

AS APPROVED APRIL 09, 2007

MINUTES OF REGULAR MEETING

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| Champaign County Environment & Land Use Committee | DATE: | March 12, 2007 |
| Champaign County Brookens Administrative Center | TIME: | 7:00 p.m. |
| Urbana, IL 61802 | PLACE: | Lyle Shields Meeting Room Brookens Administrative Center 1776 E. Washington Street Urbana, IL 61802 |

MEMBERS PRESENT: Jan Anderson, Chris Doenitz, Matthew Gladney, Brad Jones, Ralph Langenheim, Steve Moser, Carrie Melin, Jon Schroeder (VC), Barbara Wysocki (C)

**OTHER COUNTY
BOARD MEMBERS
PRESENT:**

C. Pius Weibel (County Board Chairman)

MEMBERS ABSENT: None

STAFF PRESENT: John Hall, Leroy Holliday, James R. Knight, Susan McGrath (Assistant State's Attorney), Christine Papavasiliou (Assistant State's Attorney), Brent Rose (Regional Planning Commission), Frank DiNovo (Regional Planning Commission), Susan Monte (Regional Planning Commission)

OTHERS PRESENT: Lou Wozniak, JoAnn Wozniak, Michael Tague, Tom Berns, Hal Barnhart, Doug Turner, Tanna Fruhling, Eric Thorsland

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

3. Approval of Minutes (February 12, 2007)

Mr. Langenheim moved, seconded by Mr. Doenitz to approve the February 12, 2007, minutes as submitted. The motion carried by voice vote.

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4. Public Participation

Ms. Wysocki called Mr. Louis Wozniak.

Mr. Louis Wozniak, who resides at 401C CR 2425N, Mahomet stated that, if it would please the Committee, he would like to withhold his comments until agenda item #12 is discussed otherwise he will proceed.

Ms. Wysocki informed Mr. Wozniak that he may withhold his comments until agenda item #12 is discussed.

Ms. Wysocki called Mr. Michael Tague.

Mr. Michael Tague, legal representative for Mr. Bateman, stated that at the February, ELUC meeting Mr. Wozniak requested that his case be deferred until an amendment to the Zoning Ordinance has been adopted regulating setbacks from pipelines. He said that Mr. Bateman would also like to request the same courtesy in deferring Case 520-AM-05, until the Committee reviews and recommends a pipeline amendment. He said that the County Board’s decision regarding the pipeline amendment would significantly impact how the site plan for Case 520-AM-05 would be revised.

Mr. Doug Turner, who resides at 248 CR 2500N, Mahomet stated that his intention was to address agenda item #9 but since Mr. Tague has requested that the case be deferred to a later date he has no comments. He stated that at the February, ELUC meeting Case 520-AM-05, Mr. Schroeder made a motion to deny, seconded by Mr. Doenitz with no roll call vote to follow. He asked why the Committee did not vote on this motion.

Ms. Wysocki stated that Mr. Langenheim made a motion to defer Case 520-AM-05, seconded by Mr. Gladney which was carried by a voice vote with two opposing votes. She said that Mr. Schroeder was not required to withdraw his motion to deny because a motion to defer was approved by the Committee by voice vote.

5. Correspondence

A. Public Notice of the Proposed Issuance of a Federally Enforceable State Operating Permit to Collins and Aikman – Rantoul Products Plant No. 1 in Rantoul.

B. Public Notice of the Proposed Issuance of a Federally Enforceable State Operating Permit to Collins and Aikman – Rantoul Products Plant No. 2 and 3 in Rantoul.

Ms. Wysocki informed the Committee that Items #5.A and #5.B do not require Committee action. She said that the notices are for information purposes only.

Ms. Wysocki reminded the Committee that a public meeting will be held April 14, 2007, regarding water ownership and clean air. She said that each County Board member received a detailed e-mail regarding this meeting and encouraged attendance.

Ms. McGrath informed the Committee that if a majority (5 members) of the Committee attends the public

1 meeting there will be a violation pursuant to the *Open Meetings Act*. She said that there is not enough time
2 to send out notice when the meeting is Wednesday therefore only three members of this Committee could
3 attend.
4

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6 **6. County Board Chair’s Report**

7
8 None
9

10 **7. Presentation by Board Parliamentarian Susan McGrath on correct parliamentary procedure**
11 **for motions made in committee.**

12
13 Ms. McGrath apologized to the Committee for not having a member of their office at the February meeting.
14 She said that at the February meeting a motion was moved by Ms. Anderson, seconded by Mr. Langenheim
15 to recommend approval of Case 520-AM-05, although the motion failed due to a tie vote and according to
16 *Robert’s Rule* the procedure was completed correctly. She said that at this point the only motion which
17 needed to be placed on the floor was an alternative motion to take the place of the original motion. She said
18 that the motion to reconsider was not necessary for Case 520-AM-05 and only the alternative motion to
19 recommend denial was required at that time. She said that in certain cases it is okay when a motion is on the
20 floor and someone else desires to make another motion because by *Robert’s Rule of Order* there are some
21 motions which take precedence over the main motion on the floor which are: a motion to table or a motion
22 to defer. She said that a motion to table or a motion to defer takes precedence over the motion which is on
23 the floor. She said that if someone indicates that they want to defer or table a motion that is on the floor that
24 is the motion which actually gets voted on first because those basically say that no action is to be taken on
25 whatever the pending motion is at the time. She said that in the Bateman case Mr. Schroeder made a motion
26 to deny and Mr. Langenheim made a motion to defer therefore the motion to defer took precedence over the
27 motion to deny. She said that if Mr. Langenheim’s motion to defer had failed the Committee would have
28 returned to the motion to deny but since the motion to defer passed it is the motion that took precedence.
29 She noted that the Committee correctly completed the motion to defer by indicating deferred to a date
30 specific.
31

32 Mr. Hall stated that at the last meeting Mr. Schroeder began making the alternative recommendation to deny
33 therefore if the motion to deny had passed the County Board would have seen both the ZBA’s initial
34 recommendation and then the substitute recommendation on the part of ELUC.
35

36 Ms. McGrath stated that Mr. Hall was correct because whether or not the Committee agrees or disagrees
37 with the ZBA’s recommendation ELUC should submit the entire report to the County Board and then they
38 can decide what final recommendation should be made.
39

40 **8. CDAP Loan – CIPH, LLC d/b/a American Pride Plumbing, Heating & Air Conditioning**

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42 **Mr. Moser moved, seconded by Mr. Doenitz to recommend approval of Agenda Item #8: CDAP Loan**
43 **– CIPH, LLC d/b/a American Pride Plumbing, Heating & Air Conditioning. The motion carried by**

1 voice vote.

2

3 9. *Remanded Zoning Case 520-AM-05 Petitioner: Gene Bateman Request to amend the Zoning Map*
4 *to allow for the development of 2 single – family lots in the AG-1, Agriculture Zoning District by*
5 *adding the Rural Residential Overlay (RRO) Zoning District. Location: Approximately seven*
6 *acres of an existing 62.20 acre parcel in the East Half of the Northeast Quarter of Section 29 of*
7 *Newcomb Township that is commonly known as the farm field that borders the south side of CR*
8 *2600N and CR 200E.*

9

10 Mr. Doenitz moved, seconded by Mr. Moser to defer Remanded Zoning Case 520-AM-05: Gene
11 Bateman until the County Board amends the Zoning Ordinance with regard to setbacks from
12 pipelines. The motion carried by voice vote.

13

14 10. •Zoning Case 573-AM-06: Petitioner: Bill Cope and Mary Kalantzis Request to amend the
15 Zoning Map to allow for the development of 3 single family residential lots in the CR,
16 Conservation Recreation Zoning District by adding the Rural Residential Overlay (RRO)
17 Zoning District. Location: An 18.96 acre tract that is approximately in the East Half of the
18 Northeast Quarter of Section 32 of Somer Township and commonly known as the tree farm
19 at 4100 North Lincoln Avenue.

20

21 Mr. Moser moved, seconded by Mr. Doenitz to recommend approval of Zoning Case 573-AM-06:
22 Bill Cope and Mary Kalantzis.

23

24 Mr. Schroeder stated that he visited the site and by using the submitted plan he was unable to determine
25 the size of the proposed lots.

26

27 Mr. Hall stated that the aerial photo plan included on Page 31 of ELUC packet did have the lot sizes
28 indicated but due to the utilization of 8-1/2” x 11” paper for the packets the lot size information was cut
29 off. He said that all of the lots meet or exceed the minimum requirements.

30

31 Mr. Schroeder asked Mr. Hall which three lots are included in the RRO.

32

33 Mr. Hall stated that the Petitioner has not identified which three lots he would do if the RRO was
34 denied. He said that staff’s analysis is based on the assumption that Lots 4 and 5 could be done by-right
35 and that would leave a third large lot which would be the lot that required RRO approval to create an
36 additional 3 lots. He noted that at this time the RRO request remains on the entire tract. He said that
37 there have been previous RRO’s where a petitioner did modify his request to exclude those by-right lots
38 and Mr. Cope does not feel that it is necessary to do that on this case therefore it remains on the entire
39 tract.

40

41 Ms. Melin asked Mr. Hall if there would actually be five lots if the Committee approves an RRO on
42 three lots and two additional lots could be created by-right.

43

1 Mr. Hall stated that by-right the Petitioner could create three lots therefore the Committee's
2 recommendation for RRO approval is only necessary for three lots.

3
4 Ms. Melin stated that the Committee should take in consideration the difference between three lots being
5 developed versus six lots being developed on a small piece of land.

6
7 Mr. Hall stated that when staff analyzes the impacts on surrounding agriculture the report is given to the
8 ZBA. He said that the suitability analysis was based on just the lots that the Committee would be
9 required to approve and in this case it makes the RRO look better by comparison. He said that Lot 4 is a
10 river front lot and every river front lot will have areas of flooding and in this case every river front lot is
11 going to have some of the bottom land soils which are terrible for septic systems. He said that Lot 4
12 drains directly to the river and staff felt that it was fair to exclude it from the analysis because somehow
13 a septic system can be placed on the lot.

14
15 Ms. Anderson asked Mr. Hall if the Petitioner intends to continue the tree farm.

16
17 Mr. Hall stated that the tree farm is in the Conservation Reserve Program and that contract is valid for
18 another year therefore any removal of trees before the expiration date of the contract will need to be
19 dealt with by the Department of Agriculture. He said that the Petitioner intends to save as many trees as
20 possible because they feel that the trees are a benefit to the area and there are no restrictions related to
21 that.

22
23 Ms. Wysocki stated that we are basically relying on the Petitioner's word.

24
25 Mr. Hall stated yes.

26
27 Ms. Melin stated that generally residential lots would be sold at a higher rate than farmland. She said
28 that almost all of the land surrounding the subject property is currently being farmed and if an adjacent
29 farmer desires to add more land to his own land the allowance for development in the area could impact
30 his ability to purchase that farmland. She said that the Committee should be encouraging people to
31 continue farming and not allow development to make it so expensive for the adjacent farmer to expand
32 their operation.

33
34 Mr. Moser stated that he farmed land like the subject property and the productivity index is not like
35 black soil.

36
37 Ms. McGrath cautioned that the County has not adopted a policy regarding the concerns expressed by
38 Ms. Melin and the Committee should be careful about consideration of that factor because there are
39 many cases which come before this Committee in which that might be a consideration. She said that
40 until the Committee has some guidelines by which you can objectively measure each case in which that
41 is an issue, there is a problem denying some petitions and allowing others to go forward. She added that
42 this might be something to put into the land use goals for future consideration but she cautions against
43 using it at this time.

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Mr. Schroeder stated that he has concerns about the subject property. He said that he agreed with Mr. Moser that the productivity index for the property is pretty low for row crop agricultural production but there is a livestock facility within one-half mile of the proposed development. He said that he is concerned about the sprinkling of development in the County where it is not contiguous. He said that the subject property is more open than some of the cases that come before this Committee but he does have a concern regarding the livestock facility.

The motion carried by voice vote with two opposing votes.

- 11. •Zoning Case 579-AM-07: Petitioner: Bill Cope and Mary Kalantzis Request to amend the Zoning Map to change the zoning district Designation from AG-2, Agriculture Zoning District to the CR, Conservation Recreation Zoning District. Location: A 10 acre tract that is approximately the West Half of the East Half of the Northeast Quarter of the Northwest Quarter of Section 32 of Somer Township and commonly known as the western half of the tree farm at 4100 North Lincoln Avenue.**

Mr. Schroeder moved, seconded by Mr. Moser to recommend approval of Case 579-AM-07: Bill Cope and Mary Kalantzis. The motion carried by voice vote with one opposing vote.

- 12. Alternatives for Zoning Ordinance text amendments for land use compatibility near pipelines**

Mr. Hall stated that the determination of what is compatible land use near a pipeline is the Committee’s judgment call. He said that perhaps the Committee believes that rural subdivisions that are small, medium or large could be compatible as long as lot buyers are aware of the pipeline and are placed on notice or that the only compatible use would be, regardless of how many lots, lots that are completely outside an identified significant impact radius. He said that there are two very different determinations of what is compatible and that is the crux of the issue. He said that it might depend on how many lots are proposed. He reviewed the Comparison of Alternatives for Greater Land Use Compatibility between RRO Amendments and Pipelines. He said that once the Committee decides what might be acceptable for an RRO, would it be acceptable for a Special Use Permit where there may be greater numbers on a single parcel or would it work for a subdivision where the lots are by-right. He said that if the Committee decides to prohibit RRO lots within a significant impact radius of any pipeline should that prohibition also apply to a subdivision where the lots are by-right. He said that ideally the County could finally have an amendment that would address all of these different conditions but currently this memorandum only addresses the RRO lots and after making that determination it could be forwarded to the ZBA with some guidance on special use permits and by-right lots. He said that the most difficult issue is what if there are by-right lots that do not require a plat of subdivision. He said that it would be within the Committee’s authority to establish a higher standard for those kinds of lots but his fear is that people would only find out about it after they have already purchased the lot. He said that the lot may have not been configured correctly and it may not be able to be revised after the real estate closing. He said that he had a similar concern about the maximum lot size and to date staff has not had anyone apply

1 for a maximum lot size variance. He said that perhaps the word has spread very quickly and people are
2 aware of the County's rules but the concern about by-right lots is still present. He said that the
3 memorandum only requests direction for RRO lots.
4

5 Mr. Langenheim stated that two considerations come to mind. He said that the amount of land that is
6 adjacent to the pipelines versus the amount of land that is available for development in the County. He
7 said that it is a very small area and the risk is problematic. He said that under those conditions the
8 County should be very restrictive and critical in permitting construction adjacent to pipelines. He said
9 that there is a concern about the danger to people but what about confined animals.
10

11 Ms. Wysocki stated that direction must be given to staff therefore the options must be considered.
12

13 **Mr. Doentiz moved, seconded by Mr. Moser to consider the prohibition of RRO lots within a**
14 **significant impact radius of any pipeline.**
15

16 Ms. Anderson stated that she supported the motion and she also thought that the amendment should
17 apply to all lots and asked how people would find out about the regulations.
18

19 Mr. Hall stated that the Committee could pass an overlay zoning district that would apply to all known
20 pipelines. He said that the overlay would be indicated on the zoning map but this would be a map
21 amendment and would be subject to protest. He said that there are certain townships which have a
22 greater density of pipelines in their area and it is unknown whether they would be opposed to such a
23 map amendment. He said that an alternative approach would be that the standard could be adopted and
24 a map could be created indicating all known pipelines in the County. He said that the map could be
25 checked each time someone calls the office regarding a permit. He said that today with the maximum
26 lot size requirement the situation exists where people can create a lot and make it bigger than the three
27 acres without knowing about the existence of a pipeline. He said that he would like to speak to the
28 State's Attorney about the legal aspects. He said that if the Committee is ready to give direction about
29 by-right lots with the similar standard regarding pipelines staff could pursue that direction and if it is not
30 feasible then staff could report that finding to the Committee.
31

32 Mr. Moser asked Mr. Hall how the large the easements were over the pipelines.
33

34 Mr. Hall stated there was a subdivision before the County in the mid 90's where they never bothered to
35 define the blanket easement and when they platted the lots they redefined the easement and made it into
36 a 75 foot easement. He said that in regard to the pipelines for the Manlove Gas Storage Area there is
37 disagreement on how large the easements are because they are at least 50 feet but some interpretations
38 indicate 90 feet.
39

40 Mr. Moser stated that if someone gets a title policy on a particular lot the easement should be indicted.
41

42 Mr. Hall stated that you would think that any new lot which is created before someone would take title
43 to that lot they would investigate the easement. He said whether or not the prospective owner follows

1 up on the easement is another matter.

2
3 Mr. Weibel stated that he owned a lot which was on top of the Manlove Gas Storage Area and his deed
4 indicated an easement which included approximately six pages of text therefore it was very clear that the
5 easement existed. He said that if the property is outside of the easement there is still a danger zone.

6
7 Mr. Hall stated that recently staff processed a different RRO which had a lower pressure gas pipeline on
8 the other side of the road and if someone was purchasing a lot on the other side of the road they would
9 not be aware of the pipeline or danger zone.

10
11 Mr. Doenitz stated that by-right lots should be included in the prohibition.

12
13 **Mr. Doenitz amended his original motion to consider a text amendment based on Alternative E**
14 **that would prohibit RRO lots and By Right lots within a significant impact radius of any pipeline.**
15 **Mr. Moser agreed with the amended motion.**

16
17 Mr. Moser stated that on a property near Sidney he repaired a tile hole which was 30 feet from the road.
18 He said that during the repair he cut a fiber optic cable and the owner was not aware of the cable's
19 existence. He said that there is a stake next to the road which indicates a fiber optic cable in the area but
20 no one knew the specific location of the cable. He said that he ended up knocking out a lot of service
21 because the location of the cable was not clearly marked. He said that when someone cuts into a cable
22 of this type they are liable and financially it can be very painful.

23
24 Ms. Wysocki asked Mr. Hall if pipeline companies are required to report pipeline locations.

25
26 Mr. Hall stated that the location of new pipelines is reported because they must go through federal
27 approval but the problem is with the older pipelines. He said that many times the pipeline is indicated in
28 one area but it may travel in a direction so that its specific route is not known until you reach the other
29 side of the section.

30
31 Mr. Moser asked Mr. Hall if staff has a map indicating where the pipelines are located in this area.

32
33 Mr. Hall stated no, but it is being requested so that it can be included with the other known pipeline
34 map.

35
36 Mr. Weibel stated that ESDA has previously requested that information, such as maps indicating
37 pipelines and public water sources, which indicate potential sites which could be attacked by terrorists
38 be taken out of the libraries and quarantined. He said that he is not sure if this is still the case but it is a
39 possibility.

40
41 **The amended motion carried by voice vote.**

42
43 **Mr. Langenheim moved, seconded by Ms. Anderson to direct staff to prepare a map of all**

1 relevant pipelines in the County in conformance with any relevant guidelines for homeland
2 security.

3
4 **The motion carried by voice vote.**
5

6 Mr. Louis Wozniak called a point of order. He said that the Committee had agreed to allow him to
7 speak about the pipelines yet a motion was made and approved without giving him the opportunity to do
8 so. He said that after he speaks the Committee may want to reconsider their motion.
9

10 Mr. Schroeder stated that staff was directed to prepare the proposal and the proposal was not created at
11 this meeting.
12

13 Mr. Wozniak stated that he understands what transpired however he has information to present which
14 may change the Committee's opinion as to the directives that will be sent to the ZBA.
15

16 Mr. Schroeder stated that he would agree to allow Mr. Wozniak the opportunity to speak.
17

18 Mr. Doenitz also agreed to allow Mr. Wozniak the opportunity to speak.
19

20 Mr. Wysocki stated that if the motion is going to be the same there is no point in reconsidering the
21 motion. She informed Mr. Wozniak that he may speak at this time and share any information that he has
22 regarding the pipelines. She said that staff can take this information and incorporate it in constructing
23 their text amendment.
24

25 Mr. Schroeder stated that Mr. Wozniak's information may be more appropriate for testimony at the
26 ZBA.
27

28 Mr. Doenitz stated that Mr. Wozniak was present during the discussion of the motion.
29

30 Mr. Wozniak stated that he was present during the discussion of the motion but he was informed at the
31 beginning of the meeting that he would be given an opportunity to speak. He said that he was not going
32 to break in on the Committee's deliberations.
33

34 Ms. Wysocki stated that Mr. Wozniak could have reminded the Committee that he needed to be
35 acknowledged.
36

37 Ms. Wozniak stated that it is a reasonable error that a citizen of the County could make not knowing the
38 exact rules of this Committee versus the rules of the ZBA. He said that Mr. Hall informed him that the
39 rules of the Committee are much different than the ZBA's and it is very unfair that he was not allowed
40 the opportunity to speak when he was informed that he would be given that opportunity when the
41 agenda item was discussed. He requested a commitment that after he speaks the motion would be
42 reconsidered or an amended motion made.
43

1 Ms. Wysocki stated no. She said that if the Committee is not going to change their position on the
2 motion after hearing his information then there is no reason to take on another vote. She said that it is
3 the Committee's prerogative. She said that the Committee will listen to his information and if someone
4 desires to make a motion to reconsider then it will come from the Committee but if they are silent and
5 no one makes a motion then the original motion stands.
6

7 Mr. Wozniak agreed.
8

9 Mr. Wozniak stated that he would like to address the issue of land use compatibility with respect to gas
10 pipelines because it is the charge of this Committee to direct the ZBA to draft some type of text
11 amendment. He said that the chart submitted to the Committee from staff, indicated on Page 69 of the
12 ELUC packet, has some missing alternatives. He said that a stakeholder in this issue is the County
13 government which can win by having some solid guidelines but can lose by having to enforce these
14 rules. He said that the gas company is certainly a stakeholder in this issue because they can win by
15 having people get off their heels about pipelines and therefore decrease their exposure to liability
16 especially since the pipeline operators have, by contract, agreed that they would underwrite all damages
17 that occur to property as a result of a mishap in the installation and operation of the pipelines. He said
18 that the gas company will be a winner if the County extends the regulations to one-half mile where no
19 buildings, animals, etc, are allowed even though they only committed to a 30 foot easement. The
20 landowners are stakeholders and will win because they would know what regulations are in place and
21 they would be informed about pipelines prior to the purchase of the property but they will lose if the
22 County passes a requirement prohibiting construction within the designated area.
23

24 Mr. Wozniak stated that the alternatives are incomplete. He said that the Committee has chosen
25 Alternative E but in order to make a reasonable selection of choices one should be able to differentiate
26 between personal injury and property damage because they are two different things. He asked if there
27 was a difference between dwellings and other structures in the impact area. He said that the March 8,
28 2007, memorandum does not make any differentiation between dwellings and structures such as
29 garages, barns, shops, grain bins. He said that *Title 49* of the Federal Regulations clearly distinguishes
30 between structures and dwellings. He said that it defines dwellings as buildings intended for human
31 occupancy. He said that the pipeline regulations require pipeline operators to mitigate the effects of
32 population density near pipelines. He said that it does not deny people building outside of the easement,
33 which would be a case of law, or near the pipeline. He said that it does indicate that if the density of
34 population reaches a certain level the pipeline operator must mitigate this effect and he can do it in
35 several ways. He said that the pipeline operator can decrease the pressure of the pipeline, install a
36 thicker pipe or relocate the pipe. He said that the Federal regulations require all pipelines to be installed
37 within 50 feet of a road therefore a street must exist where a pipeline is set. He said that now it is up to
38 the Committee to decide if there is a difference between dwellings and structures.
39

40 Mr. Wozniak stated that if all portions of an RRO or By-Right lot are to be located outside the potential
41 impact radius how does this rationale square with traffic on roads as far as potential personal injury. He
42 said that if all portions of the RRO are to be located outside of the potential impact radius how does that
43 square with farming operations in relation to personal injury. He said that farmers drive tractors and

1 farm over the top of the pipelines because they are buried four feet deep. He asked if a pipeline operator
2 with a secured 30 foot wide easement for pipeline installation and who has agreed to underwrite
3 damages, in writing in the easement, be accorded the rights by county regulations to keep other's
4 property free of structures. He said that the pipeline operator has already agreed that any damage that
5 occurs outside of the 30 foot wide easement is his responsibility. He asked if the owner of a property be
6 limited to 10 times the amount of strip of land that he has given easement to in order to accommodate
7 the pipeline operator and limit his liability. He said that there are many homes which are within the
8 potential impact radius area and there are many pipeline operators who have placed their pipelines in
9 such a proximity to pre-existing homes that those homes became within the potential impact radius.

10
11 Mr. Wozniak stated that if the two tanks in Newcomb Township, owned by People's Gas, were damaged
12 by a high powered rifle or hit by an airplane the entire county would probably blow up because it would
13 suck the oxygen out of a very large area and people would not be able to get away fast enough. He said
14 that there would be a donut effect bringing the fresh air in and the other air would circulate and come
15 back and suck the oxygen out of a very great area.

16
17 Ms. Wysocki asked the Committee if Mr. Wozniak's information has changed anyone's mind on the
18 previous motion.

19
20 The consensus of the Committee was that it had not.

21 22 23 **13. 2007 Electronics Recycling Event Update**

24
25 Mr. Hall stated that the location of the event is in the north parking lot of Solo Cup on Main Street in
26 Urbana.

27 28 **14. *Proposal to prepare a Champaign County Government Land Use Plan***

29
30 Mr. DiNovo stated that a proposal has been constructed which includes the technical content and
31 sequence of steps in developing a plan. He said that the first item that he would like to discuss with the
32 Committee is the proposal as to how the governing structure for doing the plan should be set up. He
33 said that this is not a simple question and it is unsure that the legal environment in which this decision is
34 made is clear cut therefore input from the State's Attorney's office is required. He said that in
35 discussing the proposal earlier today with Ms. Wysocki it was decided to reduce the amount of
36 appropriations required by the County by spreading this out over an additional fiscal year. He said that
37 to some degree time is money and less money can be spent by going more slowly although this is not
38 desirable particularly on a project like this. He said that it is hard to maintain a high level of interest
39 when it is spread out over time but without doing this more staff would be required so that multiple
40 people would be working on different things at the same time. He said that if only one person is going
41 to be working on this project the time is stretched out. He said that this project would be estimated to
42 wrap up in fiscal year 2010. He said that the numbers need to be reworked but it is thought that overall
43 the cost of the project would be approximately \$290,000, with about 2/3rds of the expense being money

1 which is already planned for appropriation through the County Planning contract or for GIS work and
2 the remaining 1/3rd being new money that would be spread out over fiscal years 2008, 2009 and 2010.
3 He said that the project is designed so that in no one fiscal year the County would have to appropriate
4 more than \$50,000 dollars beyond what is already planned.
5

6 Mr. DiNovo distributed a memorandum with attachments dated March 12, 2007, to the Committee for
7 review. He referred the Committee to Attachment B, Champaign County Land Resource Management
8 Plan Project Organization. He said that this flow chart is the proposed governing structure for the
9 project. He said that the key element is the assembly of a steering committee to actually do the work.
10 He said that this steering committee would be nominated by a subcommittee of ELUC which would
11 include the County Board Chair, ELUC Chair and the ELUC Vice-Chair to select the people that would
12 serve on the steering committee and it would be subject to approval by the full County Board. He said
13 that there are three reasons why a steering committee is being proposed. The first reason is in a
14 municipal context plans are developed by an appointed plan commission and in the framework of the
15 County the only plan commission which is available is the Regional Planning Commission and that
16 body is a very specific makeup. He said that alternately an intermediate body is created which creates a
17 certain level of political insulation between the process and the elected officials. He said that the elected
18 officials don't have to deal with partisan and truly political issues in the process of developing a plan.
19 He said that the second benefit frankly is that as County Board members there are a lot of items on your
20 plates not to mention your jobs, professions and other roles in the community. He said that a steering
21 committee that is made up of appointed members can carry a big load and focus monthly on the issues.
22 He said that thirdly if there was no steering committee and the Committee tried to do this directly their
23 selves an advisory committee would be necessary which would essentially have the same membership
24 that the steering committee would have of all of the major stakeholders. He said that this would mean
25 that every issue and question would be posed to the advisory committee and then to the Committee
26 therefore doubling the amount of meetings required to resolve every issue and answer every question.
27 He said that for the sake of economy it is not a wise idea. He said that a steering committee constructed
28 to have representation from all of the key stakeholders is really a valuable to approach on this project.
29 He said that for those Committee members that have a really strong interest they could be named as ex-
30 officio members of the steering committee and he certainly encouraged Committee members to spend as
31 much time involved in this process as they want. He said that the more closely that the steering
32 committee is aligned with ELUC the better but it should be set up to operate with some independence.
33 He said that the Committee Chair and Vice-Chair would be good co-chairs of the steering committee
34 with the understanding that they would be appointed in their personal capacities therefore if they were
35 not re-elected in 2008 they could continue to serve therefore continuing continuity in leadership on the
36 steering committee.
37

38 Mr. DiNovo stated that the steering committee will be the body that does the bulk of the work. He said
39 that they will receive the reports, results from public workshops and will direct staff on a month to
40 month basis. He said that as issues arise ad-hoc advisory committees would be appointed but only as
41 necessary. He said that if a question about ground water protection came up, people from the
42 Geological Survey, Water Survey, the water company and other interested parties would be consulted to
43 resolve whatever specific questions came up on that issue. He said that this committee would go into

1 existence, serve that function, and then go out of existence. He said that the membership to the steering
2 committee is very important because it is the body that will do the work. He said that the steering
3 committee will report to ELUC and ELUC can give direction about revisions or changes that they want
4 to see made in the draft documents. He said that the steering committee will be working for ELUC. He
5 said that it is good practice that when different documents are developed that they be referred to the
6 Regional Planning Commission for comment and those comments be received back at the County. He
7 said that they would make exactly the same recommendation to any municipality because no one should
8 be adopting plans without some opportunity by the Regional Planning Commission to make comments.
9 He said that ultimately this will be approved by the County Board.

10
11 Mr. DiNovo stated that ELUC members would be ex-officio members of the steering committee and
12 therefore monthly updates would be given to ELUC and at key points of the projects such as the
13 Conditions and Trends document, Draft Policy document, the Draft Map and the final map ELUC would
14 be asked to approve those before the work was completed. He said that additionally it is proposed that
15 at those stages where there are intermediate work products there should be study sessions with the full
16 County Board to bring them up to speed on the project. He said that the goal is to keep the Board
17 informed and involved during the entire process. He said that the intent is not to allow the steering
18 committee to go off and do its own thing but to keep it in line with the thinking of ELUC and the
19 County Board. He said that it is proposed that the staff for this project will come from the Planning and
20 Zoning staff and the bulk of it will come from Regional Planning Commission. He said that the
21 Planning and Zoning Department must be intimately involved in the development of this project because
22 they are the ones that have to live with the results of this project therefore it is important that we all
23 work as a single team. He said that two forms of public input are proposed. He said that participatory
24 workshops are proposed to be hosted. He said that it is not desirable to have the public invited to come
25 into look at a document and then go to the microphone to either praise or condemn it. He said that it is
26 desired to bring people in to workshops where they are asked to do certain things and the result will be
27 used in development of the plan. He said that the first set of workshops proposed would be to work up a
28 report on conditions and trends in the County. He said that during this first set of workshops people can
29 be asked which conditions need preserved, need changed, need added, need deleted. He said that at that
30 point those same people can be asked which trends they would like to promote and accelerate or reverse
31 and dampen. He said that at that point staff can begin to draft policy statements which literally come out
32 of the public participation. He said that this is the way that we want to bring people in to the process
33 and not to allow them to just comment on what other people have done but to provide ideas in their own
34 thinking that can be built into the plan itself. He said that this step is planned during the policy setting
35 stage and the map drawing stage. He said that it is suggested that in each of these instances there be one
36 big public workshop in a central location such as Champaign-Urbana. He said that this is desired for
37 cost control and there is better participation at a large event rather than a smaller event. He said that
38 when the small town meetings were held regarding the Zoning Ordinance there was a very disappointing
39 turnout. He said that ELUC will be given an estimate for what it might cost if multiple versions of these
40 meetings were held in outlying locations but currently the recommendation is to hold big workshops in a
41 central location. He said that a formal public hearing has been proposed for the complete draft prior to
42 its adoption although it is not believed to be required by law. He said that the people who have missed
43 the workshops will have a final opportunity to raise a concern or issue prior to the adoption of the plan.

1
2 Mr. DiNovo distributed a Champaign County Land Resource Management Plan Development, Review
3 and Approval Process chart for the Committee's review. He said that some of the stages could begin
4 earlier than what is indicated on the chart but that would require additional appropriations during that
5 fiscal year. He said that if money was no issue this project would be completed one year earlier than
6 what is indicated on the chart. He said that in order to have this completed in three years in fiscal year
7 2008 the County would have to appropriate approximately \$100,000, over and above what is already
8 planned. He said that under this structure the County would only need to appropriate \$40,000 in fiscal
9 year 2008.

10
11 Mr. DiNovo stated that if the County decides to move forward with this project that the decision should
12 be formalized in a resolution to make sure that the full Board understands the implications and cost of
13 the project. He said that three key elements are: time and money; it will be a formal County policy; and
14 it counts and is not advisory. He said that once this plan is adopted it is intended to guide the decisions
15 that it applies to and it doesn't mean that you can't make a decision that is not consistent with the plan
16 but it does mean that if you are going to propose something that is not consistent with the plan then there
17 is an extra burden which falls on the person that is proposing it. He said that everyone should have the
18 expectation that if you are going to propose something that isn't consistent it will be harder to justify.
19 He said that it is expected that the plan will be used in every instance where it applies.

20
21 Mr. Schroeder thanked staff for completing the work on this proposal. He that he is concerned about
22 Stage Three and the development of plan maps.

23
24 Mr. DiNovo stated that in Illinois there is a very clear distinction between zoning maps and plan maps.
25 He said that there is no legal relationship between a plan map and a zoning map necessarily therefore a
26 plan map can be adopted without implicating the zoning map. He said that having adopted a land use
27 map as part of the plan it might imply that a map amendment will be completed at a later date but it
28 would not require it. He noted that a comprehensive plan can be adopted by a simple majority of the
29 County Board and does not require a super-majority.

30
31 Mr. Moser asked what good a plan map does when the County doesn't have any agreement within one-
32 and-one-half mile of some of the municipalities.

33
34 Mr. DiNovo stated that legally the County has planning jurisdiction right up to municipal corporate
35 limits. He said that in the State of Illinois within the one-and one-half mile area the County and the
36 municipality has completely overlapping jurisdictions. He said that it is proposed that the County will
37 generally accept the urban land use classifications that are in the existing municipal comprehensive
38 plans. He said that if a municipal comprehensive plan indicates an area as medium density residential
39 then that designation will be incorporated into the County document unless there is some major problem
40 with that in which discussions with the municipality would occur. He said that all of the land that is
41 designated as agriculture or land that is not mentioned in their comprehensive plans will be addressed by
42 the County's plan. He said that by the very process of working on the map the opportunity occurs where
43 the municipalities are brought to the table to talk about land use within their one-and one-half mile

1 jurisdiction. He said that once the map and the plan is in place the County can come to the table with a
2 municipality that has a plan and negotiate. He said that part of the implementation of this plan will
3 probably include calling for the creation of a set of intergovernmental agreements to coordinate all of
4 these independent overlapping jurisdictions. He said that in the post-Chatham era that is going to be
5 especially important. He said that the City of Champaign is in a process of negotiating an annexation
6 agreement with the water company that will give them zoning authority over something on the other
7 side of Bondville. He said that this area to be annexed is not only in Bondville's one-and one-half mile
8 jurisdiction but also Mahomet's therefore suddenly the one-and one-half mile jurisdiction goes away
9 due to *Chatham*. He said that under *Chatham* the Village of Ludlow could go be entering into
10 annexation agreements with property owners from the Village of Sidney and zoning their property. He
11 said that a set of understandings is necessary amongst all of the jurisdictions if there is going to be any
12 coherence in land use decision making.

13
14 Mr. Langenheim asked Mr. DiNovo what the penalty will be if the adopted County plan is not followed.

15
16 Mr. DiNovo stated that if the plan is going to be real the plan must have champions and include a set of
17 rules specifying when the plan must be followed. He said that this gives individual members the ability
18 to make an issue of a situation that is not following the plan. He said that this plan will have real teeth
19 to the extent that individuals on the Board are willing to fight for it and if disregarding the plan has
20 political consequences then it will be meaningful. He said that if disregarding the plan has no
21 consequences then it won't have much weight and if that is the case then it is probably the wrong plan.

22
23 Mr. Schroeder stated that the County has been doing this for years with the Land Use Goals and
24 Policies. He said that these were the guidelines that the ZBA had to go by and subsequently ELUC and
25 the County Board. He asked what the difference will be between having a plan and the Land Use Goals
26 and Policies.

27
28 Mr. DiNovo stated that the Land Use Goals and Policies include approximately 40 policies and all of
29 those except for maybe eight say things like "the County will investigate developing a rural planned
30 development plan." He said that statements like that are no good to anyone in evaluating a current
31 zoning situation and what it is an implementation measure. He said that 75% of what is in the Land Use
32 Goals and Policies is not helpful right off the bat but the remaining statements are pretty carefully
33 written so that they allow for a very wide array of things. He said that part of the problem with using
34 the Land Use Goals and Policies as a decision making guide is that it is not a very straight forward
35 document and it wasn't intended to be. He said that it was intended to be what it is which is something
36 that allowed ELUC at that time to say that the goals and policies were made.

37
38 Mr. Schroeder stated that what is being proposed is similar to a comprehensive land use plan.

39
40 Mr. DiNovo stated that the principal difference is that this will be narrower in scope in that it is not
41 going to address issues that are not going to be under the County's jurisdiction so it doesn't have to go
42 in to sanitary sewer extensions. He said that when sanitary sewers are extended the property is subject
43 to annexation agreements and those kinds of developments are not subject to county jurisdiction

1 anyway. He said that the subject matter is going to be narrow. He said that this plan is not going to get
2 in to emergency services except in terms of taking cognizance of where they are today in terms of
3 deciding what that means for land use but it is not going to get in to issues like whether Edge-Scott and
4 Carroll should be merged. He said that the other thing that is very important in the differences is that at
5 the end of the day 14 County Board members must support this plan for it to be adopted but for a
6 comprehensive plan the agreement of the majority of a number of different entities must be in agreement
7 for support. He said that no other unit of government is being asked to adopt or endorse this plan. He
8 said that this plan is to be approved by the County Board only and is to be used by the County Board
9 when it makes its own decisions. He said that in doing either plan a steering committee would be
10 utilized to do the day- to-day work but the difference is that the final authority for this plan is the
11 County Board and on a comprehensive plan it would be a cluster of units of government that would all
12 have to work together.

13
14 Mr. Schroeder stated that at the last meeting cost figures for a comprehensive plan were being thrown
15 around at approximately \$300,000 and when staff came back with this plan with figures of \$290,000 he
16 was shocked. He said that he is a little concerned about the cost and time allotted for this plan and would
17 like to see the figures on paper.

18
19 Mr. DiNovo stated that in his experience the cost figures are within reason compared to the costs
20 incurred in doing this type of a plan in comparable counties. He said that the last thing that he would
21 want to do is “low ball” the figures and he is very cautious about the numbers that he reports to the
22 Committee. He said that it is expected that the Committee will not take action on this issue at tonight’s
23 meeting therefore a cost estimate will be detailed for Committee review.

24
25 Mr. Schroeder requested that a copy of the cost estimate be included at the April meeting.

26
27 Mr. DiNovo stated that he could have those figures by early next week.

28
29 Ms. McGrath stated that there are some other issues which must be addressed from the chart that is
30 being discussed tonight. She said that any committee of the County Board must be appointed by the
31 County Board Chair. She said that the County Board Chair can take recommendations from ELUC but
32 the appointment must be made from the County Board Chair and forwarded to the Policy Committee for
33 approval before it goes to the County Board.

34
35 Mr. DiNovo stated that it is proposed that the subcommittee would nominate members to the County
36 Board Chair who would present them to Policy and follow the process.

37
38 Ms. McGrath stated that the term of the steering committee members must be determined and whether
39 all members will have the same term or if the terms will be staggered. She said that this will be a
40 committee that is subject to the *Open Meetings Act* and that is why all of these things clearly defined in
41 the resolution. She said that if this does require additional appropriations a recommendation must be
42 made regarding appropriations therefore requiring a budget amendment in order to enact whatever is
43 necessary.

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Mr. DiNovo stated that the fiscal plan includes not making any budget amendments in 2007 therefore rolling over in to the 2008 budget.

Ms. McGrath stated that if it is being rolled over a recommendation would be advisable to the Finance Committee regarding such for the next fiscal year. She said that the Committee will also need to decide who appoints the *ad-hoc* advisory committees and that also needs to be in the enabling resolution.

Mr. DiNovo stated that there will be a sub-committee other than ELUC to deal with all of those details.

Ms. McGrath stated that this is a great idea but it has to go to the Board.

Mr. DiNovo stated yes, but they would like a sub-committee to put all of the proposals together to present to the Board. He said that this is a critical matter and getting the steering committee right is very important and everyone must be comfortable with the committee and it must be credible to everyone.

Mr. Moser asked Mr. DiNovo how he would propose after big.small.all to get the agricultural community and the Chamber of Commerce together on anything.

Mr. DiNovo stated that a large part of the dispute between the homebuilders and the Farm Bureau had to do with development that will occur in urban densities with public sanitary sewer which will be under municipal jurisdiction anyway. He said that this is the bread and butter of most developers and they were concerned that constraints would be placed on where they could do that type of development. He said that without minimizing the difficulty of coming to a resolution of that issue, which has been a difficult issue since the 60's, this plan will mostly be about what happens beyond the end of the sewer lines in the outlying rural areas. He said that the estimate was that this is about 40% of the farmland conversion but only 8% of the residential units. He said that this is a different kind of an issue and it isn't going to be easy to resolve. He said that he does not think that the type of controversy that was generated by the Zoning Ordinance is going to go away because we are doing a plan but he does believe that these are some of the perspectives that should be represented on the steering committee. He said that all the different conflicting points of view about development and about property rights and farmland preservation need to be represented.

Mr. Moser stated that the amount of heat that he and Mr. Schroeder took was unbelievable for voting for anything on the Comprehensive Zoning Review. He said that project was started in 1994 and it went to 2007 and it fell hard. He said that the ravage is still out there with the people who attended the ZBA meetings regarding CZR raving about property rights. He said that when it comes to pushing and shoving there isn't enough guts in this room to stand up to anything but to run and hide. He said that he isn't talking about either party but when the heat gets turned up money talks and money walks and that is what has happened for as long as he has been on the Board. He said that there is a Route 130 Comprehensive Plan, a railroad track is proposed over the IC so that Olympian Drive can connect to Route 45 and IDOT keeps coming in with great plans for economic development and he does not know what a little County Board can do about that. He said that IDOT doesn't care what the County's plan is

1 and they are going to do whatever they want to do because the University of Illinois and the developers
2 have the connections to get these things approved in Springfield. He said that when he looks at a four
3 lane road going down to Church Street on Route 130 he sees another Prospect Avenue on the East side
4 of Urbana. He said that in Hillsboro County in Florida there are subdivisions all over the place and all
5 of sudden they put an impact fee on every one of those lots and the development stopped. He said that
6 there is infrastructure that is totally out of control and the county is sitting there trying to figure out how
7 they are going to get their money back when no one is building in the subdivision. He said that perhaps
8 the County should look at something like this because Savoy and Champaign are walking the plank with
9 these subdivisions and paying for the infrastructure but who is going to keep it up. He said that there
10 doesn't seem to be an end to how much they want to do. He said that the cities are sticking the County
11 with all of the environmentalist stuff and we don't want them telling us what to do.

12
13 Mr. DiNovo stated that this is a dilemma that he does not know how to resolve. He said that there are a
14 couple of things that are important in terms of process that could help make this easier. He said that one
15 is to get the steering committee membership oriented and second is the participatory forms of
16 involvement. He said that it was said that the County was not listening when the Zoning Ordinance was
17 put together. He said that if public participation processes can be structured so that the outcome of those
18 processes actually effect the outcome of the plan then that will help give it more legitimacy. He said
19 that he does not want to be Pollyannish about this because there are fundamental philosophical
20 disagreements. He said that it was very interesting in big.small.all that there was a huge conflict
21 between homebuilders and farmers. He said that there were two groups present whose livelihood was at
22 issue and that makes this difficult. He said that there are people out there like Mr. Schildt and Dr.
23 Brunner who are dedicated and sincere libertarians in their outlook and they really believe that we are
24 best off if we leave things to the free market. He said that they tend unfortunately to disregard the way
25 that the market has been distorted but they are very sincere in their beliefs and are not easily persuaded.
26 He said that this is tough and this is the piece of granite that is in the middle of this process and coming
27 at this problem from a planning direction rather than a regulatory direction with the Zoning Ordinance,
28 may help us find some ways of dealing with it but he would not want to suggest that there is anything
29 simple about it.

30
31 Mr. Moser stated that it is going to be difficult to deal with large land owners with a lot of money
32 around the municipalities who push them to do what they want them to do and they have been very
33 successful.

34
35 Mr. DiNovo stated that it is almost a mirror image that affects both the developers and the farmers and
36 perhaps there is some way to build on some of that commonality.

37
38 Mr. Moser stated that Mr. DiNovo has the opportunity to do some missionary work with the RPC Board.
39 He said that the City Manager of Mahomet indicated that he has some interest in trying to do something
40 to stop the chaos that they have with some of those subdivisions. He said that Savoy also indicated
41 interest. He said that Tolono and St. Joseph will not come to the table but these are the five players,
42 including Champaign-Urbana, that are basically getting all the growth.

43

3-12-07

AS APPROVED APRIL 09, 2007

ELUC

1 Ms. Wysocki stated that Mr. DiNovo has indicated that the developers and the farmers are knocking
2 heads in regard to their interest. She said that she is very encouraged to see that the Farm Bureau is very
3 interested in continuing the dialogue between those two entities regardless of what the County does.
4 She said that this will probably be the topic at tomorrow's Land Use Committee meeting at the Farm
5 Bureau. She said that the County should be able to capitalize on this progress with the process that RPC
6 has outlined.

7
8 Mr. DiNovo stated that it was really touch and go whether an agreement was going to be determined on
9 an objective statement on urban growth and farmland preservation in big.small.all. He said that to his
10 delight an agreement was reached that the agricultural committee and homebuilders could both sign off
11 on and the Farm Bureau has taken on the responsibility to go forward with that and it is hopeful that
12 some good will come of it. He said that he does not know if this will have a lot to do with the County
13 because it has a lot more to do with urban development but there is some common ground.

14
15 Ms. Wysocki asked the Committee if this was a logical starting point.

16
17 Mr. Doenitz stated that he would like to review the cost estimate for the plan.

18
19 Mr. Schroeder stated that he would also like to review the cost estimate. He said that he would prefer
20 that this agenda item be continued to the April meeting.

21
22 **The consensus of the Committee was to continue Agenda Item #14 to the April meeting.**

23
24
25 **15. *FY07 Regional Planning Commission County Work plan (annual work plan for the County***
26 ***Special Projects Planner at the RPC)***

27
28 No action taken.

29
30 **16. Review of Closed Session Minutes (October 16, 2006)**

31
32 **Mr. Langenheim moved, seconded by Ms. Anderson to keep the October 16, 2006, closed session**
33 **minutes closed. The motion carried by voice vote.**

34
35
36 **17. Update on Enforcement Cases**

37
38 Mr. Hall stated that no information is available to report to the Committee.

39
40 Ms. McGrath asked the Committee if they would like to see a written report on enforcement cases.

41
42 **The consensus of the Committee was to have a written report on enforcement cases available for**
43 **review at each monthly ELUC meeting.**

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18. Monthly Report (February, 2007)

Mr. Hall stated that no monthly report is available for Committee review. He said that the Monthly Report for February, 2007 will be available at the April meeting.

19. Other Business

None

20. Determination of Items to be placed on the County Board Consent Agenda

The consensus of the Committee was to place Agenda Item #8 on the County Board Consent Agenda.

21. Adjournment

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Secretary to the Environment and Land Use Committee

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