

AS APPROVED AUGUST 14, 2006

**MINUTES OF REGULAR MEETING**

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<b>Champaign County Environment &amp; Land Use Committee Champaign County Brookens Administrative Center Urbana, IL 61802</b>	<b>DATE: June 12, 2006 TIME: 7:00 p.m. PLACE: Lyle Shields Meeting Room Brookens Administrative Center 1776 E. Washington Street Urbana, IL 61802</b>
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**MEMBERS PRESENT:** Jan Anderson, Patricia Busboom, Chris Doenitz, Tony Fabri, Ralph Langenheim (C), Brendan McGinty, Steve Moser, Jon Schroeder

**MEMBERS ABSENT:** Nancy Greenwalt (VC)

**STAFF PRESENT:** Connie Berry, John Hall, JR Knight, Leroy Holliday, Susan McGrath

**OTHERS PRESENT:** Cathe Capel, Martha Kersey, Hal Barnhart, Steve Willard

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**1. Call to Order, Roll Call**

The meeting was called to order at 7:00 p.m. The roll was called and a quorum declared present.

**2. Approval of Agenda**

**Mr. Schroeder moved, seconded by Ms. Anderson to approve the agenda as submitted. The motion carried by voice vote.**

**3. Minutes of Previous Meeting (December 13, 2004 and May 08, 2006)**

**Mr. Doenitz moved, seconded by Mr. Schroeder to approve the December 13, 2004 and May 08, 2006, minutes as submitted. The motion carried by voice vote.**

**4. Public Participation**

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None

**5. Correspondence**

None

**6. County Board Chair's Report**

None

**7. Recreation and Entertainment License: Champaign County Fair Association, 902 North Coler Av, Urbana, IL, for the County Fair and Carnival. July 21 thru July 29, 2006.**

**Mr. Moser moved, seconded by Mr. Doenitz to approve the Recreation and Entertainment License for the Champaign County Fair Association, 902 North Coler Av, Urbana, IL, for the County Fair and Carnival. July 21 thru July 29, 2006. The motion carried by voice vote.**

**8. Community Development Assistance Program (CDAP) Loan Request from The Spreader, Inc. (Armin Hesterberg).**

**Mr. Moser moved, seconded by Mr. Doenitz to recommend approval of the Community Development Assistance Program (CDAP) Loan Request from the Spreader, Inc. (Armin Hesterberg).**

Ms. Anderson requested additional information regarding Mr. Hesterberg's business.

Mr. Moser stated that Mr. Hesterberg's business manufactures orbit motor spreaders which are placed on the back of a combine to spread the trash which comes out of the combine. He noted that the business is very successful.

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**9. Subdivision Case 189-06: East Bend Subdivision. Subdivision Plat Approval for a two-lot minor subdivision in the CR, Zoning District in Section 18 of East Bend Township.**

**Mr. Doenitz moved, seconded by Mr. McGinty to recommend approval of Subdivision Case 189-06: East Bend Subdivision. The motion carried by voice vote.**

**10. Zoning Case 497-AM-05: Helen Willard and Steven and Shirley Willard. Request: Amend the zoning designation from CR-Conservation Recreation to AG-2, Agriculture. Location: A 29 acre tract in the Northwest ¼ of the Southeast ¼ of Section 36 of Newcomb Township and located east of CR 550E and north of CR 2425N at the corner of CR 550E and CR 2425N and commonly known as the home and property at 556 CR 2425N.**

**Mr. Moser moved, seconded by Mr. McGinty to overturn the ZBA’s recommendation for denial and recommend approval of Zoning Case 497-AM-05: Helen Willard and Steven and Shirley Willard.**

Mr. McGinty stated that it is his understanding that the current CR, Conservation Recreation district does not allow the requested use therefore the Petitioner submitted a request to rezone to AG-2. He said that the ZBA denied the request based upon the guidelines that they must use in determining approval or denial. He said that personally he understands the benefit of the proposed use and the value that a facility such as this has to the community’s youth and he is inclined from a zoning stand point to recommend denial but wonders why the CR zoning district cannot be expanded to include such a use. He requested that the Zoning Administrator investigate the possible expansion of authorized uses in the CR district to allow the requested use as a Special Use.

Mr. Moser stated that he is going to support Mr. Willard’s request whether it is right or wrong. He said that the newspaper continuously has articles regarding the community’s youth either drinking alcohol or selling drugs. He said that he can remember when the Tiger’s Den was in downtown Urbana and everyone in the high school went there to meet their friends. He said that they did not smoke or drink at the Tiger’s Den and

1 only went there so that they didn't have to corral around the streets. He said that it is a great thing that Mr.  
2 Willard is trying to do at his property for the youth of the community.

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4 Mr. Fabri stated that he agrees with Mr. McGinty and Mr. Moser. He said that this type of facility is a great  
5 thing to have for the youth. He said that he does realize the zoning problem and does not believe that  
6 switching the zoning to AG-2 will resolve the problem. He said that the district that Mr. Willard's property  
7 is located in is CR, Conservation-Recreation and as far as he can tell this is a recreational use therefore he  
8 would be comfortable in allowing such a use as a Special Use in the CR district. He said that he would like  
9 to see the case deferred until the Zoning Administrator has sufficient time to investigate the possibly of  
10 expanding the CR district to allow this use.

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12 Ms. McGrath stated that it appears that Mr. Moser, the maker of the original motion and Mr. McGinty the  
13 seconder of the motion have separate ideas of what the motion actually means. She said that Mr. Moser  
14 appears to be indicating that he would like to overturn the ZBA's recommendation for denial and  
15 recommend approval of Zoning Case 497-AM-05 while Mr. McGinty appears to be indicating that he  
16 supports the recommendation for denial of Case 497-AM-05. She asked Mr. Moser if his motion was  
17 actually to overturn the ruling of the ZBA and approve the requested map amendment.

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19 Mr. Moser stated yes.

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21 Mr. McGinty stated that the request was to amend the zoning map.

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23 Ms. McGrath stated that the motion is to deny the recommendation made by the ZBA and to uphold the map  
24 amendment. She said that the once the motion is on the floor the Committee can either amend the motion or  
25 recommend a substitute motion.

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27 Mr. Fabri stated that he has no disagreement with any of the procedural issues.

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29 **Mr. Fabri moved, seconded by Mr. McGinty to defer Agenda Item #10, until the Zoning**

1 Administrator can investigate the expansion of authorized uses in the CR district to allow the  
2 requested use as a Special Use.

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4 Mr. Schroeder asked Mr. Hall if this case is deferred will it be remanded back to the ZBA.

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6 Mr. Hall stated that the motion which Mr. Fabri made does not change any of the facts regarding this case.  
7 He said that Mr. Fabri would like to review some report or assessment of the feasibility of a text amendment  
8 to the Ordinance which would allow the requested use as a Special Use in the CR, district. He said that such  
9 a text amendment could take several months before it would be before the Committee for action.

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11 Mr. McGinty stated that it makes more sense if this use is under the CR district designation as a Special Use  
12 rather than requesting a map amendment for AG-2.

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14 Mr. Hall stated that he would like the opportunity to come back to the Committee with a proposal so that  
15 when it is before the ZBA they know that ELUC is comfortable with the beginning perimeters.

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17 Mr. McGinty stated that the Committee understands the importance of this use and the concern is how it  
18 could be allowed from a zoning stand point.

19

20 Ms. Anderson stated that she would like to 'The Shed' to be able to continue operation.

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22 Mr. Schroeder stated that Mr. Moser's motion was to accept the requested map amendment therefore  
23 wouldn't ELUC be charged with completing a different Finding of Fact.

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25 Ms. McGrath stated that Mr. Schroeder was correct.

26

27 Mr. Fabri stated that 'The Shed' was able to continue operation because the Petitioner was going through the  
28 correct process for zoning. He asked if the Committee recommends approval of the ZBA's recommendation  
29 for denial would 'The Shed' be forced to close immediately.

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Mr. Hall stated that technically ‘The Shed’ could remain open until the County Board upholds the recommendation by the ZBA. He said that if the Committee chooses to defer this case he would feel more comfortable having some direction from the Committee.

Mr. Langenheim stated that at a previous meeting the Committee authorized the continued operation of ‘The Shed’ during the hearing process of this case.

**Mr. McGinty made a friendly amendment to the motion to include that the Committee recommends that the Petitioner can continue in operation until a final decision is determined at the County Board.**

Ms. McGrath stated the deferral does not have to be to a date certain but noted that ELUC could request that the ZBA expedite the text amendment case prior to the County Board elections. She said that the ZBA docket appears to be very full and it is unlikely that the text amendment case would be finalized prior to the County Board elections.

Mr. McGinty stated that he is more interested in doing this right and is not concerned with a political, arbitrary time period therefore not setting a specific date for deferral and allowing the Petitioner to continue his operation until the process is completed.

The final motion was as follows:

**Mr. Fabri moved, seconded by Mr. McGinty to defer Agenda Item #10, until the Zoning Administrator can investigate the expansion of authorized uses in the CR district to allow the requested use as a Special Use. The Petitioner can continue in operation until a final decision is determined at the County Board. The motion carried by voice vote.**

Mr. Hall stated that he will have a report for the Committee’s consideration at the August, 2006, meeting.

**11. Illinois Residential Building Code Act**

Mr. Schroeder stated that Ms. Greenwalt originally brought this issue before the Board. He said that this is an issue which he is very concerned about and the statutory legislation that is filtered from Springfield every year is brought upon the unexpected once circumstances hit them through enforcement or litigation. He said that the Illinois Legislature decided to put a blanket building code throughout the state and since the County does not have building codes it is important that individuals who are trying to build in the County become aware of this legislation. He said that he spoke with Mr. Joel Fletcher, Senior Assistant State's Attorney and Mr. Hall about this issue and suggested to them that at the very least the County should acknowledge that this blanket building code exists. He said that Mr. Fletcher was very concerned and unwilling to allow the statute to be distributed because the County may be liable if the law or statute is changed in any way and the County did not keep current with that change. Mr. Schroeder stated that perhaps a generic statement could be distributed to the public during the Zoning Use Permit Application process indicating that the blanket building code exists for the State of Illinois. He said that he would like to see the Statute distributed to the public by the Zoning Department.

Ms. McGrath stated that it is the County's obligation to let people know about the Statute. She said that it does make sense to create a handout which explains what the blanket building code actually states and to distribute this handout when someone desires to build outside of a municipality. She said that in Mr. Hall's memorandum dated June 7, 2006, he indicates two alternatives for notifying the public about the Illinois Residential Building Code Act. She said that the County will not enforce the Illinois Residential Building Code Act. She said that it is important that people are aware that the County does not have a building code but there is a statute which is in effect for areas that do not have an adopted building code. She said that it is always advisable for people to consult legal advice from an attorney when they have any concerns. She said that Alternative A would meet Mr. Fletcher's and Mr. Schroeder's concerns.

Mr. Hall stated that the public should be given more than just the statutory language and go on record indicating that the County does not have a building code but the State of Illinois does have these laws in place and those laws are subject to change therefore they should seek legal advice.

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Mr. Fabri asked Mr. Hall what are the advantages to the County in not adopting a building code.

Mr. Hall stated that there are no advantages.

**Mr. Fabri moved, seconded by Mr. Schroeder to support Alternative A, directing staff to prepare a public information handout to be distributed with all relevant Zoning Use Permit Applications. The motion carried by the following vote: 5-yea 1-neh**

**12. Comprehensive Zoning Review**

Mr. Hall stated that there are two special ZBA meetings scheduled for the Comprehensive Zoning Review and those dates are August 03, 2006 and August 10, 2006. He said that there are four parts left out of the 13 and two of those parts, possibly a third could be cleared up on August 03, 2006. He said that everyone involved believes that there is a 99% probability that ELUC will see the CZR amendments at their August, 2006 meeting. He said that the ZBA’s findings will be included in the ELUC packet and those packets will be hand delivered on Friday, August 11<sup>th</sup>.

**13. Monthly Report for May, 2006**

Mr. Hall distributed the Monthly Report for May, 2006 to the Committee for review.

**Mr. Moser moved, seconded by Ms. Anderson to place the Monthly Report for May, 2006 on file. The motion carried by voice vote.**

**14. Other Business**

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2 Mr. Langenheim stated that he attended the second ethanol meeting convened by the RPC. He said that this  
3 meeting consisted of presentations from representatives from the State Geological Survey, State Water  
4 Survey, the Illinois American Water Company and The Corn Grower's Association. He said that the main  
5 substance that came out of the presentation by the State Geological Survey and the State Water Survey  
6 indicated that although they were unable to clearly state that there would or would not be a problem using  
7 water from the Mahomet Aquifer and it was their general opinion that The Anderson's Ethanol Plant would  
8 not hinder the water supply. He said that there was considerable concern about the fact that there is no  
9 ongoing monitoring of how much water is produced. He said that Illinois American Water Company  
10 indicates how much water they are producing although industrial users and irrigation users do not report the  
11 amount of water that they are producing and their water usage is substantial. He said that there should be  
12 some sort of state monitoring of large scale users of the aquifer. He said that personally he does not feel that  
13 it is necessary for every farmer who has a well to report how much water they are using if they are using it  
14 for domestic purposes although if he is running center post irrigation system then he should report his usage.  
15 He said that there is no requirement on the wells themselves other than a permit required for drilling and  
16 abandonment. He said that there is no requirement to provide detailed information about what is in the well  
17 in the way of rocks or water. He said that a driller's log is not standardized therefore an information gap  
18 exists and regulation should be encouraged. He said that the Mahomet Aquifer is artesian which means that  
19 the water in the Mahomet Aquifer rises in the bore to well above the level of the Glasford Aquifer and even  
20 in the zone of depression that level is still well above the Glasford Aquifer. He said that if the level goes  
21 below the Glasford Aquifer it will start depleting the Glasford Aquifer. He said that there is a lot more  
22 known about the aquifers currently that what was known ten years ago. He said that there are two aquifers  
23 which exist in area the Glasford Aquifer and Mahomet Aquifer. The Mahomet Aquifer is deeper and thicker  
24 and has more water in it and is the one which is west of Champaign and the Glasford Aquifer is related to  
25 the moraine which goes through Gifford and Rantoul and is at a higher level. He said that the Urbana well  
26 pulls water from the Glasford Aquifer. He said that it has been discovered that the Mahomet Aquifer does in  
27 fact recharge and gives up water naturally and does it by an indirect means. He said that the Glasford  
28 Aquifer does communicate with the Sangamon River and other surface waters and it recharges when water  
29 levels are high but when water levels are low the Glasford supplies the water which comes down the stream.

1 He said that the Glasford Aquifer rests on an ancient erosion surface and in several identified places the  
2 Glasford intersects the top of the Mahomet Aquifer therefore when water pressure goes down in the  
3 Glasford Aquifer the Mahomet Aquifer moves water in to the Glasford Aquifer but when water pressure  
4 goes up in the Glasford Aquifer the Glasford Aquifer moves water into the Mahomet Aquifer. He said that  
5 the Mahomet Aquifer does in fact recharge therefore the water system is not sealed. He said that the  
6 Ogallala Aquifer for example is perched and the water which is in there is dependent upon rainfall from the  
7 high plains for recharge and the rainfall from the high plains is not adequate to balance the use but the  
8 recharge for the Mahomet Aquifer is adequate to balance the use. He said that the problem in this County  
9 with water has been with drainage therefore we drain the top few feet of the surface by tiles but where that is  
10 not the case water percolates down through and gets into the Glasford Aquifer and the Glasford Aquifer  
11 feeds in and out of the Mahomet Aquifer. He said that there was a lot of talk about the economics of the  
12 proposed ethanol plant although he is not in the position to comment on that discussion. He said that he can  
13 only speak about the physical aspects of the aquifer.

14  
15 Mr. Moser stated that Tuscola is going to take water out of the Kaskaskia yet sewer water is pumped into the  
16 Kaskaskia. He said that if the water is clean enough for Tuscola to use for an ethanol plant why couldn't  
17 Champaign County do the same thing.

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19 Mr. Langenheim stated that there would have to be some sort of pipe line from the sanitary plant to carry the  
20 water to the ethanol plant. He said that the recycled sanitary district water that goes into the surface  
21 drainage goes all the way to the Gulf of Mexico and people in Memphis are drinking this water.

22  
23 Mr. Moser stated that it makes more sense for Champaign County to reuse their own water rather than  
24 sending it to Douglas County.

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26 Mr. Langenheim stated that the amount of water that comes through the sanitary system would not be  
27 enough to take care of the needs of an ethanol plant although it would help. He said that the daily scale of  
28 the proposed ethanol plant would be approximately what the daily use of a center point irrigation system is  
29 and the only difference is that the ethanol plant will operate 365 days per year. He said that an ethanol

1 plant's consumption of water is approximately 1/10<sup>th</sup> of what the Illinois American Water Company uses.

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3 Mr. Schroeder thanked Mr. Langenheim for his report and his expertise. He asked if large livestock  
4 facilities will be monitored.

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6 Mr. Langenheim stated yes. He said that the only use which he suggested exempting was an individual  
7 farmer pumping water for his own domestic use or for a limited agriculture use. He said that people who are  
8 pumping over one million gallons per day should be reported.

9  
10 Mr. Hall stated that a 3<sup>rd</sup> meeting will be scheduled regarding requests for Enterprise Zone extensions and  
11 how those extensions can occur without placing the intervening lands at risk for development. He said that  
12 there is a lot left to do and there will be at least one more meeting scheduled within the next few weeks and  
13 he would presume that anyone who attended one of the meetings will receive notice.

14  
15 Mr. Langenheim asked Ms. Wysocki if she sent her informative e-mail regarding the ethanol meeting to all  
16 County Board members.

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18 Ms. Wysocki stated that she did not send this e-mail to all County Board members but she will send it to  
19 those who did not receive it initially.

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21 **15. Determination of Items to be placed on the County Board Consent Agenda**

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23 **The consensus of the Committee was to place Agenda Items #8 and #9 on the County Board Consent**  
24 **Agenda.**

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26 **16. Adjournment**

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28 The meeting adjourned at 7:53 p.m.

**ELUC**

**AS APPROVED AUGUST 14, 2006**

**6/12/06**

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Respectfully submitted,

Secretary to the Environment and Land Use Committee

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