole process of setbacks and wind height. She said 500 foot wind towers would be
7 ideal, and go ahead and use the multiplier. She said a lot of the setbacks listed are using 10 to 13 times the
8 wind tower height; for a 500-foot tower times 13, that is a mile and a quarter. She said that would be a
9 phenomenal setback for the health of the people in our communities.

10
11 Mr. Elwell thanked Ms. Decker and asked if there were any other questions from the Board or staff. Seeing
12 none, he called Matthew Herriott to testify.

13
14 Matthew Herriott, 1815 CR 900N, Philo, said he was here to encourage the Champaign County ZBA to
15 closely consider the proposed changes to the wind turbine ordinance and how they affect the current and
16 future residents of Champaign County, especially those in the rural setting that would be most affected.
17 He said he is strongly opposed to increasing the tower height beyond 500 feet. He asked if the reason
18 given for allowing unlimited heights is out of convenience to the office that would process these variances,
19 why is the health and safety of the residents not the main concern, but instead the convenience factor. He
20 asked if in our everyday life, we are limited by regulations to protect citizen's health and safety, such as
21 speed limits or the amount of pesticides we can apply to our food grade crops in a given growing season,
22 why is the convenience of the zoning administrator the ultimate driving force behind this change, instead
23 of the rural residents' well-being. He said there is no logical reason for a wind company to be permitted
24 to have unlimited heights; it is only the beginning of a slippery slope. He said the proposed setback
25 changes to 2.4 times the tower height is not enough to protect the safety and wellbeing of the residents, as
26 indicated with evidence in previous testimony tonight and others. He proposed that the ZBA take a close
27 look at the Livingston County Ordinance regarding setbacks and suggest to ELUC that Champaign County
28 setbacks need to be 3,250 feet or six times the tower height, whichever is greater. He asked the Board to
29 please take Livingston County's setbacks a bit further and require this to be to the property line so that
30 families can enjoy their entire property that they have invested a lot of time and resources in. He said for
31 many of us in the rural setting, our property is not just our home, but also our place of work, land for our
32 animals, and a park for our young children.

33
34 Mr. Herriott said that the ALDS lighting is a very good addition in theory, but he still questions how often
35 the lights would be off with the air traffic to Willard Airport. He said we have not only the commercial
36 flights, but there are also the medical flights to Carle Hospital to and from the more rural areas south of
37 us, private jets that come into the local airport all hours of the night, as well as the aviation program
38 through Parkland. He said he is also concerned with who is going to ensure that this lighting will be
39 operating as designed. He said we all see railroad crossings that don't work properly; we call in, they get
40 fixed. He said he is not sure who is going to be the one enforcing this on the wind turbines to make sure
41 it is working operationally. He said this automated system could fail and over the lifetime of these towers.
42 He asked if this is something that will fall back on the zoning office, and if the zoning office has enough
43 time and resources to enforce the zoning regulations as being proposed.

44
45 Mr. Herriott said the application fee increase is also very good, but he would suggest it could be a little
46 bit higher to help with the shortfalls of the zoning office. He said the added money should be funneled
47 back to the zoning office to hire a neutral party to ensure that all complaints for matters in their jurisdiction,
48 including wind turbines, solar, etc, are dealt with in a timely manner, and that any violations are remedied
49 quickly and in the best interest of the county residents.

1 Mr. Herriott said the agriculture mitigation agreement is a great addition to the ordinance if the guidelines
2 are enforced correctly. He said he again question how these guidelines will be enforced on the wind
3 companies and what ramifications, if any, the county will place on those in violation of the agreement. He
4 asked if perhaps his proposal for the higher fees and hiring of an enforcement officer can ensure the
5 agreement is followed. He said there needs to be clear and concise dictation of how the county will enforce
6 the regulations and how they plan to address a situation if the rules are not followed before amendments
7 can be approved. He said like the attorney said, maybe it is time to pump the brakes on this and reevaluate
8 the whole thing as a whole and make sure we have a modern ordinance for the county.
9

10 Mr. Herriott said in summary, it is his recommendation that the Champaign County Zoning Board deny
11 the current proposed changes to the ordinance regarding turbine height and setback distance. He
12 recommended that you keep the turbine height limitation to under 500 feet and the setbacks be equivalent
13 to Livingston County, which is 3,250 feet or six times the tower height, whichever is greater. He also
14 requested that this distance be set at the property line and not the residence so that Champaign County
15 citizens can enjoy every square foot of their property. He thanked the Board for its time and attention to
16 this important matter facing the current and future generations in Champaign County. He said he trusts
17 that our ZBA will continue to look out for the best interest of the residents residing in this beautiful
18 agricultural community.
19

20 Mr. Elwell thanked Mr. Herriott and asked if there were any other questions from the Board or staff.
21 Seeing none, he called Mr. Hastings to testify.
22

23 Brandon Hastings, 1947 CR 1100N, Sidney, thanked the Board for its service. He said based on the facts
24 and data given so far, the height restriction should stay at 500 feet, setbacks should be 3,250 feet or six
25 times the height, whichever is greater to match Livingston County regulations. He said this would keep
26 the decibel level at an acceptable range to live a normal life at a property, and that would be to the property
27 lines, not the dwelling, to make use of all the property. He said he thinks the zoning should eliminate the
28 chance of shadow flicker for non-participating parcels, and he think that is doable.
29

30 Mr. Hastings said as far as the Agricultural Impact Mitigation Agreement, drainage is a huge issue. He
31 said if you hurt the drainage on 50,000 acres southeast of Champaign, you'll have a real problem on your
32 hands. He said they take a lot of water in these areas, and that needs to be addressed. He said these wind
33 companies will put a turbine over drainage tile, and you have to prove that they did it and residents don't
34 have the money or resources to do that, and he hopes the County does.
35

36 Mr. Hastings said as far as the fees, he thinks they should be huge, or at least have escrow accounts for
37 these drainage issues because the windmill companies are not going to fix things like they say they are
38 going to do. He said if you have escrow for road service, the companies need to be putting money into
39 these escrow accounts, or the County needs to figure out how that is going to work. He said he doesn't
40 know if any Board members know how much it takes to repair one mile of road, it's about \$100,000 per
41 mile. He said he thinks escrow accounts for cleanup, drainage issues, you could be looking at \$800,000 at
42 least per windmill, and that's to cover all of these different issues: sound, drainage, decommissioning, it's
43 just a lot of money and it should take into account at least 1.5% inflation rate. He said there should be
44 liens on the wind owners for anything over this amount, and he thinks the Champaign County Board
45 should choose the decommissioning contractor and get at least two estimates from a company not affiliated
46 with the wind companies to get these decommissioning rates because \$3 million for 30 windmills isn't
47 even close.
48

1 Mr. Elwell thanked Mr. Hastings and asked if there were any other questions from the Board or staff.
2 Seeing none, he called Kelly Vetter to testify.

3
4 Kelly Vetter said she represents the family farm at 525 CR 2400E, Broadlands. She said she thinks she
5 mentioned before that she has been a village board member; she and her husband both served for four
6 years in the Village of Homer so she knows what it is like to be on the other side of the table. She said she
7 wanted to bring the Board's attention to something she hasn't heard too much about. She said she is urging
8 the Board to consider the possibilities of the unintended consequence as related to our water. She said she
9 believes it important for our County Board to learn the lessons of other county boards and not repeat the
10 same mistakes. She said if we have proper things in place, then we won't be stuck holding the bag. She
11 said we definitely don't want to saddle our community with debt and lawsuits after New Era has grabbed
12 the money and ran; it is their feet that should be held to the fire, not ours. She said she is not a professional
13 nor a local authority on the subject of water, which is why she asks that we consider "how the development
14 of a wind farm has the potential to impact groundwater quality, groundwater quantity and/or the
15 established groundwater flow regime. A single wind turbine could potentially impact the aquatic
16 environment; changes to the local environment can affect receptors such as wells/bore holes, springs,
17 wetlands and waterways and can also have implications for groundwater-dependent ecology and/or land
18 stability. We need some understanding of the possibilities of changes to infiltration and surface runoff
19 patterns, thereby influencing groundwater flow and distribution, reduction in groundwater storage, and
20 possible changes to groundwater distribution and the possible contamination by fuel oil and building
21 materials." She said it would be important to consider the following in doing this: that New Era should
22 pay for an independent study, meaning not someone New Era chooses, on the pre-existing condition and
23 quality of wells in the County Board's predetermined areas around and within the wind project. She said
24 this would determine where they stand today in our water situation so New Era couldn't say it was already
25 like that. She said a study during or after construction may also be needed if local complaints come in.
26 These too would be determined by the Board to confirm or deny any possible contamination, would be
27 paid for by New Era, and would be done by a Board-appointed independent study. She said then, after the
28 decommissioning phase, we would once again check our waters to determine in what condition New Era
29 has left them. She said we would follow the same procedures as mentioned. She said if there are issues,
30 we need to have something in place in writing and to remediate the situation. She said in order to have
31 accurate information, all area farms need to be included in the research. She said those who have signed
32 leases with gag orders would be released so we can gather the information from their properties as well;
33 we can add this to the decommissioning costs. She said we must also consider the impact on the Mahomet-
34 Teays Aquifer, our life's blood for more than just our own county. She asked that the Board not believe
35 the assurances from New Era; they are more than willing to offer information on these topics. She said it
36 is in New Era's best interests to tell you what you want to hear, to hire their own experts, and put nothing
37 in writing, but it is the Board's responsibility and due diligence to keep safe your citizens. She said the
38 Board members are the guardians of our community, and we look to the Board to put the proper verbiage
39 in place to not add these costs to our side of the ledger or allow big industrial wind companies to lay waste
40 to our heritage, our homes, our farmlands and our water sources. She said she had a handout for everyone
41 on that so they could follow up.

42
43 Mr. Elwell thanked Ms. Vetter and asked if there were any other questions from the Board or staff. Seeing
44 none, he called Steven Herriott to testify.

45
46 Steven Herriott, 1926 CR 800N, Sidney, said he wanted to thank everyone for listening to all of them;
47 some are very passionate about living in the country out there and their sunsets and everything. He said
48 he only has a couple of points, so it will be kind of quick. He said his first point is on the height, and he,
49 like a lot of others, is kind of repeating what they've heard a lot of tonight. He said he thinks the height

1 needs to be maintained at 500 feet and not raising it to anything higher than that. He said he feels that
2 sometimes we are doing things to encourage or bend over backwards to help these wind companies, and
3 he doesn't think it is our responsibility to encourage them to come but to let them conform to what we
4 need out there in the country. He said on the setbacks, we have heard this before too this evening on the
5 3,250 feet, and he thinks we should stand fast on that like Livingston County has, and if by chance the
6 turbines get higher, we need to go with six times the height in setback. He said we have heard this also, it
7 was a couple of months ago, but Ed Decker was talking about the setbacks and he talked about doing them
8 at the property line. He said you never know when a family member might want to build a house
9 somewhere, and if we do it from the house that is already there and they build a quarter to half mile down
10 the road from us, and yes they have the choice to do that, he would like to have his property protected so
11 if he has kids or grandkids that like to build on property that they own, that they have that right without
12 having to worry about wind turbines.

13
14 Mr. Herriott said he applauds Mr. Hartke and the lawyer for some of their points; he can't give the expert
15 witnesses that they have given and he hopes that the Board can seriously consider some of the points that
16 they have made. He said he learned a lot tonight listening to them; he has heard Mr. Hartke a couple of
17 times before, but he learned a lot from them and he hopes the Board has too.

18
19 Mr. Elwell thanked Mr. Herriott and asked if there were any other questions from the Board or staff.
20 Seeing none, he stated that was the end of the Witness Register and asked if there was a motion to close
21 the Witness Register for tonight.

22
23 **Mr. Roberts moved, seconded by Mr. Randol, to close the Witness Register. The motion passed by**
24 **voice vote.**

25
26 Mr. Elwell asked how the Board would like to proceed.

27
28 Mr. Randol said he did not think they would resolve this tonight without going into an extension of our
29 time, and he doesn't think they would even have enough time to do that tonight, so he thinks the case
30 should be rescheduled for the next available meeting.

31
32 Mr. Elwell asked Mr. Hall if there were any thoughts on April 28th or May 12th or another date.

33
34 Mr. Hall said that Board members could see what we have docketed for the 28th, the Kickapoo Rail Trail,
35 and those cases alone could take the 28th so he wouldn't want to have all of these folks sitting and waiting
36 for the Board to work through that case, so he thinks the next date for a continuance is May 12th. He said
37 it's the Board's call if they want to reserve the entirety of May 12th for this case; they can see there are
38 two cases preliminarily docketed for May 12th. He said the little variance cases don't normally take a long
39 time, but again the track record is after we work through the little cases we have scheduled for the night,
40 we get the new testimony, then the Board has no time to discuss the case. He said he really thinks the
41 Board needs to set aside an entire meeting for this case, and his recommendation would be for May 12
42 unless Ms. Burgstrom sees a problem with that.

43
44 **Mr. Randol moved that the May 12th cases be moved to May 26th and schedule 037-AT-22 for May**
45 **12th. Mr. Wood seconded the motion.**

46
47 Mr. Elwell asked Mr. Hall if it was fair for those smaller cases.

48

1 Mr. Hall said he could not comment on if it was fair; it’s a two-week delay. He said on the other hand, the
2 Board could continue this case to May 26th and that way you wouldn’t be bumping those cases; it’s your
3 call as the Board.

4
5 Mr. Elwell asked Mr. Randol how he felt about moving 037-AT-22 to May 26th since there are no current
6 cases on that date.

7
8 Mr. Randol said that is fine also; he agrees with Mr. Hall that we need to have a night to do this case and
9 not have other cases to deal with. He said however that schedule works out, if the 26th works out best, then
10 he is agreeable to make that the motion.

11
12 **Mr. Elwell asked if Mr. Randol was amending his motion to continuing case 037-AT-22 to May 26th.**

13
14 **Mr. Randol said yes.**

15
16 Mr. Elwell asked if he had a second.

17
18 **Mr. Wood seconded the motion. The motion passed by voice vote.**

19
20 **6. New Public Hearings**

21
22 **Case 048-V-22**

23 **Petitioners: Robert and Virginia Schlorff**

24 **Request: Authorize the following variance in the R-1 Single Family Residence Zoning District:**
25 **Part A: Authorize a variance for an existing non-conforming principal structure with a**
26 **front yard of 16 feet and a setback from the centerline of South Oak Drive of 34 feet in**
27 **lieu of the minimum required 25 feet front yard and 55 feet setback, per Section 4.3.4 of**
28 **the Zoning Ordinance.**

29
30 **Part B: Authorize a variance for a proposed addition with a front yard of 9 feet and a**
31 **setback from the centerline of South Oak Drive of 26 feet in lieu of the minimum**
32 **required 25 feet front yard and 55 feet setback, per Section 4.3.4 of the Zoning**
33 **Ordinance.**

34
35 **Location: Lot 5 of Spring Lake Subdivision in the Southeast Quarter of Section 17, Township 20 North,**
36 **Range 7 East of the Third Principal Meridian in Mahomet Township, commonly known as the**
37 **residence with an address of 610 South Oak Drive, Mahomet.**

38
39 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
40 the witness register for that public hearing. He reminded the audience that when they sign the witness
41 register, they are signing an oath.

42
43 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
44 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
45 show of hands from those who would like to cross-examine, and each person will be called upon. He said
46 that those who desire to cross-examine do not have to sign the Witness Register, but will be asked to
47 clearly state their name before asking any questions. He noted that no new testimony is to be given during
48 the cross-examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws
49 are exempt from cross-examination. He asked if the petitioner would like to outline the nature of their

1 request prior to introducing evidence.
2

3 Virginia Schlorff, 610 South Oak Drive, Mahomet, said it is important that it be changed to Oak Drive
4 from Oak Street, because staff had put Street down and that is a totally different location.
5

6 Mr. Elwell said it is Drive instead of Street.
7

8 Ms. Schlorff said yes it is. She said they are asking to build a small addition to their very tiny house, and
9 they started this process with a survey and found out that their lot is extremely small, and the house that
10 they live in doesn't qualify under the current Zoning Ordinance, so that is the number A. under request
11 and the number B. is for the addition so her mother can move in with them.
12

13 Mr. Elwell thanked Ms. Schlorff and asked if there were any questions from the Board.
14

15 Mr. Wood stated that it was noted that the location of the well had some impact on what they could do,
16 but he didn't see in any information where the well was actually located on the property.
17

18 Ms. Schlorff said the site plan doesn't show it and asked if that was right. She said the well is just south
19 of the property and is about 20 feet from the property line, and it had to have a variance even with the
20 placement with the Champaign County Health Department.
21

22 Mr. Wood asked if that was near the shed that is going to be torn down.
23

24 Ms. Schlorff said yes the existing shed is because right now it is sitting across the property line.
25

26 Mr. Wood asked if they had individual septic systems out there.
27

28 Ms. Schlorff said yes they do.
29

30 Mr. Wood asked if that was located anywhere near where the addition is going to be.
31

32 Ms. Schlorff said no it is not and they have talked to the Champaign County Health Department about the
33 septic system, and it is located in the only place that it could ever be located.
34

35 Mr. Wood said thank you.
36

37 Mr. Elwell asked if there were any other questions from the Board or staff. Seeing none, he asked the
38 Board how they would like to proceed.
39

40 **Mr. Randol moved, seconded by Mr. Roberts, to accept the Preliminary Draft, Documents of**
41 **Record, and move to the Findings of Fact for Case 048-V-22. The motion carried by voice vote.**
42

43 Mr. Elwell entertained a motion to close the Witness Register for Case 048-V-22.
44

45 **Mr. Roberts moved, seconded by Mr. Randol, to close the Witness Register for Case 048-V-22. The**
46 **motioned carried by voice vote.**
47

48 Mr. Elwell said that he would be reading the Findings of Fact for Case 048-V-22 from Attachment G,
49 page 10 of 11 in the Preliminary Memorandum, as follows:

FINDINGS OF FACT FOR CASE 048-V-22

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **048-V-22** held on **April 14, 2022**, the Zoning Board of Appeals of Champaign County finds that:

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

Mr. Wood said the special conditions and circumstances DO exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because: the Spring Lake Subdivision was approved back in 1956 and all the lots in that subdivision are extremely small including Lot 5 as it currently exists is limited to the west by Spring Lake and to the east and south by common areas.

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

Mr. Randol said the practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or structure or construction because: without proposed variance Part A, the existing house could not be replaced if needed and without proposed variance Part B, the Petitioner could not build any addition onto the house, and all of these conditions existed prior to the petitioner's ownership .

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

Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result from actions of the applicant because: the lot and house were created and constructed prior to the Zoning Ordinance that was adopted on October 10, 1973.

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

Mr. Wood said the requested variance IS in harmony with the general purpose and intent of the Ordinance because: there are no known plans to expand beyond that, in fact, they can't really.

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

Mr. Randol said the requested variance WILL NOT be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because: the relevant jurisdictions have all been notified and they have received no comments back, and the Spring Lake Homeowner's Association had no objections to these improvements.

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

1 Mr. Wood said the requested variance IS the minimum variation that will make possible the reasonable
2 use of the land/structure because: the existing house cannot be moved to another place on the property
3 because of the limited size of the lot, and the well location limits the location of the proposed addition.
4

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

6
7 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the
8 Findings of Fact for Case 048-V-22.
9

10 **Mr. Randol moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of**
11 **Record, and the Findings of Fact for Case 048-V-22. The motion carried by voice vote.**
12

13 Mr. Elwell entertained a motion to move to the Final Determination for Case 048-V-22.
14

15 **Mr. Roberts moved, seconded by Mr. Randol, to move to the Final Determination for Case 048-V-**
16 **22. The motion carried by voice vote.**
17

18 Mr. Elwell said that he would be reading the Final Determination for Case 048-V-22 from Attachment G,
19 page 11 of 11 in the Preliminary Memorandum, as follows:
20

21 **FINAL DETERMINATION FOR CASE 048-V-22**

22 **Mr. Randol moved, seconded by Mr. Roberts, that the Champaign County Zoning Board of Appeals**
23 **finds that, based upon the application, testimony, and other evidence received in this case, that the**
24 **requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority**
25 **granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of**
26 **Appeals of Champaign County determines that:**
27

28 **The Variance requested in Case 048-V-22 is hereby GRANTED to the petitioners, Robert and**
29 **Virginia Schlorff, to authorize the following variance:**
30

31 **Authorize the following variance in the R-1 Single Family Residence Zoning District:**

32 **Part A: Authorize a variance for an existing non-conforming principal structure with a front**
33 **yard of 16 feet and a setback from the centerline of South Oak Drive of 34 feet in lieu of the**
34 **minimum required 25 feet front yard and 55 feet setback, per Section 4.3.4 of the Zoning**
35 **Ordinance.**
36

37 **Part B: Authorize a variance for a proposed addition with a front yard of 9 feet and a setback**
38 **from the centerline of South Oak Drive of 26 feet in lieu of the minimum required 25 feet**
39 **front yard and 55 feet setback, per Section 4.3.4 of the Zoning Ordinance.**
40

41 Mr. Elwell requested a roll call vote.
42

43 The vote was called as follows:

44 **Randol- yes Roberts- yes Anderson- yes Herbert- yes**
45 **Elwell- yes Wood – yes Bates- yes**
46

47 **The motion carried.**
48

1 Mr. Elwell congratulated the Schlorffs on receiving their four affirmative votes that were required for
2 approval of Case 048-V-22.

3
4 Ms. Schlorff said thank you very much.

5
6 Mr. Elwell said you're welcome and have a good night.

7
8 **Case 049-V-22**

9 Petitioners: **John Melton**

10
11 Request: **Authorize a variance in the AG-2 Agriculture Zoning District for a proposed attached**
12 **garage addition on a corner lot with a front yard of 20 feet and a setback of 47 feet from**
13 **the street centerline of North Trailside Dr, in lieu of the minimum required 25 feet and**
14 **55 feet, per Section 4.3.4 of the Champaign County Zoning Ordinance**

15
16 Location: **Lot 11 of Trailside First Subdivision in Section 13, Township 20 North, Range 7 East of**
17 **the Third Principal Meridian in Mahomet Township, with an address of 902 Surrey Ct,**
18 **Mahomet.**

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

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

32
33 John Melton, 902 Surrey Court, Mahomet, said that he would like to build an attached garage addition to
34 his existing attached one car garage. He said that the attached garage addition would be 14 feet by 32 feet.
35 He said that he chose that instead of putting a building in the back, because he figured it wouldn't block
36 the view of the neighbors looking out into the field plus it would save him a little money by not having to
37 put an extra driveway into the road. He said that is what he is looking to try and do.

38
39 Mr. Elwell asked if there were any questions from the Board or staff.

40
41 **Mr. Randol moved, seconded by Mr. Roberts, to accept the Preliminary Draft, Documents of**
42 **Record, and move to the Findings of Fact for Case 049-V-22. The motion carried by voice vote.**

43
44 Mr. Elwell said that he would be reading the Findings of Fact for Case 049-V-22 from Attachment F, page
45 9 of 10 in the Preliminary Memorandum, as follows:

46
47 **FINDINGS OF FACT FOR CASE 049-V-22**

48 From the documents of record and the testimony and exhibits received at the public hearing for zoning
49 case **049-V-22** held on **April 14, 2022**, the Zoning Board of Appeals of Champaign County finds that:

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

4
 5 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
 6 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
 7 the same district because: North Trailside Drive ends east of the subject property and Surrey Court dead
 8 ends south and north, so there would not be any traffic issues there. He said an email was received from
 9 the Village of Mahomet which stated that they don't plan on doing any extension of North Trailside Drive.

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

14
 15 Mr. Wood said the practical difficulties or hardships created by carrying out the strict letter of the
 16 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 17 structure or construction because: without this proposed variance, although that garage could be
 18 constructed elsewhere on the property, it would be considerably more expense to put in an additional
 19 driveway and match it up to the structure of the house; it really wouldn't make any sense without any
 20 additional traffic, changes in the road structure, or anything like that.

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

24
 25 Mr. Wood said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
 26 from actions of the applicant because: the existing house and driveway were constructed prior to the
 27 current petitioner's ownership of the property.

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

31
 32 Mr. Roberts said the requested variance IS in harmony with the general purpose and intent of the
 33 Ordinance because: there are no known plans to expand North Trailside Drive.

- 34
 35 **5. The requested variance {WILL / WILL NOT} be injurious to the neighborhood or otherwise**
 36 **detrimental to the public health, safety, or welfare because:**

37
 38 Mr. Randol said the requested variance WILL NOT be injurious to the neighborhood or otherwise
 39 detrimental to the public health, safety, or welfare because: the relevant jurisdictions were all notified of
 40 this variance and no comments have been received back. He said an email was received from the Village
 41 of Mahomet Planner Abby Heckman which stated that they did not have plans for any extension to the
 42 streets there.

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

46
 47 Mr. Wood said the requested variance IS the minimum variation that will make possible the reasonable
 48 use of the land/structure because: the requested variance is the minimum variation if the petitioner is able

1 to locate the garage where there is an existing driveway as opposed to additional construction of a new
2 one.

3
4 **7. NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.**

5
6 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the
7 Findings of Fact for Case 049-V-22.

8
9 **Mr. Roberts moved, seconded by Mr. Wood, to adopt the Summary of Evidence, Documents of**
10 **Record, and the Findings of Fact for Case 049-V-22. The motion carried by voice vote.**

11
12 Mr. Elwell entertained a motion to move to the Final Determination for Case 049-V-22.

13
14 **Mr. Roberts moved, seconded by Mr. Wood, to move to the Final Determination for Case 049-V-**
15 **22. The motion carried by voice vote.**

16
17 Mr. Elwell said that he would be reading the Final Determination for Case 049-V-22 from Attachment F,
18 page 10 of 10 in the Preliminary Memorandum, as follows:

19
20 **FINAL DETERMINATION FOR CASE 049-V-22**

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

26
27 **The Variance requested in Case 049-V-22 is hereby GRANTED to the petitioners, John Melton, to**
28 **authorize the following variance:**

29
30 **Authorize a variance in the AG-2 Agriculture Zoning District for a proposed attached garage**
31 **addition on a corner lot with a front yard of 20 feet and a setback of 47 feet from the street**
32 **centerline of North Trailside Dr, in lieu of the minimum required 25 feet and 55 feet, per**
33 **Section 4.3.4 of the Champaign County Zoning Ordinance.**

34
35 Mr. Elwell requested a roll call vote.

36
37 The vote was called as follows:

38 **Randol- yes Roberts- yes Anderson- yes Herbert- yes**
39 **Elwell- yes Wood – yes Bates- yes**

40
41 **The motion carried.**

42
43 Mr. Elwell congratulated Mr. Melton on receiving his four affirmative votes that were required for
44 approval of Case 049-V-22. He said that staff may be reaching out to him for further communication.

45
46 Mr. Melton said thank you very much.

47
48 Mr. Elwell said have a good night.

49

1 7. **Staff Report** – None

2

3 8. **Other Business**

4

5 **A. Review of Docket**

6

7 Mr. Elwell asked if there were any absences anticipated.

8

9 Mr. Wood said he would be gone on April 28th.

10

11 Mr. Elwell asked if there would be any other absences, and there were none.

12

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

14

15 None

16

17 **10. Adjournment**

18

19 Mr. Elwell entertained a motion to adjourn the meeting.

20

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

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24 The meeting adjourned at 9:29 p.m.

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26 Respectfully submitted,

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30 Secretary of Zoning Board of Appeals

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