

## CHAMPAIGN COUNTY BOARD COMMITTEE AGENDA

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### ENVIRONMENT & LAND USE COMMITTEE

Brookens Administrative Center, Lyle Shields Meeting Room  
1776 E. Washington, Urbana  
Tuesday, October 13, 2009 – 7:00 p.m.

CHAIR: Barbara Wysocki

MEMBERS: Carol Ammons, Jan Anderson, Chris Doenitz, Brad Jones, Alan Kurtz (VC),  
Ralph Langenheim, Steve Moser, Jon Schroeder

| <u>AGENDA ITEM</u>  | <u>PAGE NO.</u> |
|---|-----------------|
| I. <u>Call to Order</u>   |                 |
| II. <u>Roll Call</u>  |                 |
| III. <u>Approval of Agenda/Addendum</u>   |                 |
| IV. <u>Approval of Minutes</u>  |                 |
| A. August 10, 2009  | 1 - 26          |
| B. September 14, 2009   | 27-48           |
| V. <u>Public Participation</u>  |                 |
| VI. <u>Correspondence</u>   |                 |
| VII. <u>Chair's Report</u>  |                 |
| VIII. <u>Recreation and Entertainment License: Egyptian Collectors Association, Inc. Hunting and Trade Shows. Location: Champaign County Fairgrounds, 902-1302 N. Coler, Urbana. October 17-18, 2009.</u>   | 49-54           |
| IX. <u>Zoning Case 520-AM-05: Gene and Carolyn Bateman. Request to amend the Zoning Map to allow for the development of 3 single family residential lots in the AG-1, Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District. Location: Approximately 12.04 acres of an existing 62.20 acre parcel in the E1/2 of the NW1/4 of Section 29 of Newcomb Township that is commonly known as the farm field that borders the south side of CR 2600N and the west side of CR 200N.</u> | 55-92           |

- X. **A. ELUC Approval of Draft Goals, Objectives and Policies (Stage 2) and the Future Land Use Map (Stage 3) for the Land Resource Management Plan**
- B. Review of Proposed Implementation Strategy (Stage 4) of the Land Resource Management Plan**
- XI. **County Planner Contract for FY 2010 and Completion of the LRMP**  
*(information to be distributed at meeting)*
- XII. **Hiring Professional Consultants for Review of Certain Technical Studies For Wind Farm County Board Special Use Permits**  
*(information to be distributed at meeting)*
- XIII. **Monthly Reports**
  - A. **September 2009**  
*(information to be distributed at meeting)*
- XIV. **Other Business**
- XV. **Designation of Items to be Placed on County Board Consent Agenda**
- XVI. **Adjournment**

**DRAFT**

**MINUTES OF REGULAR MEETING**

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**Champaign County Environment  
& Land Use Committee  
Champaign County Brookens  
Administrative Center  
Urbana, IL 61802**

**DATE: August 10, 2009  
TIME: 7:00 p.m.  
PLACE: Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802**

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**MEMBERS PRESENT:** Chris Doenitz, Jan Anderson, Brad Jones, Ralph Langenheim, Steve Moser, Alan Kurtz (VC), Jon Schroeder, Barbara Wysocki (C)

**OTHER COUNTY  
BOARD MEMBERS**

**PRESENT:** Pius Weibel (County Board Chair)

**MEMBERS ABSENT:** Carol Ammons,

**STAFF PRESENT:** John Hall, Leroy Holliday, Deb Busey, Susan Monte (Regional Planning Commisison), Susan Chavarria (Regional Planning Commission), Andrew Levy (Regional Planning Commission)

**OTHERS PRESENT:** Hal Barnhart

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

**3. Approval of Minutes (June 8, 2009)**

Mr. Kurtz said that there was an error on page 15 line 4. He said that the website that was given was incorrect and the correct website was [www.rwspc.org](http://www.rwspc.org).

**Mr. Jones moved, seconded by Ms. Anderson to approve the June 8, 2009, minutes as amended. The motion carried by voice vote.**

1 **4. Correspondence**

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3 Mr. Hall said that there was no additional Correspondence.

4  
5 **5. Chair’s Report**

6  
7 Ms. Wysocki said that she and Mr. Kurtz attended a workshop last Thursday at the U of I Extension Service  
8 in LaSalle County which dealt with agricultural land use planning, tools planning and preservation and a  
9 transitioning economy. She said that this was an interesting conference because they talked about planning  
10 elements that were going on around not just in the State of Illinois but even on a broader level than that and  
11 they were trying to educate those who attended about trends going on in the area of developing land trusts,  
12 farmland protection commissions and apparently the Chicago area seems to have a number of these in  
13 existence and some of the related issues in terms of how this affects agriculture policies, balancing  
14 agricultural interests with other interests other than turning the land into residential settlements. She said that  
15 that it was an intense day and it was worth the trip there.

16  
17 Mr. Kurtz said that he was impressed how they were going about planning to save farmland in the State. He  
18 said that the easements for developmental rights where counties were purchasing developmental rights from  
19 farmers to keep the land safe from any type of residential growth is something he had not thought about and  
20 he thought it was a good idea to discuss it. He said that the key is you have to have money for that but it  
21 can’t hurt to plan for something like that. He said that he thinks Chair Wysocki questioned one of the  
22 speakers about those commissions and we should be getting some information back on those.

23  
24 **6. Public Participation**

25  
26 There was no public participation.

27  
28 **7. Updates:**

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30 **A. House Bill 466 (Chatham decision)**

31  
32 Mr. Hall said that Tuesday August 11, 2009, is the last day for the governor to veto House Bill 466 which is  
33 the Bill the County and municipalities had joined together to request. He said that if the Governor does not  
34 veto it tomorrow it goes into law and if he does veto it then it goes back for the Veto Session. He said that  
35 the same will be true with Senator Poe’s Bill 1006 so the problem may be fixed for the entire State. He said  
36 that he would report back next month and send an email as soon as he knows something.

37  
38 Mr. Hall said that Chair Weibel asked some questions about a Bill at the last meeting that was up for  
39 approval that as of 2011 will make all commercial buildings have to be built to code and that also passed so  
40 that on January 1, 2011, every new building constructed anywhere in the State would have to be constructed  
41 to a building code regardless if it is a single family home or an industrial complex. He said that there was no  
42 one enforcing that but it is a requirement. He said that the law regarding commercial structures exempts

1 agriculture. He said that it was not clear to him whether or not the Residential Building Code Act exempts  
2 agriculture but it is not enforced.

3  
4 **8. Request to Adopt the Champaign County Multi-Jurisdiction Natural Hazard Mitigation Plan**

5  
6 Ms. Wysocki said that the Committee had copies of this distributed at the June meeting and Ms. Monte will  
7 give us a summary of this and hopefully we will be able to be in a position to approve this and pass it along  
8 to the County Board for next week's meeting.

9  
10 Susan Monte of the Regional Planning Commission said that those who attended the public participation  
11 meeting in June may have a copy of the Hazard Mitigation Plan and those that did not have a copy can go  
12 online or if someone needs a hard copy she can make arrangements for that to happen. She said that tonight  
13 she was asking for a recommendation to the County Board to adopt the Champaign County Multi-  
14 Jurisdictional Natural Hazard Mitigation Plan. She said that the preparation had occurred over the past year  
15 and a half and you have heard the many updates about that and FEMA had reviewed the final draft and made  
16 certain requests that were met for additional information and subsequently FEMA had indicated that the plan  
17 meets all of their requirements and the only remaining thing is that each participating jurisdiction needs to  
18 adopt the plan. She said that the purpose of adopting the plan is to make the County and each participating  
19 jurisdiction eligible for grants available through FEMA. She said that the funding would allow long term  
20 solutions to prepare and achieve several of the mitigation actions proposed via funding through the FEMA  
21 Hazard Mitigation Grant Program or FEMA Pre-Disaster Mitigation Program Fund.

22  
23 Ms. Monte said that the Committee received in their packet an Executive Summary of the plan describing  
24 the scope of the plan, the process, the fact that 27 jurisdictions participated including the unincorporated  
25 Champaign County area and all municipalities in the County or partially in the County and the University of  
26 Illinois as well as Parkland College.

27  
28 Mr. Schroeder arrived at 7:09pm.

29  
30 Ms. Monte said that the public had opportunities to participate throughout the development of the plan. She  
31 said that a survey was distributed last December with regards to Preferred Mitigation Actions to the public.  
32 She said that the plan identified natural hazards in the County, profiled each hazard, and past occurrences of  
33 each hazard. She said that the six hazards are severe storms, severe winter storms, floods, extreme heat,  
34 drought, and earthquakes. Ms. Monte said that in Champaign County severe winter storms are considered the  
35 most prevalent of the hazards, flooding is a close third followed by extreme heat, drought, and earthquake  
36 being the least ranked hazard. Ms. Monte said that four goals had been identified in the plan and the first was  
37 to minimize avoidable death and injury due to natural hazards, protect existing and new infrastructures from  
38 the impacts of natural hazards, include natural hazard mitigation and local government plans and regulations  
39 and coordinate natural hazard mitigation efforts of participating jurisdictions.

40  
41 Ms. Monte said that each jurisdiction came up with a prioritized listing of preferred mitigation actions  
42 ranking them by priority and Champaign County came up with a list of 12. She said that since those were not

1 included in the Executive Summary she could distribute the mitigation actions as a part of this plan. She said  
 2 that the top two ranked the highest priority were to educate the public and to disseminate information  
 3 regarding all hazards to the population through town hall meetings, presentations to groups, and displays.  
 4 She said that the responsible parties would be the Department of Public Health and Champaign County  
 5 Emergency Management Agency and the funding sources would be federal, State, local or grants and it is a  
 6 mitigation action that would be ongoing.

7  
 8 Ms. Monte said that the second highest priority mitigation action proposed for Champaign County was to  
 9 offer and promote the use of an area wide warning text message system such as "Alert Sense". She said that  
 10 the time frame will be within six months of FEMA's approval of this plan and those two departments are  
 11 arranging for this to occur at this time. Ms. Monte said that the other ten mitigation actions are listed on this  
 12 list and she could make it available to the Committee either now or after the meeting. She said that each of  
 13 the participating jurisdictions had their own list of mitigation actions and they prioritized their own list and  
 14 they will be responsible for their governing body adopting or trying to request that it be adopted. She said  
 15 that since there were so many participating jurisdictions, the Champaign County Regional Planning  
 16 Commission project staff was able to get the 19 smaller municipalities to agree to have the RPC project staff  
 17 represent them during the planning process and they are now receiving information that you are receiving  
 18 and going forward to their town councils to request that the plan be adopted as well.

19  
 20 Mr. Schroeder asked Ms. Monte if it was up to the individual municipalities out beyond Champaign, Urbana  
 21 and Savoy to understand the plan and who's in charge of the whole scope of things and organizational chart.

22  
 23 Ms. Monte said yes, and beginning in January 2008 she communicated with the village presidents of each of  
 24 the smaller villages and in some cases visited their council meetings to describe participating in this plan.  
 25 She said each of the smaller participating villages had their council authorize a resolution agreeing to  
 26 participate in this plan and they are expecting at the end of this process to be provided with the plan and to  
 27 go forward to their council to request that it be adopted. She said that at various points she has been in touch  
 28 with village presidents, village clerks and village representatives.

29  
 30 Mr. Schroeder asked Ms. Monte if the people in the unincorporated areas that have only township  
 31 government are aware that there is a structured plan there for response to natural hazards.

32  
 33 Ms. Monte said that if you are referring to the Chair of our planning team, Bill Keller, he is aware of it. She  
 34 said that the Response Plan is a separate plan which is a part of this and it includes things other than  
 35 emergency response like public dissemination of information and emergency services of which there are 5  
 36 categories of mitigation actions that this plan includes whereby emergency response is one category.

37  
 38 Mr. Schroeder asked Ms. Monte if unincorporated areas like Penfield and Seymour which have first  
 39 responders like a volunteer fire department are aware of this mitigation plan.

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 41 Ms. Monte said that Bill Keller is the primary contact person for unincorporated Champaign County and he  
 42 was responsible for coordinating and making sure that there are no conflicts with any of the first responder

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activities and as far as she knew there were no conflicts. She said that there were no specific contacts made with the Fire Protection Districts per say but information was collected about them.

Mr. Langenheim arrived at 7:20pm.

Mr. Schroeder said that he has a different opinion regarding the ranking of hazards based on vulnerability of assessment and if you look over the column that says property and crop damage and go to drought and it is “moderate” risk and he thinks that it should be “major” but he is curious where the moderate designation came from.

Ms. Monte said that this table is based on the Illinois Natural Hazard Mitigation Plan and the data is consistent with the State data. She said that Mr. Schroeder was right about drought that it could be totally devastating when it does happen and it is impossible to predict. She said that this rating came from the Illinois State Plan and needed to conform to that plan.

Mr. Kurtz said that he would like to complement Ms. Monte on putting together this program with 27 jurisdictions. He said it is pretty broad and extensive and he particularly likes the vulnerability assessment of each area that gives you where we need to look and he would certainly approve it.

Ms. Anderson asked Ms. Monte what happens if the County approves this and the other jurisdictions don’t do a formal approval.

Ms. Monte said that if the smaller jurisdictions for one reason or another choose not to adopt this that jurisdiction alone would not be eligible to apply for these funding programs however the County would be eligible because we would have an adopted plan approved by FEMA.

Ms. Wysocki asked Ms. Monte if any units of government have approved this already.

Ms. Monte said that the City of Urbana Planning Commission recommended to their Council to approve this a week ago. She said that that the City of Champaign is in the process of approving this now. She said that some of the others are looking to approve this as well so it may take one to two months.

**Mr. Schroeder moved, seconded by Mr. Kurtz to request the County Board adopt the Champaign County Multi-Jurisdiction Natural Hazard Mitigation Plan. Motion carried by voice vote.**

Ms. Wysocki said that she received an email this afternoon from Mr. Keller who was impressed by the work that Ms. Monte had done on this project not only the process but the product itself and he certainly felt that this was a very good document and that it ought to put Champaign County and all of the smaller units of government in a good position to move forward. She said that we all would be eligible for FEMA Funds if and when that becomes necessary.

9. Preliminary Overview of Draft Goals, Objectives and Policies for the Land Resource Management Plan

Susan Monte of the Regional Planning Commission gave an overview of Stage Two "Goals, Objectives and Policies and Stage Three Future Land Use Plan" and the associated documents. She said that after the overview she will go through the entire set of Goals, Objectives and Policies systematically at a slower pace so that the Committee could have the opportunity to comment.

Ms. Monte said that Stage Two has been comprised of several steps over the past year and a half including an initial review of policies, documents, analysis of issues, meetings with township and municipal representatives, developing and holding public a workshop and drafting of policy statements. She said that the public workshop included completion of a survey about policy preferences for land use and management in the County and mapping exercises. She said that the result of Stage Two is a single document comprised of nine Goals and thirty-nine Objectives and ninety-six Policies. She said that as you read the memorandum you will see a comparison to our three existing sets of Goals, Objectives and Policies. Ms. Monte said that objectives are sub-goals and they are measurable events or tasks that help to achieve a goal. She said that policies are repetitive types of events or actions that provide clear direction to decision makers. She said that this set of Goals, Objectives and Policies was used to create the future Land Use Map and it will serve as a guide for identifying implementation actions. She said that that is the stage we are at now with the Steering Committee and they will serve as a guide for the County decision makers in rezoning cases or whenever a land use decision is necessary to be made.

Ms. Monte said that one thing to keep in mind as we review the urban set of Goals, Objectives and Policies is that the ETJ exists and specific policies will relate to those cities that have adopted a comprehensive land use plan and 12 municipalities in the County have done that. She said that for the other smaller villages that are incorporated that have no comprehensive land use plan there are fewer shared planning issues that occur with those smaller municipalities. She said at this point we are midpoint through this LRMP development process and this is the overview of the Goals, Objectives and Policies and she will highlight changes or policies that she expects to be controversial in a systematic way once we get to that point. She said that Andrew Levy will present an overview of Stage Three "Future Land Use Map" and after that she will go through the nine Goals, Objectives and Policies.

Andrew Levy of the Champaign County Regional Planning Commission said that he has worked for the Regional Planning Commission for four years, two of those years as a planner and two years in the GIS Department. He said that he was there to talk about the Future Land Use Map. He said that there are two of them and one is a Land Use Management Area Map, which relates specifically to policy and that was in your packet you received. He said that the Land Use Area Map has the policy numbers attached to the names of these management areas so that gives you an idea of the policies so you could figure out where we are talking about on these policies and where they might apply. He said that the rough lines on the map are approximate boundaries and not regulatory. Mr. Levy said that a special area to note on the map is the CUGA, the Continuous Urban Growth Areas; this is the area that is peach in color on the map next to the



1 municipal boundaries. He said that these areas have specific policies and there are a lot of issues between  
 2 municipalities and the County and how that area management plays out is important. He said that the areas  
 3 that have a hatching next to that is called the Municipal ETJ; which is their mile and a half, without sanitary  
 4 sewer. He said that these areas are also critically important to developing how we are managing this area for  
 5 development. He said that they will come up with some implementation tasks later to help define what will  
 6 happen in these areas.

7  
 8 Mr. Levy said that the Future Land Use Map is part of the local Land Resource Management Planning Act so  
 9 we are following that and it is a part of this process and it is not a prediction and it is not exactly what is  
 10 going to happen in the future. He said that the way to think about it is this is what the community or you as  
 11 elected officials say you would like to see in the future but how that plays out by the year 2030 may not look  
 12 like that. He said that the map is split up in four categories that is largely farmland and we are calling it  
 13 "Primarily Farmland" and that is split up into different categories, "Best Prime" and "Non-Best Prime" and  
 14 "Primarily Farmland Woodland" which is a little bit different but we have a policy written that defines how  
 15 we want to see potential development to occur in that area, "Primarily Farmland Riparian Area". He said that  
 16 it is all farmland but it has specific components within them. Mr. Levy said that another category is "Rural  
 17 Residential Infill" and "Rural Residential Projected". He said that the yellow bubbles on the map are  
 18 residential projections and they are not at any defined location but a guess as to how many residences will  
 19 come in the next twenty years. Mr. Levy said that another category is "Commercial / Industrial". He said that  
 20 there is one area down by Pesotum that is not on the Zoning Map where we are thinking of Commercial /  
 21 Industrial and there are two categories for natural resources, "Primarily Conservation" and "Parks and  
 22 Preserves". He said that these are already established areas so the Parks and Preserves are the forest  
 23 preserves and Primarily Conservation is conservation areas that had been put into state programs.

24  
 25 Mr. Weibel said that the municipal boundary agreement seems to be overwritten by the extra territorial  
 26 jurisdictions.

27  
 28 Mr. Levy said that they are indicated but are small. He said that they can provide a much larger map but they  
 29 were using 28 by 40 maps so we can provide the Committee with that if they want to get into the detail. He  
 30 said that ETJ's do show up and for Mahomet and Champaign you can see where it says "See US150 Study"  
 31 just south of that there is a line running north and south and up where it says Hensley is another one.

32  
 33 Mr. Moser asked Mr. Levy how that line was drawn between Urbana and St. Joseph.

34  
 35 Mr. Levy asked Mr. Moser if he was talking about the pink line between Urbana and St. Joseph on the  
 36 Future Land Use Map.

37  
 38 Mr. Moser said yes, Attachment A.

39  
 40 Mr. Levy said that the dotted line that is splitting Mayview is where they are thinking it is going to be the  
 41 ETJ boundary in 2030.

1 Mr. Moser said that he has been here for 66 years and he has not seen Urbana grow more than four sections.

2  
3 Mr. Levy said that they have plans to extend out to CR1800E, Cottonwood Road, and these are long term  
4 plans and when he went to them with these ideas he asked them what were their long term plans for growth.  
5 He said that this is not saying that this is where the line is going to be but they are saying that it would  
6 probably exist between the mile and a half right now and that line by 2030.

7  
8 Susan Monte said that they would be considering this information for the County Board at the Study Session  
9 in September and at that time they could have large panels of these two maps for display.

10  
11 Ms. Monte said that Goal One "Planning and Public Involvement" has four Objectives and four Policies. She  
12 said that this Goal specifies broad public involvement as a necessary component which is a new feature not  
13 present in the 1977 Land Use Goals and Policies for the County. She said that the Objectives under this Goal  
14 establish the LRMP as a planning guide document to guide decisions and it is not a regulatory document but  
15 serves as a guide to County decision makers with regards to land use issues. She said that the Objectives  
16 indicate that there will be an annual update provided to County Board members and a comprehensive review  
17 which would happen every 10 to 15 years or so. She said that she doesn't see any controversy associated  
18 with Goal One.

19  
20 Ms. Monte asked the Committee if there were any questions concerning Goal One.

21  
22 Mr. Schroeder said that in Goal One, Objective 1.4.1, he was under the impression that they were going to  
23 eventually make this into a Comprehensive Land Use Plan which he assumed that is what is going to happen.

24  
25 Ms. Monte said that she did not understand Mr. Schroeder's question.

26  
27 Mr. Schroeder said that the goal is a Comprehensive Land Use Plan and if you have a Comprehensive Land  
28 Use Plan you don't need an update because you won't need a Land Resource Management Plan.

29  
30 Ms. Monte said that is a detailed list of specific actions that will be used to actually achieve the Policies and  
31 Objectives listed here. She said that the list of actions will be done in five years, for instance, so that that part  
32 of the plan would probably need the most updating because that is an ongoing thing plus she was not sure  
33 what else could change but a lot of things changed in thirty years as far as alternative energy and CO<sub>2</sub>  
34 emissions that were not on the radar in the 1970's. She said that she was not sure if there would be major  
35 changes but the implementation of this plan would need to be updated comprehensively.

36  
37 Mr. Hall said that we had not lost sight of that goal and maybe it would be worth having something in these  
38 Objectives about if there ever was a full comprehensive plan that would take the place of the LRMP, then  
39 that would be fine, but it was not clear to him where the County might decide to go with a comprehensive  
40 plan for everyone and second, when it does happen you want to make sure you don't need the LRMP as a  
41 backup because you might always want to have your own plan and he did not think we should rule that out  
42 right now.

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 2 Ms. Monte said that Goal Two “Government Coordination” has two Objectives and three Policies and these  
 3 Objectives are to coordinate efforts with County jurisdictions which is no different than the existing 1977  
 4 Goals but what is different is Objective 2.2 that states that Champaign County will work cooperatively with  
 5 other units of government to ensure that the Geographic Information System Consortium and Regional  
 6 Planning Commission have the resources to effectively discharge their responsibilities to develop, maintain  
 7 and share commonly used land resource management data between local jurisdictions and County agencies  
 8 that will help support land use decisions. Ms. Monte said that was a new focus and there was no previous  
 9 mention in the 1977 Land Use Goals and Policies for the County that mentioned sharing of information. She  
 10 said that the Policies under Objective 2.1 tie in with providing the County Board with annual updates and we  
 11 expect that every year municipal boundaries will need to be adjusted on our maps so that is going to be  
 12 maintained and that will be part of the report and that will change on the Land Use Management Area Map  
 13 area that we call Contiguous Urban Growth Areas, which is expected to change annually.  
 14

15 Mr. Schroeder said that on Policy 2.1.3 the word “protection” to him seems to be a strong term and that  
 16 means that there would have to be some form of enforcement. He asked Ms. Monte if natural, historic, and  
 17 cultural resources are defined anywhere.  
 18

19 Ms. Monte said the first verb in that policy is “encourage” which does not require any enforcement.  
 20

21 Mr. Schroeder said that he was looking for a definition of natural, historic and cultural resources within the  
 22 County.  
 23

24 Ms. Monte said that these were similar topics that were considered in the 1977 Land Use Goals and Policies  
 25 and often they reference natural, historic and cultural resources. She said that the Land Use Management  
 26 Planning Act encourages that the LRMP consider those topics as well but the Steering Committee did not  
 27 specifically define those terms. She said that she did not see a lot of controversy with Goal Two.  
 28

29 Ms. Monte said Goal Three is the Agricultural Goal with 10 Objectives and 21 Policies. She said that the  
 30 goal is to protect the long term viability of agriculture in Champaign County and its resource base. She said  
 31 that the first Objective addresses land fragmentation of the County’s agricultural land base and conservation  
 32 of farmland, generally applying more stringent development standards on Best Prime Farmland. She said that  
 33 she wanted to make a note about these Objectives under this Goal and that is a lot of them will look like the  
 34 2001 and 2005 Land Use Regulatory Policies (LURP’s) that were adopted by the County so a lot of this  
 35 material examined for consistency and placed under this Goal. She said that there was nothing new or  
 36 unusual about that Goal, as it has been in practice since 2001.  
 37

38 Ms. Monte said that Policy 3.1.3 is the by-right development allowance which was lifted from the LURP’s.  
 39 She said that Policy 3.1.4 is guaranteeing landowners a good zoning lot on which they can develop the by-  
 40 right development allowance provided that current public health, safety and transportation standards are met  
 41 and that is a new additional clause that the Steering Committee and the Zoning Administrator felt was  
 42 important.

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Ms. Monte said that Policy 3.1.5 is a controversial Policy which is the 1 per 40 limit on new rural lots. She said that they talked about this in May and in June at ELUC so Policy 3.1.5 is part of the proposed policy set at this time.

Ms. Monte said that Policy 3.1.6 provides that the County will authorize only by-right residential development, and not discretionary residential development, provided site development requirements are met on Best Prime Farmland.

Ms. Monte said that Policy 3.1.7 was nothing new and is already in the Zoning Ordinance.

Ms. Monte said that Policy 3.1.8 requires LESA ratings be considered for discretionary development and that is also being done already.

Mr. Kurtz said that 3.10 would interfere with wind farms and after talking with Mr. Hall, he feels that it should be eliminated or add to it but opposes leaving it the way it is. He said that there are no ifs, ands, or buts here and he thinks that the wind farms will come up against this Policy so we may need to put an exception there because there is no room to maneuver.

Mr. Weibel said that you could argue about fence poles too, windmills are out in the midst of a natural landscape agricultural area and so are telephone poles and electrical poles.

Mr. Doenitz said that you don't need a permit for a fence.

Ms. Anderson said that she agrees with what Mr. Weibel is saying, it is still being used for agriculture around it and not changing the use.

Mr. Langenheim said that all of these statements must be capable of being overridden in an orderly manner and asked Mr. Hall if this document provides for that.

Mr. Hall said that he was not aware of that many contradictions between the Goals or the Policies in this document. He said that he tried to identify them but he did not see any clear contradictions but it is not unheard of to have Goals that are in contradiction with each other.

Mr. Hall said that regarding Mr. Kurtz's question, knowing that Mr. Kurtz was concerned about anything in this document that could be negative towards wind farms he thought that was a fair reading of Objective 3.10 and there are a lot of people in this County that would say that 3.10 means that we do not have to worry about wind farms being approved in the AG-1 District because they absolutely change the agriculture and the natural landscape character.

Mr. Weibel said that these are temporary and there are plans for them to be taken down and the land restored back to the way it was.

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Mr. Hall said that you can choose to hide behind that.

Mr. Langenheim said that he is just saying that a document of this sort has to have an escape clause in it in other words, supermajorities or whatever and eventually you will run into what could not be predicted and you will have to contravene say for instance, subdividing a five acre lot.

Mr. Hall said that you may find that you may disagree with some part of this plan in the future and could take action by updating the plan.

Susan Chavarria of the Champaign County Regional Planning Commission said that this is merely a guide and it is not regulatory and so it is a loop hole itself because you don't have to follow it to the letter.

Mr. Kurtz said that he understood that but there may be some that may contest that when they see this Policy and he thinks that it needs to be softened so that it's not that brick wall in front of us. He said that Mr. Hall had been working on some additional language-so it could be put into Policy 3.10.

Mr. Weibel said people could argue that there are no natural landscape areas or very few areas in Champaign County because the agriculture has affected it, so we could get a lot of arguments like that so the question is, do we try to solve that for every possible situation? He said that he thought it looked like a pretty general statement.

Mr. Kurtz said that he feels as he looks through most of these policies they are not as strict as this one is and he did not think it would it be a problem to add a sentence to it that would eliminate his concerns and perhaps others.

Ms. Anderson asked Mr. Kurtz if he could tell the Committee what wording he was thinking of.

Mr. Kurtz said that he and Mr. Hall had some preliminary wording but he could bring it back if he sits down with Mr. Hall and he feels that everyone would find it acceptable.

Ms. Anderson asked Mr. Kurtz if it would say anything about windmills or would it be more general.

Mr. Hall said that he came up with something general and he was not really happy with it and this may be a pretty tough thing to amend and it may not be a good solution but he will discuss it with Mr. Kurtz again.

Mr. Weibel said that the point we were talking about was landscape character not the landscape so that is pretty general in itself so he did not see how someone could say that windmills affect landscape character. He said that he finds that hard to see how someone could drive that point through and be very effective with it.

Mr. Doenitz said that if he recalls correctly at some of the ZBA meetings that point was driven pretty hard by

1 the opponents of the windmills that they are large and changed the landscape character.  
2  
3 Mr. Levy said that the policy approach is explained that the County will develop and adopt a standard so we  
4 were looking for the Committee to take this idea of maintaining the character and pursue it further by  
5 identifying those elements of the rural character that you want to preserve and also identify the elements you  
6 want to exclude. He said that the Goal even states you want to preserve agriculture as an economic resource  
7 and we all know that wind farms can help farmers. He said that the policy approach we want the Committee  
8 to take with this Objective is open and he would like the Committee to pursue it further and define it for the  
9 County.  
10  
11 Ms. Monte said that Objective 3.2 is a reiteration of the adopted existing LURPs. She said that Objective 3.3  
12 is site suitability which also is a very established concept in our existing Policies and there is nothing new  
13 there. She said that Objective 3.4 states that Champaign County will update regulations that pertain to rural  
14 residential discretionary review developments to best provide for site specific conditions by 2010. She said  
15 that, as you recall, when we were doing the Zoning Ordinance update in 2004 our State’s Attorney pointed  
16 out that we needed to make an adjustment to our Zoning Ordinance and that’s what this Objective is  
17 referring to. She said that it states that when we do consider County Rural Residential Overlay Districts they  
18 need to be considered as not only a rezoning but as a Special Use so we would not get into any legal jeopardy.  
19  
20 Ms. Monte said Objective 3.5 states that by the year 2012 Champaign County will review the Site  
21 Assessment portion of the LESA for possible updates and thereafter once every ten years they will take a  
22 look at it for possible updates. She said that is the subjective portion of the LESA system and as the  
23 Committee may recall, about six or seven years ago the Soil Conservation Service updated the soil  
24 assessment portion of the LESA but the SA portion was never updated. She said that she went to a workshop  
25 by the State and they pointed out how to improve that part of the LESA so that is just an Objective at this  
26 point.  
27  
28 Ms. Monte said that Objective 3.6 is a new Objective but it is not a new concept. She said that it affirms the  
29 County’s Resolution 3425 pertaining to the right to farm and that is an existing resolution and embodied the  
30 Steering Committee’s concerns so it was put in here as an Objective.  
31  
32 Mr. Schroeder asked Ms. Monte what it would take to preserve farmland in Objective 3.6.  
33  
34 Ms. Monte said a conservation easement.  
35  
36 Mr. Schroeder asked if the County could develop a special zoning district or special ordinance that would  
37 designate Ag-only.  
38  
39 Ms. Monte said that their suggested implementation of this Policy is to come to ELUC and suggest that we  
40 develop some ideas and consider them for adoption. She said that among those ideas are Transfer of  
41 Development Rights, Purchase of Development Rights, Conservation Easements and that kind of thing. She  
42 said that they were not considering any kind of special zoning district.

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Ms. Monte said that Objectives 3.8 and 3.9 are new ideas not previously included in the 1977 Land Use Goals and Policies and it has to do with the importance of locally grown food and 3.9 states “Champaign County will appoint a panel of local producers and consumers to recommend policies supportive of local food production, purchase and consumption”.

Mr. Schroeder asked Ms. Monte could Champaign County government put anything in the Ordinance that would be supportive of production.

Ms. Monte said that as you know agriculture is exempt from our Zoning Ordinance so it would have to be another means. She said that this was one of those issues so new that it would take a significant amount of time to come up with answers and that is the beauty of appointing a panel like the Blue Ribbon Panel.

Mr. Schroeder said that if you apply the same standards to a lot of what government expects out of private industry or corporations there would be a lot of politicians in prison now. He said that the free market works pretty well and he did not understand what a panel of local people could do and he believes that the free market works best in these situations unless the County Board could change federal and state laws. He said what worked in the past worked fine and that’s been the free market.

Mr. Kurtz asked Mr. Schroeder if Objective 3.8 answers that.

Mr. Schroeder said yes.

Mr. Weibel said that he generally agrees with Mr. Schroeder and he was thinking of other ways to word 3.9. He said that he could not see the County appointing its own panel but maybe a countywide panel with other entities.

Mr. Schroeder said that takes resources and as of right now the County does not have any resources.

Mr. Weibel said that he wasn’t saying that they have to do it but there are other counties that have such a group and they come out with reports on local food production. He said yes, it takes money, but it is not something that has to be done or could be done.

Mr. Schroeder said that he is not saying that he is against local produce growers but he is asking where this came from and what is the importance of it.

Mr. Doenitz said that he is baffled by this and he is also baffled about what Mr. Weibel said about reports for production. He said that he has been a producer for thirty years and reports and such tend to harm producers more than help them.

Mr. Weibel said that he was speaking theoretically but being able to promote local food production is what this objective is about.

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Mr. Doenitz said that the only thing 3.9 did was to make someone feel good when they wrote it.

Ms. Anderson said that she had no idea how this came about however, she did go to a few meeting but she did not remember any discussion about any of this. She said that you read things now with our energy consumption and gas prices the emphasis around the country is to grow locally and buy locally, fresher food, and more nutritious food as well as promoting work for people. She said that it might be more educational and promoting so people are aware. She said that she remembers going to the farmer’s market on Saturday mornings fifty years ago in Pennsylvania, there were always lots of farmer’s markets and you could buy peaches and all kinds of things locally and now you can’t hardly buy an ear of corn here except at the grocery store unless you raise them in your own garden and over the years you’ve seen that expand.

Mr. Schroeder said that you have had Lincoln Square Plaza for many years and now you have Champaign and Rantoul now so they have been coming back around again. He said that they have grown and are continuing to grow and maybe if we said something like the County encourages Farmer’s Markets.

Mr. Moser said that we have people coming in from other counties peddling sweet corn and everything else out of pick up trucks on corners all over town and in the county. He said that the U of I Extension Service has a big program with Master Gardeners and he knew there were some people over there that were trying to get some of their crops approved as organic and that has to go to the USDA. He said that Saturdays in Urbana are like a celebration and he thinks they are doing a good job of promoting it.

Mr. Levy said that another reason that this was in here is it’s looking beyond just individual consumers, it is looking at school districts which is not up to the County Board but there are other entities that the County is involved with that would benefit from buying local foods. He said that it is an issue that’s out there and this would be a big step for the County and he would encourage that it stay in there maybe not in this form but the general idea of supporting these attributes of local food might be an okay function.

Ms. Monte said that if you have any further adjustments communicate that to her.

Ms. Monte said that Goal Four is going beyond the realm of existing Land Use Regulatory Policies which dealt with only rural development. She said that here we are creating a new Goal with three Objectives and 13 Policies that pertain to urban development. She said that Objective 4.1 states “Champaign County will strive to ensure that the preponderance of population growth and economic development is accommodated by new urban development in or adjacent to existing population centers”. She said that the Policies under this Objective are not controversial until Policy 4.1.9. She said that this is a new idea and Policy 4.1.9 states “the County will encourage that new discretionary development within municipal extra-territorial jurisdiction areas pursuant to a municipal annexation agreement and that will remain in the unincorporated area, should first receive a discretionary development approval from the County that would otherwise be necessary without the annexation agreement”. She said that she had heard that some planners for the City of Champaign and Urbana had opposed this and there was lots of discussion about this prior to the supermajority of the Steering Committee agreeing to it.



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Mr. Hall said that this was not the only Policy that tries to provide better policy guidance for how the County hopes municipalities would exercise annexation authority in a reasonable manner. He said that this Policy is talking about inside the ETJ and in his view this Policy describes the current practice of the City of Urbana and the City of Urbana while they would not agree that this series of words actually describes what they do, this is the way they had been operating since the Chatham decision. He said that the City of Champaign had not been operating that way and the only negative comments they received when they reviewed this at a staff level was from City of Champaign staff because their view was it would tie the City's hands. He said that the this Policy doesn't really obligate a municipality to do anything other than let the County make a decision on something then they can go ahead and do whatever they wanted to do in the first place anyhow.

Mr. Doenitz asked Mr. Hall what was the point.

Mr. Hall said that the point was that this encourages them to wait and the best way to describe this is the Casey's out east of Urbana, it was in the County's jurisdiction, they could only develop with an annexation agreement but they were not going to be annexed anytime soon because while they needed access to sewer it just was not annexable. He said the City of Urbana required them to go through a rezoning process at the County ZBA before they would approve the annexation agreement, which in fact gave the neighbors a chance to protest to their County Board members and at least two members of this Committee visited and heard the neighbor's concerns. He said the City of Urbana extended all kinds of considerations to the neighbor's concerns and he thought Urbana represented the people well but remember those neighbors do not get to vote for the Urbana City Council but only for the County Board members. He said that this was a perfect example of where Urbana followed this exact policy and it worked so well he wanted to present it to ELUC either as part of the LRMP or outside of it because if you can get municipalities to agree to this Policy it would be better for the constituency.

Mr. Doenitz said that he admits that was a good example but that's 1 out of 1,000 and you know as well as I do that the municipalities will do what they please. He said that municipalities are the huge reason why 90% of this is the problem with urban sprawl and not the County.

Mr. Hall said that in this Policy so far this is what Urbana had been doing.

Mr. Doenitz said that Urbana had not really been the issue in this point it's been the City of Champaign, Savoy and Mahomet is doing it right now and there is no way to stop that.

Mr. Schroeder said that he agrees that Urbana does it right when it comes to this Policy but he always remembers the North Prospect area before it was developed. He said that the ZBA had the case and Champaign allowed that to happen, went through the zoning process properly and pre-annexation agreements were done and it was done properly. He said that Libby Tyler from the City of Urbana has done an excellent job with us and was very respectful to the County.

Mr. Weibel said that one advantage of having this in there is that if someone asked about this policy we

1 could say this is what it is in writing but whether we follow it or not is another thing but at least we could say  
2 this is what our policy is.  
3

4 Ms. Monte said that Objective 4.2 is a new set of Policies that reiterate several of the concerns that are  
5 present in our 1977 Land Use Goals and Policies and in our LURP's. She said that nothing is required except  
6 that the County will ensure in its own development that this will happen but will encourage when possible  
7 other jurisdictions follow the items listed here.  
8

9 Ms. Monte said Objective 4.3 is a practice that the County is currently doing and now it is proposed as an  
10 Objective and also to encourage other jurisdictions to require that all urban development be sufficiently  
11 served by infrastructure and public services.  
12

13 Ms. Monte said that Goal Five states "Champaign County will ensure protection of the public health and  
14 public safety in land resource management decision". She said that this Goal has four Objectives and seven  
15 Policies, nothing really controversial except it could possibly be controversial to talk about complying with a  
16 building code by 2015. She said that the Champaign County Waste Management Plan is about thirty years  
17 old and it falls in the purview of this Goal so at some point by 2015 the objective is to have the County  
18 consider an update to that plan.  
19

20 Ms. Monte said that Goal Six is not controversial and a lot of these are land use goals from 1977 that have  
21 been updated. She said that the new Policy is to encourage development of a multi-jurisdictional county wide  
22 transportation plan and the need for that was demonstrated as a good one to consider as a Policy.  
23

24 Ms. Monte said that Goal Seven dealt with natural resources. She said that natural resources deals with  
25 layers of the environment starting with the Ground Water going to Soil Resources then up to Surface Water,  
26 Aquatic Riparian Ecosystems, Natural Areas and Habitat, Parks and Preserves and Air Pollutants. She said  
27 that the first Objective deals with ground water and a lot of these Policies talk about discretionary  
28 development and being careful not to use up our resource of ground water and talking about ground water  
29 studies that the Mahomet Aquifer Consortium is embarking on and supporting that and using the knowledge  
30 obtained from that in the future once they are available, so this is talking about good use of the Mahomet  
31 Aquifer and using the knowledge to save and protect our ground water supply. She said that Objective 7.2  
32 was nothing new. She said that Objective 7.3 states "Champaign County will work to ensure that new  
33 development and ongoing land management practices maintain and improve surface water quality, contribute  
34 to stream channel stability, minimize erosion and sedimentation and provide appropriate conditions for  
35 native aquatic species". She said that this Objective is pretty standard and nothing there is controversial.  
36

37 Mr. Schroeder said that he does have a concern about who has jurisdiction and authority on policing of these  
38 broad strokes that we are painting with these Policies and Objectives. He said that that in Objective 7.3 when  
39 you get down to "provide appropriate conditions for native aquatic species" he said that you have to  
40 catalogue each species out there and he did not think that it had been done yet. He said that the Blue Ribbon  
41 Panel that was set up in 2001 or 2002 had an idea, maybe some independent research that had been done, but  
42 the point is we have to come up with what is native aquatic species and then another layer of the Planning

1 and Zoning Department has to be created to go out and check for this condition. He said that he doesn't have  
2 a problem with native aquatic species but he feels that we create problems for legitimate Drainage Ditch  
3 Commissioners. He said that he is concerned about this and as they go further in there are going to be more  
4 and more demands on the Planning staff that is already over worked and under paid and is not going to get  
5 anymore funding.

6  
7 Mr. Moser said that he has seen this already with some of those Drainage Districts where somebody tried to  
8 get on one that the Board Chair appointed and then there is an election and taxpayers decide they will  
9 appoint their own Commissioners within that district and take it out of the County Board's hands. He said  
10 that happened a few times three or four years ago. He said that the biggest thing the County has if you are a  
11 farmer is drainage and if you don't have a way to get rid of the water either through a tile outlet or some  
12 other means you are killing yourself.

13  
14 Mr. Weibel said that Objective 7.4 covers the last sentence that Mr. Schroeder was talking about.

15  
16 Mr. Schroeder said that he thinks when it comes to 7.4 the word "encourage" is there but there is also the  
17 word "enhancement" and that's where it hangs up. He said that encourage does not bother him so much but  
18 enhancement of aquatic and riparian habitats does. He said that once again you will have to catalogue  
19 everything that is out there in those streams and ditches.

20  
21 Mr. Weibel said that because you see the words "encourage" "maintenance" and "enhancement", he did not  
22 think that you would have to catalogue anything because it does not say what the ultimate goal is. He said  
23 that maintenance means to maintain as is and enhance means to improve.

24  
25 Mr. Schroeder said that the ultimate goal is what the County comes up with in an Ordinance and  
26 enforcement.

27  
28 Ms. Anderson asked Ms. Monte to explain 7.4 because it looks like they are talking about new development  
29 and it sounded to her that it is encouraging us to see that things are built so that there isn't runoff. She said  
30 that the State had a program but they may not have the funds to continue with it now that they have trained  
31 volunteers that did water sampling not for any specific species but to see if anything was living in there and  
32 then they would take it to places where they could look at it under a microscope and they could identify if it  
33 was living microorganisms which would indicate whether there was runoff that was killing things that  
34 normally live in the water.

35  
36 Ms. Monte said that if you look at the Policies you could get a better idea of what this Objective has to say.  
37 She said that in Policy 7.3.1, you could think about the Watershed Plans such as the Salt Fork, for instance,  
38 and incorporating those recommendations in the discretionary review of new development.

39  
40 Ms. Monte said that in Policy 7.3.2, we already have a storm water management policy and in her view and  
41 in her mind this is just promulgating the continuation of that which also deals with sedimentation and  
42 erosion. She said that 7.3.3 states "The County will encourage the implantation of agricultural practices and

1 land management that promotes good drainage while maximizing stormwater infiltration and aquifer  
2 recharge”. She said that all that could be considered as public education or sharing of information.  
3

4 Mr. Weibel said that he agrees with Mr. Levy because 7.3.4 and 7.3.5 directly deal with new development  
5 but 7.3.3 talks about new development and ongoing land management so you could strike out “ongoing land  
6 management” because the Policies are all about new development and so he understood the problem Mr.  
7 Schroeder has with it.  
8

9 Mr. Moser said that he did not know about the other drainage ditches but the one that goes through his place  
10 has so much runoff from urban development in Urbana that the water would come up eight or nine feet in an  
11 hour even with all of the retention that is up there to slow it down but it just tears everything up as far as tile  
12 outlets and holding the bank and you are not going to plant trees on it to help it any because if you look at the  
13 Saline it is all over the place down by Mayview.  
14

15 Ms. Wysocki said that it may open the door for some discussion with Urbana about what they are doing.  
16

17 Mr. Moser said that according to Tom Burns everything is perfect. He said that when they put in Stone Creek  
18 and everything on the west side of 130 it certainly sends a lot more water down that ditch than it used to. He  
19 said that you have the same thing happening along the Phinney Branch west of Champaign going into the  
20 Kaskaskia and also the Embarrass where you have built-up area on that South Farm and it is just not capable  
21 of taking it, it was a rural ditch when it was dug, widened, or deepened and nothing has changed much.  
22

23 Ms. Monte said that Objective 7.4 and Policies 7.4.1 and 7.4.2 deal with discretionary review. She said that  
24 no one could argue that 7.4.3 is a good Policy and the County would be encouraging that. She said that  
25 Objective 7.4.4 covered all bases essentially. She said that the Steering Committee did discuss that  
26 supporting healthy aquatic systems should occur when feasible and not disregarding the need for doing the  
27 other things like channel stability, minimize erosion and sedimentation, minimize ditch maintenance cost  
28 and support healthy aquatic ecosystems.  
29

30 Ms. Monte said that Objective 7.5 is a broader category of the vegetation and pre-settlement environment.  
31 She said that pre-settlement environment refers to predominate land coverage during the early 1800s when  
32 the prairie comprised approximately 92% of the land surface and forest comprised 7% and the remaining  
33 area was open water so that was the pre-settlement environment. She said that riparian areas along the stream  
34 corridor that contain forest soils and bottom land soils were thought to be the areas forested during the early  
35 1800’s.  
36

37 Ms. Monte said that what is important to note in this set of Policies is that the Steering Committee, as a part  
38 of Policy 7.5.2, stated that with regards to by-right development on good zoning lots, or the expansion  
39 thereof, the County will not require new zoning regulations to preserve or maintain existing onsite areas that  
40 provide habitat for native and game species, or new zoning regulations that require mitigation of impacts of  
41 disturbance to such onsite areas.  
42

1 Mr. Schroeder asked Ms. Monte who was going to do the education of the private landowners in Policy 7.5.1  
2 and who would be in charge of educating the public.

3  
4 Ms. Monte said that she envisioned monitoring potential funding sources or opportunities to achieve this and  
5 the County Planner would do this.

6  
7 Mr. Schroeder said that when you say funding sources he heard taxes.

8  
9 Ms. Monte said that there was no Ordinance that was envisioned as a part of this.

10  
11 Mr. Schroeder said that he was curious as to what the Committee's thinking was by putting this in here and  
12 where they wanted to go with it.

13  
14 Ms. Monte said that the Steering Committee hasn't seen this Part B yet but they were not intending to have  
15 new regulations to regulate by-right development at all and that's what this Part B in 7.5.2 states.

16  
17 Ms. Monte said that Policy 7.5.3 picks up an idea of an existing land use policy and goes beyond it for  
18 discretionary development using the Illinois Natural Areas Inventory and other scientific sources on a case  
19 by case basis.

20  
21 Ms. Monte said that Objective 7.6 was not a controversial concept and it acknowledges that rural parkland  
22 is important and that the County would work to protect existing investments in that.

23  
24 Mr. Schroeder asked Ms. Monte if Objective 7.6 conflicts with what the Forest Preserve has for their policies  
25 because they have a similar policy like that. He said that if you go back to Policy 7.5.6 he was not sure if we  
26 are overlapping with the Forest Preserve District because the Forest Preserve District will be right in line  
27 with these two Policies and Objectives. He said that he was curious if the County is saying that they support  
28 what the Forest Preserve does or if the County is saying that although the Forest Preserve has their thing but  
29 we want to say this thing.

30  
31 Ms. Monte said that the Steering Committee had in mind to work in concert with the Forest Preserve District  
32 and have a Policy that supports Forest Preserve District efforts.

33  
34 Mr. Moser said that SCS is doing that, too, because they put that wetland in at St. Joe and they have that  
35 prairie on that Barnhart Farm south of Urbana and there is another one by Pesotum.

36  
37 Ms. Wysocki said that one of the things that the Steering Committee heard frequently in this process was that  
38 organizations like the Soil and Water Conservation District and Forest Preserve District are in a much better  
39 position to look at some grants and funding opportunities because other agencies like the County may have  
40 something on record that supports that concept. She said that they would like to see related agencies  
41 cooperating on similar goals and she thinks that this could only support Soil and Water and anybody else  
42 who is interested in protecting or developing rural parks or any kind of issue for that matter by having

1 something in black and white and this is what the County is going on record with.

2  
3 Ms. Anderson said that this would also apply to the educational aspect that there are grants available from  
4 environmental groups that they could get and this might reinforce it.

5  
6 Ms. Wysocki said that even school districts may find themselves eligible for some additional money sources  
7 by being able to say in their grant application that the County has this statement that supports this and this is  
8 what we are trying to do and it is a no brainier.

9  
10 Ms. Monte said that on the screen there are two Policies under Objective 7.7. She said that Objective 7.7  
11 deals with the atmosphere and it indicates that the County will require compliance with all applicable Illinois  
12 Environmental Protection Agency and Illinois Air Pollution Control Board standards for air quality when  
13 relevant in discretionary review development. She said that Policy 7.7.2 requires identifying existing sources  
14 of air pollutants and will avoid sensitive land uses where occupants will be affected by such discharges.

15  
16 Ms. Monte said that Objective 7.8 is similar to LESA and it is a system that would make it easy for Zoning  
17 Board Members and County Board Members to understand any new standards related to natural resources  
18 assessment and possibly includes a ranking system of some sort or some way to help actually implement  
19 those new standards.

20  
21 Ms. Monte said that the content of Goal Eight is a new focus not previously seen in the 1977 County Land  
22 Use Goal and Policies, energy conservation. She said that the 1977 Goals and Policies talked a lot about  
23 efficiency but this expands on that concept and it includes energy conservation and the use of renewable  
24 energy resources. She said that promoting land use patterns, site design standards and land management  
25 practices that minimize the discharge of greenhouse gasses could be viewed as minimizing the need for  
26 excess transportation and having scattered development. She said that Policy 8.1.3. is promoting efficient  
27 building design standards and striving to minimize the discharge of greenhouse gasses in its own facilities  
28 and operation and not having regulations that the County doesn't itself follow.

29  
30 Ms. Monte said that Objective 8.2 encourages energy efficient building design standards. She said that as  
31 you heard Mr. Hall's update the Illinois Energy Efficient Commercial Building Act in 2011 will require new  
32 commercial buildings to follow a set of standards. She said that Objective 8.3 is a carryover from the 1977  
33 Goals and Policies. She said that Objective 8.4 is encouraging recycling since County does it anyway and it  
34 seems to fit under this Public Health and Safety Goal. She said that Objective 8.5 is encouraging the  
35 development and use of renewable energy sources where appropriate and compatible with existing uses.

36  
37 Mr. Schroeder said that in Policy 8.1.2, in the legislation that the House adopted regarding Cap and Trade  
38 Policy, you will find a section in there that is right out of the California Code that will supersede anything we  
39 do here and anything the State does as well, and Goal Eight will be superseded by the federal government.  
40 He said that it is an interesting Policy to be included in this and he was not sure what to do with it.

41  
42 Mr. Kurtz asked Ms. Monte if 8.5 conflicts with 3.10 if we are talking about renewable energy and it looks

1 like 8.5 conflicts.

2  
3 Ms. Monte said that this is a broadly stated Objective but it does not conflict with this but it coexists as an  
4 Objective and it does not take into consideration landscape character but it talks about existing uses which is  
5 not the same thing as landscape character. She said that in her view this is not a problem.  
6

7 Mr. Weibel said that there is some confusion here with the existing use of the land and not the existing use  
8 of renewable energy.  
9

10 Ms. Monte said that is what she is interpreting it to be.  
11

12 Mr. Kurtz said that is interpretation but it does not say that.  
13

14 Mr. Weibel said that it could be changed to land uses.  
15

16 Ms. Monte said that Goal Nine was carried forward from the County’s Land Use Goals and Policies and  
17 made more specific and limited to encouraging development and maintenance of cultural, educational,  
18 recreational, and other amenities that contribute to the quality of life of its citizens and, specifically, work to  
19 identify historic structures, places and landscapes in the County. She said that this was just an overview of  
20 the proposed LRMP Goals, Objectives and Policies.  
21

22 Mr. Schroeder said that he commends Ms. Wysocki for her work, time and dedication and that she stuck  
23 with and chaired every committee meeting. He said that he did not attend all of the meetings but attended a  
24 couple and he found the conversations, points, objections and everything that went on there to be interesting  
25 and he was able to get a view of what everyone out in the public was thinking and what they thought of  
26 Zoning and the County and where it should go. He said that a lot of this policy, and it is typical of this sort of  
27 thing, is meant to be more regulatory than encouraging in one particular area. He said that this policy  
28 encourages the environmental side of things which he does not have a problem with but it does another thing  
29 too, it did not encourage flat out productivity with the exception of agriculture. He said that it was generous  
30 to agriculture and producers and that nature but when it comes to natural resources like oil shale that is under  
31 the state and even in this county where the new technique of vertical drilling and horizontal drilling requiring  
32 massive amounts of natural gas he was not sure in this county it could survive with what is laid out in these  
33 policies and goals. He said that would be very minimal to the environment but it is not encouraged here and  
34 it is not promoted. He said that there is a small section about natural minerals extraction just like we have  
35 sand pits and gravel pits here in the county and there are some policies that could be detrimental to that type  
36 of mining so it is tilted to one side and should be more balanced.  
37

38 Mr. Weibel agreed with Mr. Schroeder’s comments about sand and gravel operations. He said that the oil  
39 and gas production and exploration are state rules and local rules have no jurisdiction but he will check into  
40 that.  
41

42 Ms. Monte said that they previously had sand and gravel mining policies that were ultimately removed by

1 the Steering Committee.  
2  
3 Mr. Levy said that they also had an economic development section which was also removed.  
4  
5 Ms. Wysocki said that she thinks that they have identified some issues that need to be worked on and in the  
6 interest of helping staff to do some preparation in advance of the Study Session in September she thought  
7 that it would be good to have a straw poll from the Committee whether they can support what's in the  
8 document or whether they would like to see some modification or changes in it. She said so they don't lose  
9 the time and momentum to move these along, if we could go back to item 2.1.3 who can support that as it is  
10 currently written?  
11  
12 Ms. Wysocki said that based on the show of hands there were 5 members that could support Item 2.1.3 and 4  
13 members that could not.  
14  
15 Ms. Wysocki asked who could support Item 3.9.  
16  
17 Mr. Weibel said that we could strike Item 3.9 and modify 3.8 maybe to include the word "encourage".  
18  
19 Mr. Kurtz said that in Item 3.8 include "encourages, production, purchase and consumption of locally grown  
20 food".  
21  
22 Ms. Wysocki asked the Committee if they were okay with that.  
23  
24 It was the consensus of the Committee to strike Item 3.9 and modify Item 3.8 to include encourages,  
25 production, purchase and consumption of locally grown food.  
26  
27 Ms. Wysocki said that since we already dealt with Item 3.1 lets do the same with Item 7.3.  
28  
29 Mr. Kurtz said to put a period after the word sedimentation and strike the remainder of the sentence.  
30  
31 Mr. Schroeder agreed with Mr. Kurtz.  
32  
33 Mr. Langenheim said that somewhere in Goal Seven should be some recognition that the County has a  
34 potential for industrial minerals such as sand, gravel and limestone.  
35  
36 Mr. Weibel said that it was in before and was taken out.  
37  
38 Ms. Wysocki said that the Committee can certainly put it back in again.  
39  
40 Mr. Langenheim said that there is a potential for coal production along the eastern border of the County.  
41  
42 Ms. Wysocki asked Mr. Hall if he could work with what he was hearing.



- 1  
2 Mr. Hall said yes.  
3  
4 Ms. Monte asked the Committee about the 1 per 40 in Item 3.1.5.  
5  
6 Mr. Moser said that as it is, the 1 per 40 will not pass through the County Board and the Zoning Ordinance.  
7  
8 Mr. Kurtz asked Mr. Moser if he wanted to leave it in there and let it go to the County Board.  
9  
10 Mr. Moser said that it will never get to the County Board without a protest. He said that it was shot down  
11 when he made a motion on that the last time and Mr. Schroeder seconded it. He said that he suggested a 2  
12 per 40 but it never went anywhere and he could not get anybody to vote for it.  
13  
14 Mr. Kurtz asked Mr. Schroeder what he wanted to do on this.  
15  
16 Mr. Schroeder said that it could stay in there but it would never be enacted in the Ordinance.  
17  
18 Mr. Moser said that 2 per 40 at a minimum might be considered.  
19 Mr. Moser said that it could go back to the Steering Committee and see if there is any give in it.  
20  
21 Ms. Wysocki said that it has moved to this body and the County Board and backing it up will only open up a  
22 process that will never be resolved. She said that the Steering Committee understood that whatever they  
23 voted in and put in this document is subject to change, additions, modification and subtractions by this  
24 political body.  
25  
26 Ms. Wysocki asked the Committee if they could support Item 3.1 as it is currently written.  
27  
28 Ms. Anderson said that this is a guide for us and if they scream at us we have this as our policy and if  
29 someone comes in and contests it we could indicate why we don't think that it interferes.  
30  
31 Mr. Moser said to take out "natural landscape" because he did not see how that would interfere with a wind  
32 farm.  
33  
34 Ms. Monte said that she could consider it some more and try to adjust it.  
35 Ms. Monte asked the Committee if they wanted to do anything with the "no discretionary development that  
36 is residential on best prime farmland" or leave it the way it was. She said that no one discussed this this  
37 evening as a controversial item.  
38  
39 Ms. Wysocki asked Ms. Monte if she was referring to Item 3.1.6.  
40  
41 Ms. Monte said yes.  
42 Ms. Monte said that no one discussed this as a controversial item.

1  
2 Mr. Moser said that he knows what will happen if that Honda plant tries to come in here again. He said that  
3 industrial development on AG-1 land will get rezoned no matter what because the pressure would be  
4 unbearable from the State, the cities, the University and everybody else.

5  
6 Ms. Monte said that would be allowed under this policy but it would not allow residential discretionary  
7 development on best prime farmland but it would consider allowing other types of development.

8  
9 Mr. Schroeder said that since we added mineral deposits we should add “economic encouragement of  
10 economic activity” that was taken out.

11  
12 Ms. Monte asked Mr. Schroeder if he said generally economic development because that would be a major  
13 change to bring back an entire goal like that.

14  
15 Mr. Schroeder said yes.

16  
17 Ms. Monte said that she could bring that back for the Committee’s consideration.

18  
19 **10. Hiring Professional Consultants for review of Certain Technical Studies for Wind Farm**  
20 **County Board Special Use Permits**

21  
22 Mr. Hall said that there was no new material tonight but he had heard some things that suggested that an  
23 application for a wind farm will not happen until November so he hopes to bring this back next month with  
24 some new information and as long as the Committee is willing to entertain it he would keep bringing it back.

25  
26 Mr. Moser asked Mr. Hall if he had anything in the budget to pay them with.

27  
28 Mr. Hall said no but he expects to pay them with the \$20,000 application fee.

29  
30 Mr. Moser said that he thinks the County Administrator will tell you that the \$20,000 application fee for the  
31 wind farm will go into the general corporate fund so he doesn’t know where we are going to get the money.

32  
33 Mr. Hall asked the Committee if they want to see anything else on this.

34  
35 Mr. Langenheim said that those wind farms are an industrialization of our agricultural land, they will  
36 permanently alter the condition and life of this county and it is imperative that we be well advised so that we  
37 could properly consider the problems when they arrive. He said that the \$20,000 should be made available  
38 for this and we may have to give up something else but this has a high priority.

39  
40 Mr. Weibel said that he concurs with Mr. Langenheim and we could lay-off people left and right to save  
41 money and we could hire them back next year or whenever the County gets better.

1 Ms. Anderson said that with the figures being thrown out she did not see the \$20,000 vanishing for this one  
2 time project. She said that she thought that \$3,000 or \$4,000 was indicated and we asked Mr. Hall to check  
3 and see if that was still in the same ball park and if so that would be money well spent and might save us  
4 spending more money later down the road if we run into difficulties.

5  
6 Mr. Kurtz said that he finds it hard to believe that \$3,000 for three studies of this size and magnitude is a  
7 reasonable amount of money and he would like for Mr. Hall to get some real numbers for the next meeting.

8  
9 Mr. Moser asked Mr. Hall what wind farm company has applied.

10  
11 Mr. Hall said that Invenergy is the only one close to applying.

12  
13 Mr. Moser asked Mr. Hall if it was in Royal or Broadlands.

14  
15 Mr. Hall said Royal. He said that he did not hear anything from Horizon.

16  
17 **11. Monthly Reports (December 2008 and January – July 2009)**

18  
19 Mr. Hall said that he handed out a packet with all the outstanding monthly reports and to give you an update  
20 on how we have been doing it looks like we are in line to have our lowest number of zoning use permits for  
21 any year. He said that at the end of June they had received 105 zoning use permits so far and for the rest of  
22 the year, based on what we generally get, he would expect to get a total of 177 more or less which would be  
23 the lowest we have ever had. He said that previous to that the lowest was in 1982 when there were 209  
24 permits and 1983 was also a low year with 217 permits. He said that many of you understand that we  
25 actually do permitting on a much smaller area this days and we no longer do subdivisions outside of the  
26 municipalities so what pulled us back in those years would not be pulling us back in the future, so in  
27 permitting we have reached the lowest point ever. He said that in zoning cases our lowest was in 1989 with  
28 only 11 cases docketed by June 30, 1989. He said that he did not recall what was going on in 1989 but in  
29 1990 the Department was established so in that respect in terms of zoning cases it was worst in 1989 and yet  
30 the County was moving ahead in 1990 with establishing the Department. He said that things did start looking  
31 up but for budget purposes for next year the Department’s permitting and zoning cases would be like this  
32 year. He said that we had greatly reduced numbers of permits and zoning cases but at the same time we are  
33 doing more inspections than we have done for seven or eight years and we are exceeding what we hoped to  
34 do in the budget and having better luck on enforcement.

35  
36 **Mr. Kurtz moved, seconded by Mr. Schroeder to place the December 2008 and January 2009 – July**  
37 **2009 Monthly Reports on file. The motion carried by voice vote.**

38  
39 **12. Other Business**

40  
41 There was no other business.

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2  
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**13. Determination of Items to be placed on the County Board Consent Agenda**

Ms. Wysocki said that the only Item that is going before the Board is the Hazard Mitigation Plan and asked the Committee if they want it on the Consent Agenda.

It was the consensus of the Committee to put the Hazard Mitigation Plan on the Consent Agenda.

**14. Adjournment**

The meeting adjourned at 9:35p.m.

Respectfully submitted,

Secretary to the Environment and Land Use Committee

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# DRAFT

## SUBJECT TO APPROVAL

### MINUTES OF REGULAR MEETING

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Champaign County Environment  
& Land Use Committee  
Champaign County Brookens  
Administrative Center  
Urbana, IL 61802

DATE: September 14, 2009  
TIME: 7:30 p.m.  
PLACE: Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802

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**MEMBERS PRESENT:** Carol Ammons, Jan Anderson, Chris Doenitz, Brad Jones, Ralph Langenheim, Steve Moser, Alan Kurtz (VP), Jonathan Schroeder, Barbara Wysocki (C)

#### **OTHER COUNTY BOARD MEMBERS**

**PRESENT:** Alan Nudo, Michael Richards, Pius Weibel

#### **MEMBERS ABSENT:**

**STAFF PRESENT:** John Hall, James R. Knight, Debra Busey, Lori Busboom, Susan Monte, Susan Chavarria, Andrew Levy

**OTHERS PRESENT:** Eric Thorsland, Herb Schildt, Sherry Schildt, Norm Stenzel, Brad Uken, Hal Barnhart

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#### **I. Call to Order**

The meeting was called to order at 7:49 p.m.

#### **II. Roll Call**

The roll was called and a quorum declared present

#### **III. Approval of Agenda/Addendum**

Mr. Langenheim moved, seconded by Ms. Ammons to approve the September 14, 2009 agenda as submitted. The motion carried by voice vote.

#### **IV. Approval of Minutes**

A. August 10, 2009

Ms. Ammons moved, seconded by Mr. Kurtz to approve the August 10, 2009 minutes as

1 **submitted.**

2  
3 Mr. Langenheim stated that the minutes of a meeting are an historic record. Most of what is said will  
4 not be looked back upon for any purpose, however, in fifty years from now they may be picked over by  
5 someone who is pursuing a Master's Degree in Science and History. He said that minutes can be a  
6 precise word for word rendition of exactly what was said or they can be a highly edited smooth  
7 representation of what should have been said with many additions made after the fact. Mr. Langenheim  
8 stated that in reviewing the minutes presented for approval at this meeting numerous corrections must be  
9 made before they can be approved.

10  
11 Mr. Langenheim said that one way to ensure the minutes make sense is for each Board member to speak  
12 precisely and grammatically correct to help in the minutes process.

13  
14 Mr. Hall agreed with Mr. Langenheim. He stated that his recommendation would be to not approve this  
15 set of minutes until they could be reviewed and edited. He said that to his knowledge there has never  
16 been a time when so many intelligent people have made so many incomplete sentences or barely get the  
17 subject of the sentence out. He said that more time was needed to prepare a proper set of minutes,  
18 however, at the same time, he was aware that the Committee may be making a decision at this meeting  
19 on one of the items that was continued from the previous meeting.

20  
21 Mr. Langenheim said that he was not implying that the detail should not be in the minutes. The minutes  
22 should be a faithful record of what was said without changing the meaning but they should be  
23 grammatically correct.

24  
25 Mr. Kurtz asked whether the minutes could be approved with the changes inserted later. Mr. Weibel  
26 stated that when the minutes are approved that becomes the final version. That version is also posted on  
27 the public website.

28  
29 **The motion failed by voice vote.**

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**V. Public Participation**

Mr. Hal Barnhart said that he wanted to talk about the Land Resource Management Plan. He said that there are a couple of issues that come from the Land Use Goals and Policies that the Steering Committee could have inserted into the LRMP but were neglected. He said that he would like this Committee to review the Land Use Goals and Policies and the Land Use Regulatory Policies and check the old policies against the new ones.

Mr. Barnhart said that one of the policies that is not included, but should be, is Section 5 of the existing Land Use Goals and Policies which states that Champaign County will strive to preserve agricultural belts surrounding urban areas to maintain the agricultural nature of the County and the individual character of surrounding communities.

Mr. Barnhart stated that current Land Use Goals and Policies Section 6.10 was also left out. That policy states that Champaign County will prioritize the maintenance of existing roads over expenditures for new or additional roads.

Mr. Barnhart stated that one goal that is not currently existing but one that he tried to get the Steering Committee to approve is that Champaign County will encourage the use of fiscal impact analysis, cost of community services studies and cost of use models when considering development proposals. He said that there are costs involved with development as well as tax benefits.

Mr. Barnhart said that with respect to the revisions being proposed, Goal 3 states that Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base. He said that this Goal really talks about two things, preserving agriculture and preserving the resource base. Mr. Barnhart said that the question is how can both of these be accomplished. He said that there is an objective in the LRMP that Champaign County will strive to minimize the fragmentation

1 of Champaign County's agricultural land base and conserve farmland, generally applying more stringent  
2 development standards on best prime farmland.

3  
4 Mr. Barnhart said that one of the recommendations from the Farm and Natural Resources Committee of  
5 the now defunct and possibly failed Illinois Growth Task Force is that agricultural zoning should restrict  
6 the size and number of residential lots created on agriculture parcels.

7  
8 Mr. Barnhart said that the editor of Farmland Preservation Report and the author of several books, Debra  
9 Bauers, has stated that effective agricultural zoning does two things. He stated that a quote from one of  
10 her books is that it promotes and otherwise helps agriculture be productive and profitable and protects  
11 productive lands and the resource upon which agriculture depends by placing limits on both the type and  
12 the amount of development that can happen in agricultural areas. He said that this is reminiscent of a  
13 goal that the Steering Committee established.

14  
15 Mr. Barnhart said that another quote from Ms. Bauers' book pertains to what is effective agricultural  
16 zoning being zoning that will protect the type of farming that is occurring in a given community and  
17 when considering the level of density that should be allowed you should look at your average size farm.

18  
19 Mr. Barnhart said that in reference to Revisions A and B and Objective 3.1, he said that he did not  
20 believe that the draft text matches the table. He said that if the objective is one lot per forty acres, then  
21 there shouldn't be one lot allowed for a parcel size of five acres. He said that he did not believe that the  
22 proposal is for two lots per forty acres, it is really an expanded one lot per 20 acres. He said that if you  
23 assume the table is the correct information to use, when you put it into the context of the section of land  
24 in which he resides, there is the possibility of creating fourteen lots using proposed Policy 3.1.5. He said  
25 that using the long standing Farm Bureau policy would result in sixteen lots. Using the one plus one per  
26 forty acres scenario would result in seventeen lots. Using the two lots per forty acres scenario would  
27 result in eighteen lots. The current policy would allow thirty-two lots. Mr. Barnhart said that the  
28 numbers of lots that could be created varies from section to section and one of the sections that he has



1 researched could have as many as fifty-one lots under the current policy.

2  
3 Mr. Barnhart said that another issue is the traffic. He said that the Department of Planning and Zoning  
4 assumes an average number of ten vehicle trips per day per lot. He said this could result in an additional  
5 five hundred and ten vehicle trips per day.

6  
7 Mr. Barnhart said that he would like each of the Committee members to assume they were a farmer in  
8 Champaign County. He asked how many non-farm residential lots would they be comfortable in a  
9 section of land taking in account nuisance issues, infrastructure issues, and service issues.

10  
11 Mr. Barnhart suggested the Committee request the GIS Department to provide these types of scenarios  
12 on various sections and townships in the County so the Committee can get a range of what the numbers  
13 of lots allowed could be and what should be appropriate for the rural areas.

14  
15 Mr. Barnhart said that he believed Goal 3. 9 should be reinserted because it can be a no cost option to the  
16 County while the County can gain good education to make good policy decisions.

17  
18 Mr. Barnhart said that he was confused by Objective 7.4 which pertains to surface water protection. He  
19 asked why would that section be deleted and then provide appropriate condition for native aquatic  
20 species when surface water protection is being discussed.

21  
22 Mr. Norman Stenzel pointed out some of the areas of the LRMP that he had concerns with. He said that  
23 the LRMP will provide the basis of regulations for those towns and villages that are unincorporated in  
24 Champaign County. He said that attention should be given to the urban sections, specifically what the  
25 LRMP will mean to those communities that do not have a comprehensive plan. He said that attention  
26 needs to be paid to the rural character of Champaign County with respect to transportation. Mr. Stenzel  
27 said the transportation development plan needs to take into account the transportation needs of  
28 agriculture in respect to the whole County. He said that he did not see this in the current Goals and

1 Objectives. Mr. Stenzel stated that the rural transportation within the County as well as between  
2 counties should be included in the text in some way.

3  
4 Mr. Stenzel said that he believed the Goals and Objectives, with respect to the interface between the  
5 governmental elements the County has to interface with ,need some expansion. He asked what the  
6 relationship was between the County and the Townships. He asked what the relationship was between  
7 the County and the other incorporated communities. He asked what the County's role was with respect  
8 to obtaining funds from federal sources and applying them to the needs of the County. He said that all of  
9 those aspects should be a part of the LRMP.

10  
11 Mr. Stenzel said that there was still work to be done on the LRMP. He said if the Committee approved  
12 the items before them, the LRMP will be incomplete and would lack substance that is necessary to have  
13 a desirable future for all of Champaign County.

14  
15  
16 **VI. Correspondence**

17 **A. Funding Request to American Farmland Trust Center for Agriculture in the**  
18 **Environment**

19  
20 Ms. Wysocki noted that this is a proposal that has been submitted which is a result of the University of  
21 Illinois Extension Conference that some Board members attended in August.

22  
23 Ms. Monte stated that this is for information only and a response could be received as early as  
24 November.

25  
26 **VII. Chair's Report**

27  
28 There was none.

1 **VIII. Updates**

2 **A. *House Bill 466 (Regarding Chatham Decision)***

3  
4 Mr. Hall stated that House Bill 466 was approved August 11, 2009, as was House Bill 1003. House Bill  
5 1003 became effective immediately and is on this agenda under Agenda Item XI. He said that once the  
6 County takes action as House Bill 1003 requires, then the jurisdiction beyond a municipality's extra-  
7 territorial jurisdiction is retained by the County and if any municipality wants to request a waiver for any  
8 particular development outside their extraterritorial jurisdiction, then they must make that request to the  
9 County.

10  
11 Ms. Wysocki stated that she would like to move Agenda Items XI. and XII. up on the agenda since they  
12 may require less discussion than Items IX. and X.

13  
14 **IX. ELUC Approval of Draft Goals, Objectives and Policies and the Future Land Use Map for**  
15 **the Land Resource Management Plan *(Information to be distributed at meeting)***

16  
17 Ms. Wysocki stated that discussion began at the August Committee meeting regarding the Draft Goals,  
18 Objectives and Policies for the LRMP. She said that staff had addressed some of the concerns the  
19 Committee raised at that meeting.

20  
21 **Mr. Kurtz moved, seconded by Ms. Anderson to approve the Draft Goals, Objectives and Policies**  
22 **for the Land Resource Management Plan.**

23  
24 **Mr. Kurtz moved, seconded by Mr. Moser to approve the additions to Item 3.10 and 3.10.1.**

25  
26 Mr. Kurtz stated that Items 3.10 and 3.10.1 are very important for the future of the development of wind  
27 farms. He said that he has received an email from Invenergy regarding the first application for a Special  
28 Use Permit to be submitted in approximately six weeks. He said that some of Invenergy's concerns have

1 been cleared up by Mr. Hall's response to that email. Mr. Kurtz added that it is important to approve the  
2 changes to grease the skids to begin reaping the benefits of what clean air energy can do for the County.

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

5  
6 **Mr. Schroeder moved, seconded by Mr. Jones to approve the changes to Item 3.8.**

7  
8 Ms. Wysocki said that the language could be found on Page 35, Number 4. She said this is Objective 3.8  
9 which has to do with locally grown foods. It reads, Champaign County acknowledges the importance of  
10 and encourages the production, purchase and consumption of locally grown food. She stated that Item  
11 3.8 would replace Item 3.9.

12  
13 Mr. Schroeder stated that this item was discussed in the County Board Study Session that preceded this  
14 meeting. He asked what would be expected of the County and what would the County appointed panel  
15 do. He said that you need to look at the Lincoln Square Market and how private industry has made that a  
16 huge success for local growers inside and outside of Champaign County. He said that the point he was  
17 trying to get across in the Study Session is that he was not sure whether a County appointed panel could  
18 do more than what private industry is already doing. He said food stands are already provided for in the  
19 Zoning Ordinance. Mr. Schroeder said that the County could not change laws pertaining to tax statutes  
20 or food safety and the State has laws for taxing and food sanitation. He noted most of the farmer's  
21 markets are taking place inside of city limits and in which the County has no jurisdiction.

22  
23 Ms. Anderson said that she did not know what a panel could come up with, however, the speakers in the  
24 Study Session stated that there would be no cost to the County for the appointed panel. She said that  
25 perhaps the panel would come up with some alternatives that are advantageous to everyone involved.

26  
27 Mr. Kurtz noted that his wife loved the farmer's markets in the area. He asked whether Mr. Schroeder  
28 had some suggestions on how the markets could be promoted to a larger segment of the agriculture

1 community.

2  
3 Ms. Ammons said that she did not understand why this Item was in the LRMP to begin with. She said  
4 the that County doesn't have any enforcement authority in this area. Ms. Ammons stated that the focus  
5 should be on actual land use and conservation.

6  
7 Mr. Langenheim stated that the question is really whether this belongs in the Zoning Ordinance and what  
8 effect it will have. He said that it sounds like it is expending effort in a relatively minor area where the  
9 County has little jurisdiction. Mr. Langenheim asked whether the County should be involved even if it  
10 doesn't cause any harm.

11  
12 Mr. Hall cautioned the Committee to look beyond the Zoning Ordinance. He said that everything in this  
13 plan does not have to fit in the Zoning Ordinance.

14  
15 Mr. Andrew Levy stated that the government already plays a role in the local farmer's markets. He  
16 pointed out that the Urbana Farmer's Market is sponsored by the City of Urbana. He said that there are  
17 paid staff persons who do the marketing. He said something that the County could look at are  
18 institutions that provide food for the jail or nursing home. He said that there may be some benefits in  
19 looking locally for food which would help the local economy. He said that having a regional  
20 cooperative could keep track of what is going on in a wider area which could help in sharing the  
21 information on a local level.

22  
23 Mr. Weibel agreed with Mr. Hall, Mr. Levy and Ms. Ammons. He said that the panel would be a good  
24 thing, however, it does not need to be in the plan. He said other areas of the plan use language such as  
25 'encourage preservation and restoration of wetlands or support efforts to control or eliminate endangered  
26 species.' He said that this policy is the only one that says to 'create' a panel. The panel could still be  
27 created, however, it should be it's own entity such as the City of Champaign, Urbana and Village of  
28 Mahomet. He said that with that in mind, the changes are appropriate.

1     Mr. Kurtz asked whether the nursing home could benefit from obtaining locally grown foods. Ms. Busey  
2     stated that all of the food purchased for both the nursing home and the jail is done through a competitive  
3     bid process.

4  
5     Mr. Moser said that there are numerous people selling fruits and vegetables throughout the county. He  
6     said that he didn't know if this will open up a can of worms for all of those people selling from their  
7     homes or the back of their pickup trucks. He said that those individuals should be left alone.

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

10  
11     **Mr. Moser moved, seconded by Mr. Doenitz to delete Policy 7.3.**

12  
13     Mr. Moser stated that he wanted to take surface water protection completely out of the LRMP.

14  
15     Ms. Ammons asked Mr. Moser to explain why this Policy should be deleted. Mr. Moser said that this  
16     objective would apply to any dredged ditch that takes water out of any town in the county. He said that  
17     all of the development occurring is supposed to hold back stormwater. Mr. Moser said that the last time  
18     a two inch rain fell, the ditch on his property went up six feet in three hours. He said that now the ditch  
19     is dry and there is no way that a fish can survive in that ditch. He said you cannot control the flow out of  
20     the smaller ditches. He said that the State has employees who monitor the ditches in the area.

21  
22     Mr. Hall said that there are five subsidiary policies under Policy 7.3. He asked whether Mr. Moser also  
23     wanted those eliminated. Mr. Moser said that he wanted to delete the item on Page 36 of the agenda.

24     Mr. Hall said that on Page 23 of the July 24, 2009, memo there are five policies that were proposed by  
25     the Steering Committee as necessary to achieve Policy 7.3.

26  
27     Mr. Moser said that he wanted Policy 7.4 from the revision stricken. He said that he believed that that  
28     was previously Policy 7.3.

1 Ms. Anderson said that at the last meeting Mr. Moser asked that the wording be revised to remove the  
2 reference to the native aquatic species. Ms. Anderson said that the wording has been revised to remove  
3 that language, however, the policies supporting that shouldn't be removed.

4  
5 Mr. Hall said that staff did make the requested change, however, the Section was renumbered. He said  
6 that staff apparently made a decision to insert the Underground Mineral and Energy Resource Extraction  
7 Objective as the new Policy 7.3, renumbering the old Policy 7.3 to Policy 7.4.

8  
9 Mr. Moser said that he is worried that someone will tell the landowners that they cannot keep the ditches  
10 dredged if Policy 7.4 remains in the LRMP.

11  
12 Ms. Ammons asked whether all of the objectives that go beyond drainage ditches and waterways would  
13 also be stricken if Policy 7.4 is deleted. Ms. Wysocki said that that was correct. She said that if you  
14 don't have the policy, you cannot have the objectives that go with it.

15  
16 Mr. Langenheim asked whether the motion could be edited to delete what Mr. Moser suggested deleting  
17 without deleting everything. Mr. Hall said that if the County Board doesn't want drainage ditch  
18 maintenance practices to be changed, there is no provision in the Objective that calls for that.

19  
20 Mr. Weibel stated that on Pages 23 to 29 with respect to Item 7.3 of the Study Session memorandum, the  
21 last sentence states that Champaign County would ensure and provide appropriate conditions for native  
22 aquatic species. He said that he believed this to be the provision that Mr. Moser did not like. Mr.  
23 Weibel continued to say that Item 7.4 states that the Champaign County will encourage the maintenance  
24 and enhancement native aquatic habitats. He said that that is a variation of Item 7.3, however, the  
25 language is not as strong.

26  
27 Mr. Alan Nudo asked what action the Department of Planning and Zoning currently takes with drainage  
28 districts. Mr. Hall said that the Department makes sure that anyone that connects to a drainage district

1 tile obtains approval from the drainage district.

2  
3 Mr. Nudo said that the drainage district is working to ensure compliance with their requirements. He  
4 said that that is why he has a problem with the Item because it is not under the County's jurisdiction.

5  
6 Mr. Weibel noted that not all of Champaign County is in a drainage district.

7  
8 Mr. Nudo said that he understood that, however, this Item does include drainage districts. He said that if  
9 it does not fall under the County's jurisdiction now, then it should not be in there.

10  
11 Mr. Nudo said that he did not understand why language that has no teeth is included in these policies. He  
12 said that language with words like 'encourage' and 'ensure' don't mean anything so those provisions are  
13 useless.

14  
15 Ms. Anderson stated that these policies are a plan, not a Zoning Ordinance. She asked Mr. Hall to  
16 explain what it means to create a comprehensive plan.

17  
18 Mr. Hall said that a comprehensive plan is the vision of the future as the County Board sees for  
19 Champaign County. He said that the policies of Objective 7.3 relate to the Champaign County  
20 Stormwater Management Policy. He said that he understood the concern of the language of Objective  
21 7.3, however, to suggest that there not be any policies that pertain to the Stormwater Management Policy  
22 is a big change in direction.

23  
24 Mr. Schroeder said that the Goals and Policies are written like an ordinance which may be part of the  
25 confusion of the Committee. Mr. Schroeder said that the last sentence of the renumbered Objective 7.4  
26 which has text which reads ' and provide appropriate conditions for native aquatic species' seems to be  
27 the sticking point of this Objective.



1 Mr. Moser said that there are ditches in the County that are within an organized drainage district with  
2 commissioners appointed by the County Board or elected. He said that there are also ditches that are not  
3 within a drainage district which are either blocked up or silted in because they are not maintained. He  
4 said that he is concerned that some of the environmentalists would turn everyone of the ditches into a  
5 natural area with no maintenance which would result in flooding issues. He said that is the part of the  
6 Objective that should not be in the LRMP.

7  
8 Mr. Hall said that the RPC staff has taken a lot of criticism from municipal staff because the language is  
9 so precise, however, in the LRMP Steering Committee meetings, staff has taken a lot of criticism for not  
10 having precise goals and policies. He said that the saying of ‘all kinds of mischief could be stirred up in  
11 the future’ might pertain here. He said that people want to know what the County is talking about and  
12 being specific is the only way to get the point across.

13  
14 Mr. Doenitz said that the flipside is that the language has to be right, otherwise it will not pass. Mr.  
15 Doenitz said that the drainage ditches are more important to the farmers than anyone else.

16  
17 Mr. Levy said that when the resources are being discussed in the LRMP, one of the big resources is  
18 water, not just ground water, but surface water also plays a big part. He said that it is not just the  
19 farmer’s concerns it is also people who drink the water that live downstream from us. He said that it is a  
20 big issue and very important and ignoring it is not the best solution. He said that Champaign County has  
21 a big water resource and figuring out how to adequately deal with it is on the table.

22  
23 Mr. Langenheim asked for the question to be called.

24  
25 Ms. Wysocki asked for all those in favor of removing Objective 7.4 as written on Page 36 of the agenda  
26 to signify by saying ‘Aye.’

27  
28 **The motion failed by voice vote.**

1      **Mr. Kurtz moved, seconded by Mr. Schroeder to approve Objective 7.4, which has been**  
2      **renumbered from 7.3 on Page 36, as rewritten with the language ‘and provide appropriate**  
3      **conditions for native aquatic species’ stricken.**

4  
5      **The motion passed on a show of hands.**

6  
7      **Mr. Shroeder moved, seconded by Ms. Ammons to approve the amended Objective 7.3, with the**  
8      **supporting Policy 7.3.1, with respect to underground mineral and energy resource extraction.**

9  
10      **The motion carried by voice vote.**

11  
12      **Mr. Moser moved, seconded by Mr. Schroeder approve Draft A revisions of 3.1.5 with respect to**  
13      **the 1 plus 1 per 40 acres.**

14  
15      Mr. Moser noted that the County has found out three different times when trying to rewrite the Zoning  
16      Ordinance over the land twenty years, that one lot per 40 acres will not pass through the County Board.

17  
18      **The motion carried by show of hands.**

19  
20      **Mr. Schroeder moved, seconded by Mr. Jones to amend the language of Objective 5.1 to remove**  
21      **‘rural development’ to say ‘unincorporated areas of Champaign County.’**

22  
23      **The motion carried by voice vote.**

24  
25      **Mr. Schroeder moved, seconded by Mr. Moser to approve Goal 3, with Objectives 3.1, 3.2 and 3.3**  
26      **with respect to Prosperity.**

27  
28      Ms. Ammons stated that this is just a statement without any point, similar to the creation of a panel in

1 Objective 3.8. Mr. Schroeder said that when looking at the entirety of the LRMP, there were regulations  
2 and rules of what not to do in particular situations. These are goals and policies and not an ordinance.  
3 This provision may enhance Objectives 3.8 and 3.9.  
4

5 Ms. Wysocki added that part of the rationale behind this document is that when you look for Federal,  
6 State or private funding sources, one of the things that they look for is statements such as these in the  
7 LRMP to be in the County's official documents. Ms. Wysocki said that one of the several economic  
8 development committees that she serves on identifies areas of economic development opportunities  
9 which have statements such as this which can only enhance chances of funding from entities beyond  
10 Champaign County's boundaries.  
11

12 Mr. Weibel said that Objective 3.3 is important for economic development.  
13

14 Ms. Ammons said that she agreed with the language in Objective 3.3 and it could be the opening  
15 summary for the entire packet. She said that there are different entities such as the RPC and Economic  
16 Development that deal with obtaining grants for various programs. She said that she agreed that the  
17 language is very powerful and it certainly could benefit various programs such as broadband internet  
18 access and public transportation, however, it is hard to see how those items fit into the LRMP. Ms.  
19 Ammons stated that Objective 3.3 states that it is specific to protecting best prime farmland which is  
20 something that the County intends to do. She said that statements shouldn't be added as goals and  
21 objectives if they are something the County could not do anything about.  
22

23 **The motion carried by voice vote.**  
24

25 Mr. Schroeder noted that Policy 5.3 of Goal 5 pertained to non-agricultural structures in the  
26 unincorporated areas of Champaign County complying with building codes. He asked for clarification of  
27 an agricultural structure versus a non-agricultural structure.  
28

1 Mr. Hall said that a farmstead for a farmer, a storage shed for farm equipment or a barn for agricultural  
2 animals and the equipment necessary to maintain them are considered agricultural structures. Ms. Monte  
3 added that any structure or building that you do not need to obtain a Zoning Use Permit would be  
4 exempt from compliance with building codes.

5  
6 Ms. Monte asked whether Item 7 which had one word, 'land,' inserted was an oversight for approval  
7 recommendation. She noted that this was requested specifically after discussion at the August 2009  
8 ELUC meeting.

9  
10 **Ms. Ammons moved, seconded by Ms. Anderson to approve Objective 8.5 as stated on Page 36.**

11  
12 **The motion carried by voice vote.**

13  
14 Ms. Monte noted that Item 3, specifically, Objective 3.1.9 as stated on Page 35 has not yet been  
15 considered.

16  
17 **Mr. Moser moved, seconded by Mr. Kurtz to approve Item 3.1.9, with respect to minimum lot size.**

18  
19 Mr. Schroeder asked for an explanation of this item. Mr. Hall stated that after reviewing the table on  
20 page 34 which illustrated the various lot yields it occurred to him that it is more than just an issue of  
21 permit fees. He said that under the current regulation it makes it clear that if you have a small tract you  
22 can only create so many lots. After those lots, you can only get a permit for a house on a tract of land  
23 that is thirty-five acres or greater on best prime farmland. He said that he has thought of every  
24 imaginable size of parcel. He said that as the Zoning Administrator, he knows how many lots you can  
25 create. He said under the new approach the number of small lots is limited, however, there is nothing in  
26 the policies that defines what will happen with the remainder. He said that at a certain point someone  
27 will have a seventy-seven acre tract of land, after selling off their allowable three small tracts from  
28 eighty acres, that becomes a defacto agriculture lot if there is not guidance in the Zoning Ordinance that

1 says otherwise.  
2

3 Mr. Hall said that the same rules would apply to a fifty-eight acre tract of land after selling the two small  
4 lots from a sixty acre tract of land. He said there comes a point where you reach a size of remainder tract  
5 of land that Champaign County intends, or doesn't intend, that is not supposed to be treated as an  
6 agricultural lot. He said for example, you could take it down to the nine acre remainder from a ten acre  
7 tract of land. Mr. Hall said that we currently do not have this problem, but we could have it in the  
8 future. Mr. Hall said that he believes the County could be heading towards a new problem that we  
9 currently do not have. He said that he would rather bring up this potential problem sooner than later so  
10 as not to be criticized for trying to slip in a fairly significant new kind of regulation simply as an  
11 implementation act rather than a policy that clearly provides for it. Mr. Hall said that he wanted to make  
12 the proposal now, especially going with the lot allowance of one plus one per forty acres.  
13

14 Mr. Kurtz asked how would the County know what the minimum lot size should be. Mr. Hall stated that  
15 there would be a similar process such as this which would eventually have to be approved as a Zoning  
16 Ordinance amendment.  
17

18 **The motion carried by voice vote.**  
19

20 Mr. Hall said that there is already a policy that makes it very clear that the agricultural exemption makes  
21 it very clear that a farmer's home is exempt from the regulations in the Zoning Ordinance.  
22

23 Mr. Doenitz asked for clarification on whether a new farmstead would be exempt from the Zoning  
24 Ordinance regulations. Mr. Hall said that that was correct.  
25

26 Ms. Chavarria noted that the Committee would still need to sign off on Phase 2 and Phase 3 of the  
27 LRMP.  
28

1      **Mr. Doenitz moved, seconded by Mr. Schroeder to defer action on Phase 2 and Phase 3 to the**  
2      **October 2009 Committee meeting. The motion carried by voice vote.**

3  
4      Mr. Schroeder requested staff to revise what changes have been made so far to the Goals and Policies  
5      and have a clean copy at the October 2009 meeting. Ms. Monte said that that would be done.

6  
7      **X.      Hiring Professional Consultants for Review of Certain Technical Studies for Wind Farm**  
8      **County Board Special Use Permits**

9  
10     Mr. Hall stated that he did not have all of the specifics available at this meeting, however, he has found  
11     three firms with offices in Illinois who have experience with reviewing noise studies for windfarms and  
12     that are all interested in providing quotes for the cost of their services.

13  
14     **Mr. Langenheim moved, seconded by Mr. Doenitz to defer this item to October 2009. The motion**  
15     **carried by voice vote.**

16  
17     **XI.     Resolution to Retain Jurisdiction on Properties Subject to Municipal Annexation**  
18     **Agreements**

19  
20     Mr. Hall said that the agenda included the proposed Resolution which is recommended for approval by  
21     the Policy Committee. He said that while this is a policy issue, it is also an important land use issue  
22     which is why the Committee is being kept updated on this item. He said that he received telephone calls  
23     from staff members from both Champaign and Urbana querying him about what the County would be  
24     doing with this proposed resolution. He said that they wanted to verify that the County was just focusing  
25     on areas that are outside the municipality's extraterritorial jurisdiction.

26  
27     Mr. Hall said that the staff members from Champaign and Urbana had some concerns that the proposed  
28     resolution that went out with the agenda has some ambiguities. He said that after reviewing the

1 proposed resolution he agreed with the city staff members. Mr. Hall said that the revised draft that he  
2 submitted at the meeting has changes in the resolved numbered clauses 1, 2 and 3 which makes it clear  
3 that this resolution is only talking about annexation agreements that are more than a mile and one-half  
4 from the corporate boundary.

5  
6 Mr. Hall said that the County Board does not have to use the revised resolution distributed at the  
7 meeting, they can recommend approval of the version that was included in the mailing. He said that this  
8 is a matter of law so even if the resolution was intended to apply to annexation agreements within the  
9 mile and one-half extraterritorial jurisdiction, it would not apply because legally the County cannot force  
10 that on a municipality. Mr. Hall said that revising the resolution would make it as clear as possible for  
11 future staff and County Board members.

12  
13 Ms. Anderson asked whether this revised resolution should be handled at the County Board meeting as a  
14 substitute for the resolution that will be on the agenda.

15  
16 Ms. Busey suggested making a substitute resolution be on the desks of the County Board members at  
17 their meeting. The County Board Chair could ask to move the resolution before them and at that time,  
18 the substitute resolution could be discussed.

19  
20 **Mr. Moser moved, seconded by Mr. Doenitz to move to send the resolution as proposed by the**  
21 **Policy Committee to the County Board.**

22  
23 Ms. Anderson stated that the language of the revised resolution distributed this evening is more clear.

24  
25 Ms. Busey said that without action by ELUC any Board member could propose that the revised  
26 resolution be substituted for the one the Policy Committee forwarded to the Board. She said that her  
27 only concern is that two different actions on the same issue could result in passing both versions and  
28 then having to sort out which one is the correct resolution.

1      Mr. Moser said that the resolution can be amended at the County Board meeting instead of sending the  
2      revised version back to the Policy Committee.

3  
4      Ms. Wysock agreed that sending two versions of the same resolution is not a great idea. Amending it at  
5      the Board would be preferable. Since the proposed resolution is a policy issue, ELUC should defer to  
6      the Policy Committee on this item.

7  
8      Ms. Wysocki said that there was a motion on the floor and if the Committee wanted to deal with the  
9      revisions at the County Board meeting then a no vote was in order. Mr. Kurtz asked whether this item  
10     could be amended at the County Board level if they vote no.

11  
12     Mr. Moser said that if the Committee wanted to get the proposed resolution to the County Board, then a  
13     yes vote was in order. Ms. Wysocki said that dueling resolutions were not what the Committee wanted.

14  
15     Mr. Weibel suggested the Committee Chair rule the motion be out of order.

16  
17     **The motion carried by voice vote.**

18  
19     **XII. Proposed Ameren Bondville to Southwest Campus 138kV Transmission Line Project**

20  
21     Mr. Hall said that Ameren has proposed a 138kV line from Bondville to the Southwest Campus station  
22     which passes near Willard Airport and could become quite controversial for fear of interference with  
23     airport operations. He said that there is another workshop planned to discuss the most likely route. He  
24     said that he wanted this item on the Committee's agenda so they are aware of this item.

25  
26     Mr. Kurtz said that the maps clearly show where the proposed area is, however, the transmission lines  
27     are not clearly defined. Mr. Hall said that the software used doesn't transfer the map to the key well. He  
28     said the alternative routes start at approximately Curtis Road and go about one-half mile south of



1 Monticello Road. The alternatives also take advantage of every east-west road in between. He noted a  
2 few of the alternatives do not even follow roads.

3  
4 Mr. Kurtz asked how much of the project would take place in the unincorporated area of the County and  
5 how much would be within University of Illinois property. Mr. Hall said the entire project could be in  
6 the unincorporated area of the County, except where it passes in incorporated areas.

7  
8 Mr. Kurtz asked how much authority the County has in this matter. Mr. Hall said that the only authority  
9 the County has is to request to have an alternate route so Willard Airport would not be affected. The  
10 City of Champaign may have some objections to placement of the lines given that this is the area where  
11 they are trying to develop an attractive gateway to the community.

12  
13 Ms. Wysocki stated that no action is required on this item.

14  
15 **XIII. Monthly Reports**

16 **A. August 2009** *(to be distributed at meeting)*

17  
18 **Mr. Schroeder moved, seconded by Mr. Moser to receive and place on file the Department of**  
19 **Planning & Zoning August 2009 Monthly Report. The motion carried by voice vote.**

20  
21 **XIV. Semi-annual Review of Closed Session Minutes**

22  
23 Mr. Hall stated that there are no Closed Session Minutes for approval and Mr. David DeThorne  
24 recommends all of the Closed Session Minutes remain closed.

25  
26 **XV. Other Business**

27  
28 Mr. Schroeder requested all of the County Board members receive the entire LRMP notebook and

1      information. Ms. Wysocki noted that all of the information is on the website and would be quite costly  
2      to copy all of the information.

3  
4      **XVI. Designation of Items to be Placed on County Board Consent Agenda**

5  
6      There were no items to be placed on the County Board Consent Agenda.

7  
8      **XVII. Adjournment**

9  
10      **Mr. Kurtz moved, seconded by Mr. Langenheim for adjournment. The motion carried by voice**  
11      **vote.**

12  
13      The meeting adjourned at 9:40 p.m.

14  
15      Respectfully submitted,

16  
17  
18  
19  
20      Secretary to the Environment and Land Use Committee



STATE OF ILLINOIS  
COUNTY OF CHAMPAIGN

ENTERTAINMENT, RECREATION,  
LODGING OF TRANSIENTS, AND RACEWAYS LICENSE

No. 2009-ENT-17  
\$20.00

ECA, Inc. Hunting and Trade Shows

License is hereby granted to ECA, Inc. Hunting and Trade Shows of 902-1302 N Coler Ave, Urbana, IL to provide Recreation/Entertainment at Champaign County Fair Grounds, IL in Champaign County on October 17 and 18, 2009 . This License expires the 19<sup>th</sup> day of October at 12:01am.

Witness my Hand and Seal this 14<sup>th</sup> day of October, A.D. 2009.

Chairman, Champaign County License Commission

Mark Sheldon, Champaign County Clerk

FILED

SEP 21 2009



STATE OF ILLINOIS,  
Champaign County  
Application for: Mark Shelden  
Recreation & Entertainment License  
CHAMPAIGN COUNTY CLERK

For Office Use Only

License No. 2009-ENT-17  
Date(s) of Event(s) 10-17-09 & 10-18-09  
Business Name: ECA, INC. HUNTING & TRADE SHOW  
License Fee: \$ 20.00  
Filing Fee: \$ 4.00  
TOTAL FEE: \$ 24.00  
Checker's Signature: [Signature]

Applications for License under County Ordinance No. 55 Regulating Recreational & Other Businesses within the County (for use by businesses covered by this Ordinance other than Massage Parlors and similar enterprises)

|              |                                 |           |
|--------------|---------------------------------|-----------|
| Filing Fees: | Per Year (or fraction thereof): | \$ 100.00 |
|              | Per Single-day Event:           | \$ 10.00  |
|              | Clerk's Filing Fee:             | \$ 4.00   |

Checks Must Be Made Payable To: Mark Shelden, Champaign County Clerk

The undersigned individual, partnership, or corporation hereby makes application for the issuance of a license to engage a business controlled under County Ordinance No. 55 and makes the following statements under oath:

- A. 1. Name of Business: ECA INC. HUNTING & TRADE SHOWS
2. Location of Business for which application is made: CHAMPAIGN Co. FAIRGROUNDS
3. Business address of Business for which application is made: 902-1302 N. COLER AVE URBANA, IL 61803-0544
4. Zoning Classification of Property: FAIRGROUNDS
5. Date the Business covered by Ordinance No. 55 began at this location: N/A
6. Nature of Business normally conducted at this location: FAIRS
7. Nature of Activity to be licensed (include all forms of recreation and entertainment to be provided): BUY - SELL - TRADE - & DISPLAY
8. Term for which License is sought (specifically beginning & ending dates): Oct 17 18, 2009  
(NOTE: All annual licenses expire on December 31st of each year)
9. Do you own the building or property for which this license is sought? No
10. If you have a lease or rent the property, state the name and address of the owner and when the lease or rental agreement expires: CHAMPAIGN Co. FAIRGROUNDS, 902-1302 COLER URBANA, IL EX OCT 17 09 9:00 PM
11. If any licensed activity will occur outdoors attach a Site Plan (with dimensions) to this application showing location of all buildings, outdoor areas to be used for various purposes and parking spaces. See page 3, Item 7. INSIDE

INCOMPLETE FORMS WILL NOT BE CONSIDERED FOR A LICENSE AND WILL BE RETURNED TO APPLICANT

B. If this business will be conducted by a person other than the applicant, give the following information about person employed by applicant as manager, agent or locally responsible party of the business in the designated location:

Name: N/A Date of Birth: \_\_\_\_\_  
Place of Birth: \_\_\_\_\_ Social Security No.: \_\_\_\_\_  
Residence Address: \_\_\_\_\_  
Citizenship: \_\_\_\_\_ If naturalized, place and date of naturalization: \_\_\_\_\_

If, during the license period, a new manager or agent is hired to conduct this business, the applicant MUST furnish the County the above information for the new manager or agent within ten (10) days.

Information requested in the following questions must be supplied by the applicant, if an individual, or by all members who share in profits of a partnership, if the applicant is a partnership.

If the applicant is a corporation, all the information required under Section D must be supplied for the corporation and for each officer.

Additional forms containing the questions may be obtained from the County Clerk, if necessary, for attachment to this application form.

- C. 1. Name(s) of owner(s) or local manager(s) (include any aliases): BOB LECKRONE  
Date of Birth: \_\_\_\_\_ Place of Birth: SALEM, IL  
Social Security Number: \_\_\_\_\_ Citizenship: USA  
If naturalized, state place and date of naturalization: \_\_\_\_\_
2. Residential Addresses for the past three (3) years: 211 N. Sherman  
ROSELAND, IL
3. Business, occupation, or employment of applicant for four (4) years preceding date of application for this license: PRESIDENT ECA INC.

EACH OFFICER MUST COMPLETE SECTION D. OBTAIN ADDITIONAL FORM PAGES IF NEEDED FROM THE COUNTY CLERK AND ATTACH TO THIS APPLICATION WHEN FILED.

D. Answer **only** if applicant is a Corporation:

1. Name of Corporation exactly as shown in articles of incorporation and as registered: EGYPTIAN COLLECTORS ASSOC.
2. Date of Incorporation: 1986 State wherein incorporated: IL

3. If foreign Corporation, give name and address of resident agent in Illinois:

N/A

Give first date qualified to do business in Illinois: \_\_\_\_\_

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

212 1/2 W. BROADWAY (P.O. Box 138) CENTRALIA, IL  
62801

5. Objects of Corporation, as set forth in charter: DISPLAY / BUY / SELL / TRADE

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: DALLAS CHATHAM Title: Sec.  
Date elected or appointed: 1986 Social Security No.: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Place of Birth: BROWNSTOWN, IL  
Citizenship: USA  
If naturalized, place and date of naturalization: \_\_\_\_\_

Residential Addresses for past three (3) years: 412 BOX 109  
BROWNSTOWN, IL  
62808

Business, occupation, or employment for four (4) years preceding date of application for this license: ECA. SEC & DIRECTOR

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.

**AFFIDAVIT**

(Complete when applicant is an **Individual or Partnership**)

I/We swear that I/we have read the application and that all matters stated thereunder are true and correct, are made upon my/our personal knowledge and information and are made for the purpose of inducing the County of Champaign to issue the permit hereunder applied for.

I/We further swear that I/we will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of the business hereunder applied for.

\_\_\_\_\_  
Signature of Owner or of one of two members of Partnership

\_\_\_\_\_  
Signature of Owner or of one of two members of Partnership

\_\_\_\_\_  
Signature of Manager or Agent

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public


**AFFIDAVIT**

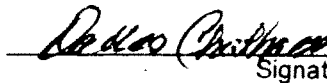
(Complete when applicant is a **Corporation**)

We, the undersigned, president and secretary of the above named corporation, each first being duly sworn, say that each of us has read the foregoing application and that the matters stated therein are true and correct and are made upon our personal knowledge and information, and are made for the purpose of inducing the County of Champaign to issue the license herein applied for.

We further swear that the applicant will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of applicant's place of business.

We further swear that we are the duly constituted and elected officers of said applicant and as such are authorized and empowered to execute their application for and on behalf of said application.

  
\_\_\_\_\_  
Signature of President

  
\_\_\_\_\_  
Signature of Secretary

\_\_\_\_\_  
Signature of Manager or Agent

Subscribed and sworn to before me this 17 day of Sept., 2009.

  
\_\_\_\_\_  
Notary Public

This **COMPLETED** application along with the appropriate amount of cash, or certified check made payable to MARK SHELDEN, CHAMPAIC County Clerk's Office, 1776 E. Washington St.,

CLERK, must be turned in to the Champaign County Clerk's Office, 61802. A \$4.00 Filing Fee should be included.



STATE OF ILLINOIS,  
Champaign County  
Recreation & Entertainment License  
Check List and Approval Sheet

**FOR ELUC USE ONLY**

County Clerk's Office

- 1. Proper Application Date Received: 9-21-2009
- 2. Fee Amount Received: \$20.00 + \$4.00 Fee

Sheriff's Department

- 1. Police Record Approval: 9/29/09 Date: \_\_\_\_\_
- 2. Credit Check Disapproval: \_\_\_\_\_ Date: \_\_\_\_\_

Remarks: \_\_\_\_\_ Signature: CAPTAIN J. NOON

Planning & Zoning Department

- 1. Proper Zoning Approval: 9/30/09 Date: \_\_\_\_\_
- 2. Restrictions or Violations Disapproval: \_\_\_\_\_ Date: \_\_\_\_\_

Remarks: \_\_\_\_\_ Signature: [Signature]  
ZONING ADMINISTRATOR

Environment & Land Use Committee

- 1. Application Complete Approval: \_\_\_\_\_ Date: \_\_\_\_\_
- 2. Requirements Met Disapproval: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Remarks and/or Conditions: \_\_\_\_\_



Champaign  
County  
Department of



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

To: **Environment and Land Use Committee**  
From: **John Hall, Zoning Administrator**  
**JR Knight, Associate Planner**

Date: **October 8, 2009**

RE: **Zoning Case 520-AM-05**

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**Zoning Case 520-AM-05**

Request **Amend the Zoning Map to allow for the development of 3 single family residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

(217) 384-3708 Petitioners **Gene Bateman**

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**STATUS**

This case was remanded back to the Zoning Board of Appeals (ZBA) by ELUC on February 9, 2009. See Item 9.G. on page 5 of the Summary of Evidence for background of the case.

The ZBA voted to "RECOMMEND APPROVAL with Special Conditions of Approval" of this proposed Rural Residential Overlay (RRO) rezoning at their October 1, 2009 meeting. Relevant maps have been excerpted from the Documents of Record and are attached. The Summary of Evidence is attached and includes relevant testimony from the public hearing. The ZBA is required to make two specific findings for RRO determinations and those findings are reproduced below in this memorandum and also appear in the Finding of Fact.

The proposed RRO is in Newcomb Township, which has a plan commission. No comments were received from the township during the public hearing and no comments or protest are anticipated at this time.

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**SPECIAL CONDITIONS OF APPROVAL**

The following special conditions were approved by the ZBA in their recommendation of the case:

1. **Prospective lot purchasers shall be made aware of the presence of the Manlove Gas Storage Facility on the property and the presence of related high pressure gas pipelines on the property and the related gas injection wells on adjacent property.**
2. **Prospective lot purchasers shall be made aware of the presence of easements for Peoples Gas Light and Coke Company as originally granted on November 30, 1965, and recorded at pages 71 and 72 in Book 809 of the Office of the Champaign County Recorder of Deeds; and all said easements shall be specifically mentioned in any deed for any lot in the Rural Residential Overlay District in Zoning Case 520-AM-05; and all said easements shall be indicated on any Plat of Survey that is prepared for any lot in said Rural Residential Overlay District.**
3. **Prospective lot purchasers shall be made aware of the *Zoning Ordinance* requirements that prohibit any construction in the Pipeline Impact Radius (except for driveways) and the resulting amount of buildable area available on each lot.**

4. Prior to offering any lots for sale the petitioner shall dedicate a tile access and maintenance easement for the tile in the swale with an easement of width of 80 feet centered on the centerline of the swale and no construction nor earthwork shall occur within the tile easement and no woody vegetation shall be allowed to grow nor shall any connection be made to the drainage district tile without prior written approval of the Newcomb Special Drainage District.
5. Any underground drainage tile that must be relocated to accommodate any construction in the proposed Rural Residential Overlay Zoning District shall be replaced and relocated in conformance with the Champaign County Stormwater Management Policy.
6. Tracts 2 and 3 of the Bateman Proposed Tracts received on September 18, 2009, shall have centralized driveways and shall also have grouped mail boxes located as far off the roadway as permitted by the United States Postal Service and evidence of the mail box installation and location shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate.
7. All driveway entrances shall be 30 feet wide with a radius as approved by both the Newcomb Township Highway Commissioner and the Cornbelt Fire Protection District and evidence of both approvals shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate.
8. All homes shall be served by driveways that have a paved surface consisting of at least six inches of rock that is at least 20 feet wide and a corner radius approved by the Cornbelt FPD and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.
9. Each driveway shall be provided with a means of turnaround of adequate dimension to accommodate fire protection and emergency service vehicles that at a minimum shall consist of a hammerhead (or three-point) turnaround with a paved surface consisting of at least six inches of rock that is at least 20 feet wide with a minimum backup length of 40 feet and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.
10. Prior to advertising any lots for sale the petitioner shall file a Miscellaneous Document with the Champaign County Recorder of Deeds stating that the Rural Residential Overlay Zoning District was authorized on the subject property subject to specific conditions and said Document shall contain all of the conditions of approval for Case 520-AM-05.

## REQUIRED FINDINGS

With respect to map amendments requesting creation of a Rural Residential Overlay (RRO) Zoning District, Section 5.4.3 of the Zoning Ordinance requires the ZBA to make two specific findings before forwarding a recommendation to the County Board. The required findings are stated as follows in the Ordinance:

1. That the proposed use is or is not suitable for the development of the specified maximum number of residences; and

**2. That the proposed residential development will or will not be compatible with surrounding agriculture.**

The Land Use Regulatory Policies that were adopted on November 21, 2001 establish requirements for RROs proposed on “best prime farmland” that the land be “well suited” and that the land be used in the “most efficient way”. The proposed RRO is not on best prime farmland so the higher requirements do not apply. The required findings on page 19 of the attached Final Determination have been reproduced below with references to the relevant items in the Summary of Evidence.

**Required Finding 1. Regarding Whether the Site is Suitable for the Development of the Specified Maximum Number of Residences:**

1. The proposed site **IS SUITED** for the development of 3 residences because:
  - A. **The site meets the Pipeline Impact Radius Ordinance to mitigate man-made hazards and safety concerns (item 17\*); and**
  - B. **much better than typical and nearly ideal conditions for the other consideration of adequacy of roads; effects on drainage; septic suitability; LESA score; and flood hazard status, and the availability of water is ideal (items 11\*, 12\*, 13\*, 19\*, 16\*, 14\*); and**
  - C. **The property is 5.3 miles from the Cornbelt Fire Protection District (item 15\*); and**
  - D. **with the proposed condition the property will meet the Cornbelt Fire Protection District’s standards for access and turn-around (item 24.D\*);**and despite:
  - E. **The fact that there are high pressure gas pipelines in the vicinity (item 17\*); and**
  - F. **the site has much worse than typical Champaign County conditions because it is bordered on one side by livestock management facilities and land surrounding the lots is actively in production (item 18\*);**
  - G. **emergency service vehicle access is limited by flooding.**

\* refers to items in the Summary of Evidence

NOTE: This is not the actual finding. See the As-Approved Finding of Fact.

**Required Finding 2. Regarding Whether the Site is Suitable for the Development of the Specified Maximum Number of Residences:**

1. Development of the proposed site under the proposed Rural Residential Overlay development **WILL BE COMPATIBLE** with surrounding agriculture because:
  - A. **surface drainage that is much better than typical (item 12\*); and**
  - B. **the condition to provide an easement for the drainage district tile (item 24. B. (1));**
  - C. **the adequacy of the roads that is nearly ideal Champaign County conditions (item 11\*); and**
  - D. **traffic generated by the proposed RRO District that will be only 200% more than without the RRO (item 23.A.\*);**
  - E. **the condition to require centralized driveways and grouped mailboxes as to not impede agricultural traffic (item 24.C.(1)\*).**

and despite:

- F. **presence of adjacent livestock management facilities on one side and four other livestock management facilities within a one-mile radius of the property for a total of three active facilities that are by law allowed to expand up to 1,000 animal units (item 23.B.(3)); and**
- G. **the presence of a drainage district tile near the proposed RRO district (item 12.B.); and**
- H. **the proposed RRO will have an impact on farm compatibility.**

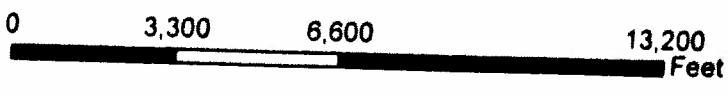
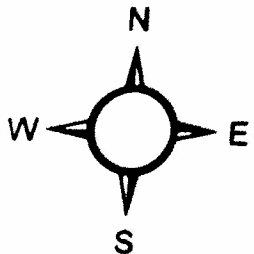
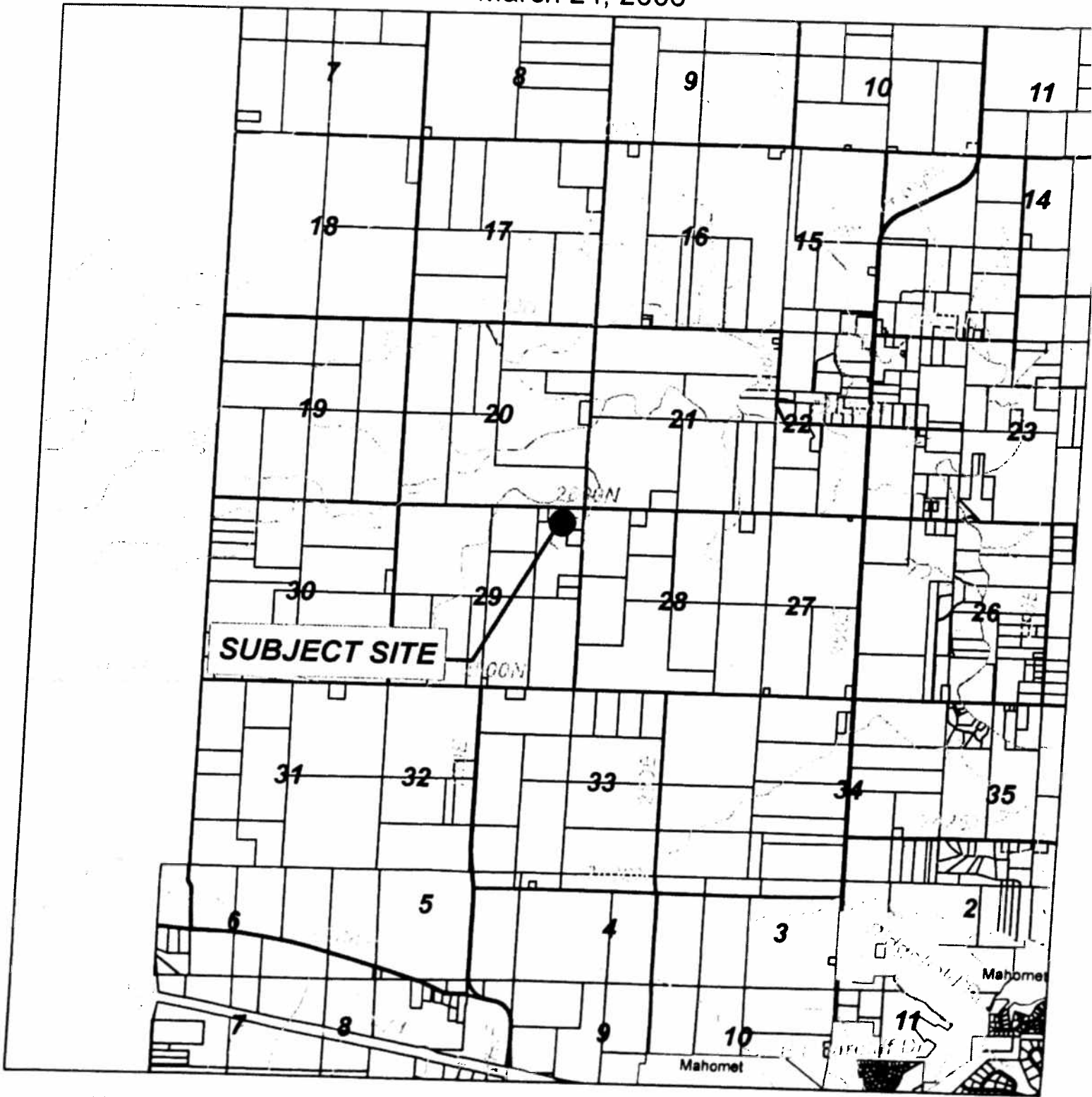
\* refers to items in the Summary of Evidence

NOTE: This is not the actual finding. See the As-Approved Finding of Fact.

**ATTACHMENTS (excerpted from Documents of Record)**

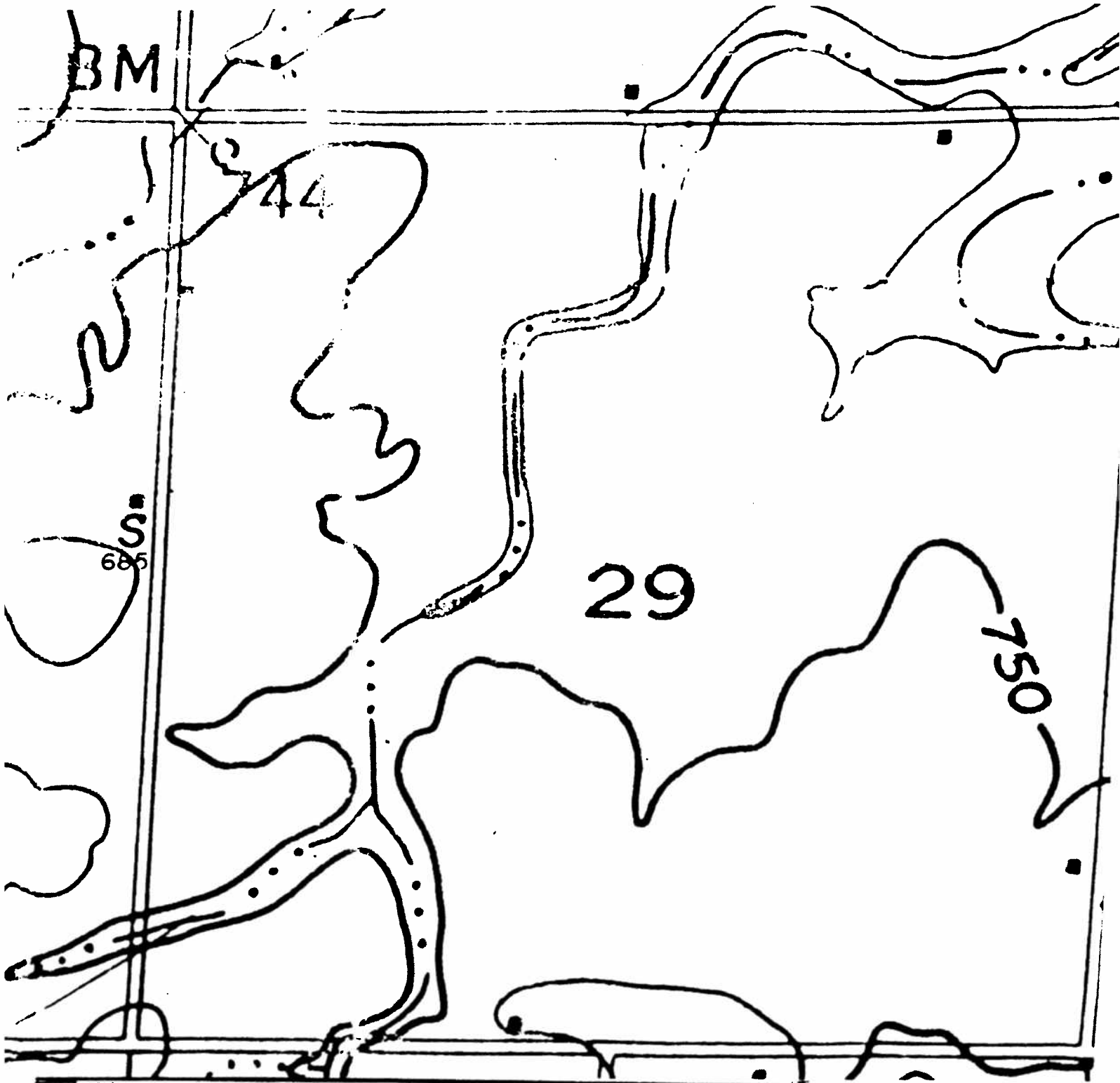
- A Zoning Case Maps (Location, Land Use, Zoning)
- B Bateman Proposed Tracts, received on September 18, 2009
- C Summary of Evidence, Finding of Fact, and Final Determination of the Champaign County Zoning Board of Appeals as approved on October 1, 2009

Attachment A Location Map  
Case 520-AM-05  
March 24, 2006



**Champaign County  
Planning and Zoning Department  
1776 E. Washington Street  
Urbana, IL 61802  
217-384-3708**

Attachment A Zoning Map  
 Case520-AM-05  
 March 24, 2006



|                  |                             |                          |                           |                      |
|------------------|-----------------------------|--------------------------|---------------------------|----------------------|
| AG-1 Agriculture | R-1 Single Family Residence | R-4 Multiple Family Res. | B-2 Neighborhood Business | B-5 Central Business |
| AG-2 Agriculture | R-2 Single Family Residence | R-5 Mob Par              | B-3 Highway Business      | I-1 Light Industry   |
| CR Conservation  | R-3 Two-family              | B-1 Rur                  | B-4 General               | I-2 Heavy            |

60

NORTH

Champaign County  
 Department of  
 Planning & Zoning

90'x90'  
PEOPLES  
ENERGY  
EASEMENT

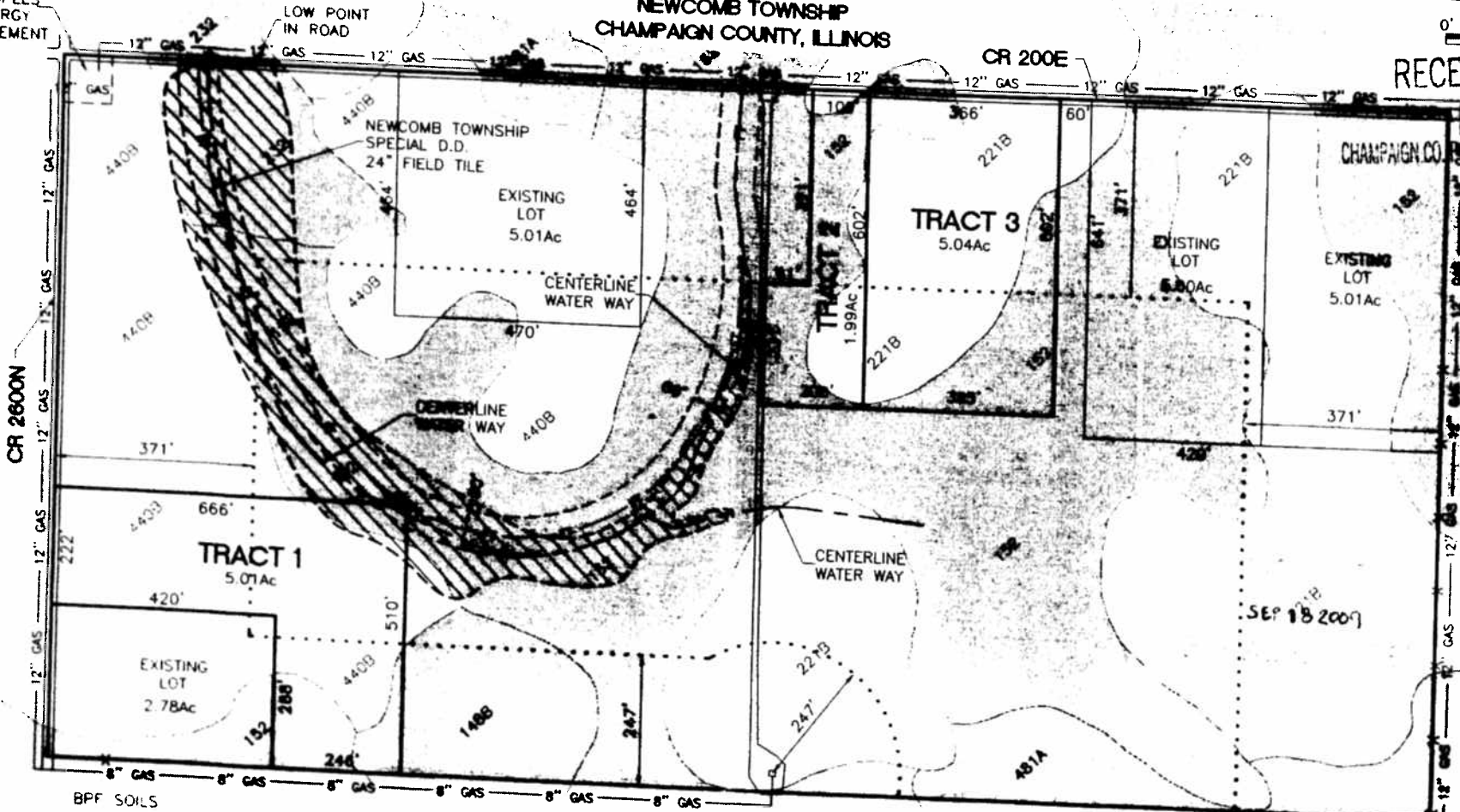
BATEMAN  
PROPOSED TRACTS  
NEWCOMB TOWNSHIP  
CHAMPAIGN COUNTY, ILLINOIS

0' 50' 100' 200'

RECEIVED

2009

CHAMPAIGN COUNTY ZONING DEPARTMENT



61

BPF SOILS

NON-BPF SOILS

HIGH WATER BACKUP  
(SAME ELEV AS LOW  
POINT IN ROAD)

POTENTIAL IMPACT ZONE  
SETBACK LINE

| TRACT   | ACRES  | BPF SOIL     |        | NON-BPF SOIL |             | LE     | BUILDABLE AREA |
|---------|--------|--------------|--------|--------------|-------------|--------|----------------|
|         |        | SOIL TYPE    | ACRES  | PERCENT      | SOIL TYPE   |        |                |
| TRACT 1 | 5.01Ac | 152 DRUMMER  | 0.76Ac | -15.1%       | 440B JASPER | 3.98Ac | -79.7%         |
| TRACT 2 | 1.99Ac | 148B PROCTOR | 0.26Ac | -5.2%        |             |        |                |
| TRACT 3 | 5.04Ac | 152 DRUMMER  | 1.54Ac | -30.6%       | 221B PARR   | 3.50Ac | -69.4%         |

E 1/2-NE1/4-SEC 29-T21N-R7E-3rd PM  
CHAMPAIGN COUNTY, ILLINOIS

Revised: 07/07/09  
Revised: 05/29/09  
Revised: 12/18/06  
Revised: 12/13/06  
Revised: 11/8/06  
Revised: 10/12/06  
Revised: 10/11/06  
Revised: 07/13/06

Job # 05114

Drawn By: BDB/CAM Date: 03/27/06

**HDC**  
ENGINEERING

201 West Springfield, Suite 300,  
Champaign, Illinois 61824-0140  
Phone No 217-352-6976

*AS APPROVED*

**520-AM-05**

**SUMMARY OF EVIDENCE, FINDING OF FACT  
AND FINAL DETERMINATION**

**of**

**Champaign County Zoning Board of Appeals**

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Final Determination: ***RECOMMEND APPROVAL WITH CONDITIONS***

Date: October 1, 2009

Petitioner: Gene Bateman

Request: Amend the Zoning Map to allow for the development of 3 single family residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.

---

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 30, 2006, April 13, 2006, July 13, 2006, August 31, 2006, October 12, 2006, December 14, 2006, and October 1, 2009**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Gene Bateman, owns the subject property.
2. The subject property is approximately 12.04 acres of an existing 62.20 acre parcel in the East Half of the Northeast Quarter of Section 29 of Newcomb Township that is commonly known as the farm field that borders the south side of CR2600N and the west side of CR200N.
3. Regarding any relevant municipal or township jurisdiction:
  - A. The subject property is not located within the one-and-one-half-mile extraterritorial jurisdiction of a municipality with zoning. Municipalities have protest rights on map amendments and they are notified of all such cases.
  - B. The subject property is located in Newcomb Township, which has a planning commission. Townships with planning commissions have protest rights on map amendments and are notified of all such cases. No comments have been received from Newcomb Township at this time.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner wrote the following: **“Applying for RRO.”**
5. Land use and zoning on the subject property and in the immediate vicinity are as follows:



**AS APPROVED**

- A. The subject property is zoned AG-1 Agriculture and is currently in use as farmland.
- B. Land on the south and west of the subject property is zoned AG-1 Agriculture and is currently in use a farmland.
- C. Land on the north and east of the subject property is zoned AG-1 Agriculture is in use as farmland, but also contains residential uses.

**GENERALLY REGARDING THE REQUIREMENTS FOR ESTABLISHING AN RRO DISTRICT**

- 6. Generally regarding relevant requirements from the *Zoning Ordinance* for establishing an RRO District:
  - A. The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning. An RRO is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District.
  - B. Paragraph 5.4.3.C.1 of the *Zoning Ordinance* requires the Zoning Board of Appeals to make two specific findings for RRO approval which are the following:
    - (1) That the proposed site is or is not suitable for the development of the specified maximum number of residences; and
    - (2) That the proposed residential development will or will not be compatible with surrounding agriculture.
  - C. Paragraph 5.4.3 C.1 of the *Zoning Ordinance* requires the Zoning Board of Appeals to consider the following factors in making the required findings:
    - (1) Adequacy and safety of roads providing access to the site;
    - (2) Effects on drainage both upstream and downstream;
    - (3) The suitability of the site for onsite wastewater systems;
    - (4) The availability of water supply to the site;
    - (5) The availability of emergency services to the site;
    - (6) The flood hazard status of the site;
    - (7) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat;
    - (8) The presence of nearby natural or man-made hazards;
    - (9) Effects on nearby farmland and farm operations;
    - (10) Effects of nearby farm operations on the proposed residential development;

- (11) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated;
- (12) The Land Evaluation and Site Assessment (LESA) score of the subject site;

**GENERALLY REGARDING CHAMPAIGN COUNTY LAND USE POLICIES**

- 7. The Land Use Goals and Policies were adopted on November 29, 1977, and were the only guidance for County Map Amendments until the Land Use Regulatory Policies-Rural Districts (LURP) were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). The LURP's were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP's adopted on November 20, 2001, remain the relevant LURP's for discretionary approvals (such as map amendments) under the current Zoning Ordinance. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies. LURP's that are relevant to any proposed RRO District are the following:
  - A. Land Use Regulatory Policy 1.1 provides that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. Other land uses can be accommodated in those areas provided that:
    - (1) The conversion of prime farmland is minimized;
    - (2) The disturbance of natural areas is minimized;
    - (3) The sites are suitable for the proposed use;
    - (4) Infrastructure and public services are adequate for the proposed use;
    - (5) The potential for conflicts with agriculture is minimized.
  - B. Land Use Regulatory Policy 1.2 states that on the best prime farmland, development will be permitted only if the land is well suited to it, and the land is used in the most efficient way consistent with other County policies.
  - C. Land Use Regulatory Policy 1.3.3 provides that development beyond the basic development right will be permitted if the use, design, site and location are consistent with County policy regarding:
    - (1) The efficient use of prime farmland;
    - (2) Minimizing the disturbance of natural areas;
    - (3) Suitability of the site for the proposed use;
    - (4) Adequacy of infrastructure and public services for the proposed use; and
    - (5) Minimizing conflict with agriculture.

**AS APPROVED**

- D. Land Use Regulatory Policy 1.4.2 states that non-agricultural land uses will not be permitted if they would interfere with farm operations or would damage or negatively affect the operation of agricultural drainage systems, rural roads or other agriculture related infrastructure.
- E. Land Use Regulatory Policy 1.5.3 states that development will not be permitted if existing infrastructure, together with proposed improvements, is inadequate to support the proposed development effectively and safely without undue public expense.
- F. Land Use Regulatory Policy 1.5.4 states that development will not be permitted if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.

**GENERALLY REGARDING THE MAXIMUM ALTERNATIVE DEVELOPMENT WITHOUT AN RRO**

- 8. Regarding the maximum number of new zoning lots that could be created out of the subject property without the authorization for the RRO Zoning District:
  - A. As amended on February 19, 2004, by Ordinance No. 710 (Case 431-AT-03 Part A), the *Zoning Ordinance* requires establishment of an RRO District for subdivisions with more than three lots (whether at one time or in separate divisions) less than 35 acres in area each (from a property larger than 50 acres) and/or subdivisions with new streets in the AG-1, AG-2, and CR districts (the rural districts) except that parcels between 25 and 50 acres may be divided into four parcels.
  - B. The subject property was a 77.22 acre parcel on January 1, 1998, and since that time there have been three five-acre lots created. The 2.8 acre parcel in the northwest corner also existed as a separate parcel on January 1, 1998. The current 62.2 acre parcel could be divided into a 35 acre tract lot and a 27.2 acre remainder lot without having to obtain approval of the Rural Residential Overlay District as amended in Case 431-AT-03, Part A.

**GENERALLY REGARDING THE PROPOSED RRO DISTRICT**

- 9. In general, the Schematic Plan has been revised throughout the public hearing and indicates the following:
  - A. Regarding drainage concerns relevant to the total property:
    - (1) The property is not within a FEMA regulated 100-year flood zone.
    - (2) The site drains primarily to the northeast into an existing farmed waterway. The Bateman Proposed Tracts received September 18, 2009, indicates the centerline of the waterway and indicates the high water backup elevation if the culvert near CR2600N would become blocked.
  - B. The Proposed Bateman Tracts received on October 12, 2005, are proposed to include five lots that occupy 23 acres of the 62.20 acre subject property. Lots 1, 2, 3 and 5 are proposed to be five acre lots and Lot 4 was proposed to be a three acre lot. Lot 4 was revised to be a 1.58 acre lot on the Revised Proposed Bateman Tracts received March 29, 2006.

- C. The Revised Proposed Bateman Tracts received July 13, 2006, has the following changes:
- (1) A 90" x 90" easement for Peoples Energy is indicated at the intersection of CR2600N and CR200E.
  - (2) The centerline of the 24 inch diameter Newcomb Special Drainage District drainage tile is indicated. A 75 feet wide easement is indicated centered on the tile.
  - (3) Shared driveway entrances are indicated for Tracts 1 and 2 and for Tracts 4 and 5.
- D. The Revised Proposed Bateman Tracts received October 12, 2006, has the following changes:
- (1) An 80 feet wide easement for the Newcomb Special Drainage District tile.
  - (2) Revised lots.
- E. The Revised Proposed Bateman Tracts received December 14, 2006, and as amended at the public hearing on December 14, 2006, has the following changes:
- (1) The number of lots was reduced to two.
  - (2) All proposed lots are flag lots with access strips that are 680 feet long for Tract 2 and 340 feet long for Tract 1.
- F. The Bateman Proposed Tracts received, on September 18, 2009, indicated the following:
- (1) There are three Tracts. Tracts 1 & 3 are approximately five acres in area, and Tract 2 is approximately two acres in area.
  - (2) Tract 2 is technically a flag lot with an access strip 109 feet wide and 371 feet long.
  - (3) All three Tracts have at least an acre of buildable area outside the Pipeline Impact Radius (PIR) of the People's Gas natural gas pipelines located on the perimeter of the subject property.
- G. Regarding the history of Case 520-AM-05:
- (1) The petitioner submitted the application for rezoning to the RRO District on October 12, 2005.
  - (2) The public hearing was opened on March 30, 2006.
  - (3) On October 12, 2006, the ZBA voted to Recommend Denial to ELUC and the full County Board.
  - (4) On November 13, 2006, ELUC voted to remand Case 520-AM-05 so the petitioner could revise their site plan to deal with the ZBA's concerns.
  - (5) On December 14, 2006, the ZBA voted to Recommend Approval of the revised RRO to ELUC and the full County Board.

**AS APPROVED**

- (6) Case 520-AM-05 was tabled at ELUC in January and February of 2007. On March 12, 2007, ELUC voted to defer Case 520-AM-05 until the *Zoning Ordinance* was amended to include specific requirements for development near pipelines.
  - (7) The *Zoning Ordinance* was amended on November 20, 2008, by Ordinance No. 841 (Case 583-AT-07), which added requirements for development near pipelines.
  - (8) On February 9, 2009, ELUC voted to remand Case 520-AM-05 to the ZBA so the petitioner could revise his plan to better fit the new requirements regarding separations from natural gas pipelines.
  - (9) The petitioner's representative submitted the current plan on September 18, 2009.
- H. The lots in the requested RRO District meet or exceed all of the minimum lot standards of the Zoning Ordinance.

**GENERALLY REGARDING THE SOILS ON THE PROPERTY**

10. A Natural Resource Report was prepared for the petitioner in 2003 and was based on the entire 77 acre tract. Staff re-examined the proposed 5 lot RRO and the results can be summarized as follows:
  - A. Regarding the types of soils on the total property, their relative extent, and the relative values:
    - (1) About 51% of the total 77 acre property consists of soils that are considered by Champaign County to be Best Prime Farmland and consists of Drummer silty clay loam, 0 to 2% slopes (map unit 152A); Ashkum silty clay loam (232A); Raub silt loam, 0 to 3% slopes (481A); and Clare silt loam, 1% to 5% slopes (663B; formerly 148B Proctor silt loam, 1% to 5% slopes).
    - (2) About 49% of the of the total 77 acre property consists of soils that are not considered Best Prime Farmland by Champaign County and consists of Wyanet silt loam, 2% to 5% slopes (622B; formerly 221B Parr silt loam, 2% to 5% ); and Penfield Loam, 1% to 5% slopes (687B; formerly 440B Jasper loam, 1% to 5% slopes).
  - B. The original 77 acre property is Best Prime Farmland under the Champaign County Land Use Regulatory Policies, as follows:
    - (1) Best Prime Farmland is identified by the Champaign County Land Use Regulatory Policies – Rural Districts as amended on November 20, 2001, as any tract on which the soil has an average Land Evaluation Factor of 85 or greater using relative values and procedures specified in the Champaign County, Illinois Land Evaluation and Site Assessment System.
    - (2) The Land Evaluation Worksheet in the Natural Resource Report indicates the overall Land Evaluation factor for the soils on the subject property is 88. When encountering situations such as this, staff generally evaluates each site on an individual basis.

- C. Regarding the types of soils on the proposed RRO lots in the Bateman Proposed Tracts received on September 18, 2009, making up the 12.04 acres, their relative extent, and relative values:
- (1) The proposed RRO lots have been located such that Best Prime Farmland soils make up only about 32% of the proposed lot area and Drummer silty clay loam makes up only about 30% of the proposed lot area.
  - (2) An evaluation of the soils for the entire proposed RRO yields an average Land Evaluation score of 84.4 which rounds to 84 and thus the proposed RRO is not Best Prime Farmland on average.
  - (3) An evaluation of the soils for the specific lots proposed in this RRO as indicated on the revised Proposed Bateman Tracts received October 12, 2006, indicates the following:
    - (a) Tracts 1 and 3 are not Best Prime Farmland on average; and
    - (b) Tract 2 appears to be Best Prime Farmland on average. However, also note that it is less than two acres in area which is less than the maximum lot area for best prime farmland lots in an RRO.
- D. Site specific concerns stated in the Natural Resource Action Report are as follows:
- (1) The subject property has 6 soils types that have moderate to severe limitations for the development in their natural unimproved state. The possible limitations include severe ponding and wetness that will adversely affect septic fields on the site. However, the three lots in the Bateman Proposed Tracts received on September 18, 2009, all have adequate area of soils with high septic suitability to allow for placement of septic leach fields.
  - (2) The subject area will be subject to erosion both during and after construction. Any areas left for more than 30 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible.
  - (3) The proposed design that uses 5 to 5.5 acre tracts is not an efficient use of prime farmland. A lot size of 1 acre would be more efficient use of the land.
  - (4) Drainage ways noted on the Surface Water Flow Map needs to be maintained. A significant volume of water flows through the property in drainage ways that should be guarded with permanent easements.

***GENERALLY REGARDING THE ADEQUACY AND SAFETY OF ROADS***

11. Regarding the adequacy and safety of roads providing access to the proposed RRO District:
- A. The Institute of Transportation Engineers publishes guidelines for estimating of trip generation from various types of land uses in the reference handbook Trip Generation. Various statistical averages are reported for single family detached housing in Trip Generation and the average weekday traffic generation rate per dwelling unit is 9.55 average vehicle trip ends per dwelling

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unit. Trip Generation does not report any trip generation results for rural residential development.

- B. The staff report *Locational Considerations for Rural Residential Development in Champaign County, Illinois* that led to the development of the RRO Amendment, incorporated an assumed rate of 10 average daily vehicle trip (ADT) per dwelling unit for rural residences. The assumption that each proposed dwelling is the source of 10 ADT is a standard assumption in the analysis of any proposed RRO.
- C. Based on the standard assumption that each proposed dwelling is the source of 10 ADT, the 3 proposed single-family residence in the Bateman Proposed Tracts received on September 18, 2009, are estimated to account for an increase of approximately 30 ADT in total but it is unclear if all the traffic flow will be in the same direction or if the traffic will be split between the east and the west and north and south.
- D. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* are general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The *Manual* indicates the following pavement widths for the following traffic volumes measured in Average Daily Traffic (ADT):
  - (1) A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
  - (2) A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.
  - (3) A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.
  - (4) A local road with a pavement width of 22 feet has a recommended maximum ADT of more than 400 vehicle trips.
- E. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines also recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. The roads in question both meet this minimum standard.
- F. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). An IDOT map of AADT data for 2006 in the vicinity of the subject property is included as an attachment to the Preliminary Memorandum and indicates the following:
  - (1) There is no AADT data reported for CR 2600 N between the subject property and the intersection of CR200E. The closest ADT in the vicinity of the subject property is approximately 1 mile south on CR2500N and has an ADT of 150.

- (2) The pavement width of the both roadways, CR200E and CR 2600N adjacent to the subject property is approximately 18' wide. These roadways are contained within a minimum ROW width of 40 feet in the vicinity of the subject parcel and are constructed of oil and chip pavement.
- G. The relevant geometric standards for visibility are found in the *Manual of Administrative Policies of the Bureau of Local Roads and Streets* prepared by the Bureau of Local Roads and Streets of the Illinois Department of Transportation. Concerns are principally related to the minimum stopping sight distance. Design speed determines what the recommended distance is. In regards to the proposed RRO, staff utilized the typical design speed of 55 mph for these two rural roadways and there appears to be no concerns related to stopping sight distance. The appropriate stopping site distance at 55 mph is 400 feet.
- H. The intersection of CR200E and CR2600E has no stop signs like most rural intersections and so there are visibility concerns for traffic approaching the intersection. Evidence relevant to traffic visibility concerns is as follows:
- (1) The relevant geometric standards for traffic visibility are found in the *Manual of Administrative Policies of the Bureau of Local Roads and Streets* prepared by the Bureau of Local Roads and Streets of the Illinois Department of Transportation. The "minimum stopping sight distance" is determined by design speed and varies as follows:
    - A design speed of 30 miles per hour requires a minimum distance of 200 feet.
    - A design speed of 40 miles per hour requires a minimum distance of 275 feet.
    - A design speed of 50 miles per hour requires a minimum distance of 400 feet.
    - A design speed of 60 miles per hour requires a minimum distance of 525 feet.
    - A design speed of 70 miles per hour requires a minimum distance of 625 feet.
  - (2) The Champaign County Zoning Ordinance prohibits construction and establishes vegetation maintenance requirements in corner visibility triangles that are 50 feet back from the right of way lines at all street intersections. For Township roads with 60 feet wide rights of ways this provides a guaranteed stopping sight distance of only about 80 feet which is inadequate for speeds as low as 30 miles per hour.
  - (3) The speed limit on unmarked rural roads is 55 miles per hour which requires a corner visibility triangle of about 462 feet.
- I. Testimony at the April 13, 2006, public hearing regarding traffic can be summarized as follows:
- (1) Doug Turner who resides at 248CR2500N, Mahomet testified that he was concerned with the condition of CR200E and about three years ago CR200E was a gravel road that maybe two or three people drove on per week but now there are about 60 or 70 cars that travel CR200E per day. He said that CR200E has been oiled but it is falling apart and



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there is a 20 feet wide area that is impassable when a flood even occurs and he does not believe that CR200E has the ability to handle anymore traffic in its current condition.

- (2) Chris Doenitz who resides at 125 CR2300N, Mahomet testified that he travels CR200E with farm equipment and currently he has to dodge mailbox after mailbox and the more houses that are built the worse it will become. He said that CR200E is an inadequate road for large farm equipment and traffic and the continued creation of five acre lots along the roads creates havoc for the new landowners and farmers. He said that if the RRO is approved they should be required to install their own infrastructure.
- J. A special condition is proposed to require the driveways on Tracts 2 and 3 to be co-located at the common lot line between the two tracts.
- K. Overall, the subject property and proposed RRO lots in the Bateman Proposed Tracts received on September 18, 2009, are comparable to "much better than typical" conditions for Champaign County in terms of common conditions for the adequacy and safety of roads providing access because the three proposed residences will only add about a 20% increase in traffic and the Average Annual Daily Traffic will still be less than the maximum recommended.

*GENERALLY REGARDING DRAINAGE*

12. Regarding the effects of the proposed RRO lots in the Bateman Proposed Tracts received on September 18, 2009, on drainage both upstream and downstream:
  - A. The Engineers statement of general drainage conditions received for this three lot RRO dated October 4, 2005, as well as the revised site plan indicates the following:
    - (1) There is approximately ten (10) foot of topographic fall on the subject property from the southern property line to the intersection of CR 2600 N and CR 200E. There are drainage ways that bisect the northern portion of the property that feed into branches of the tributary of the Sangamon River. There is an approximate 1.5% slope on average for the subject property. The topographic contours do not indicate any areas of significant storm water ponding on the subject property. The Champaign County Zoning Ordinance does not contain minimum acceptable ground slope but 1% is normally considered a minimum desirable ground slope for residential development.
    - (2) Most of the subject property drains directly to a tributary of the Sangamon River.
    - (3) None of the property is located below the Base Flood Elevation (100-year flood).
    - (4) Storm water detention is not required due to the low percent of impervious area for the proposed RRO.
    - (5) Based on records in the Department of Planning and Zoning, Newcomb Special Drainage District has a 20 inch to 24 inch drainage tile that is located generally in the northeast corner of the subject property. The applicants engineer has provided the centerline of this

tile and indicated the High Water Back-up area on the Bateman Proposed Tracts received on September 18, 2009.

- B. Testimony at the April 13, 2006, public hearing regarding drainage can be summarized as follows:
- (1) Doug Turner who resides at 248CR2500N, Mahomet testified generally as follows:
    - (a) He was representing the Newcomb Special Drainage District and the three Commissioners of the District are very concerned about the proposal.
    - (b) There is a 24 inch diameter district tile that runs through the proposed RRO and the drainage district is concerned about their ability to access the tile with the houses that are proposed to be constructed. He said that the District is concerned that the new owners will not be aware that the tile exists and the tile will be damaged during construction.
    - (c) The 24 inch tile is the only tile on the property that is a drainage district tile but there are 10 inch to 15 inch private tiles that branch off on the subject property.
    - (d) The drainage district tile is approximately 90 years old and at some point it will need to be replaced. At a minimum he estimates that the drainage district will require a 75 feet wide easement for maintenance of the tile.
    - (e) He said that the bridge to the south has adequate capacity but the bridge to the north is very old and is inadequate for a three inch rain. He said that he has lived in this neighborhood for 50 years and he has seen water backed up on this farm numerous times.
- C. Testimony at the July 13, 2006, public hearing regarding drainage can be summarized as follows:
- (1) Doug Turner who resides at 248CR2500N, Mahomet testified generally as follows:
    - (a) The Newcomb Special Drainage District Commissioners would like an 80 feet wide easement for the drainage district tile and they do not want any permanent structures or trees in the easement nor should there be any hook-ups to the tile without the prior written approval by the drainage district.
    - (b) The Newcomb Special Drainage District Commissioners would like the Batemans to grass the entire waterway on their property.
- D. Based on the available information the subject property and lots in the Bateman Proposed Tracts received on September 18, 2009, are comparable to "much better than typical" conditions for Champaign County in terms of common conditions for the drainage effects on properties located both upstream and downstream because of the following:
- (1) None of the subject property is located in the Special Flood Hazard Area.
  - (2) Approximately 68% of the three proposed RRO lots is soil that is not considered a "wet soil".

- (3) The subject property has good surface drainage with adequate drainage outlets and does not drain over adjacent land.

**GENERALLY REGARDING SUITABILITY OF THE SITE FOR ONSITE WASTEWATER SYSTEMS**

13. Regarding the suitability of the site for onsite wastewater systems:
  - A. No actual soil investigations or soil percolation test results have been submitted and none are required as a submittal for an RRO rezoning. As a practical matter the proposed buildable areas of the subject property are along the eastern and northern edges of the site. Proposed Tract 2, in the Bateman Proposed Tracts received on September 18, 2009, contains mostly Drummer soil, but also contains at least a half-acre of Parr soil, which has a High rating for septic suitability.
  - B. The pamphlet *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*, is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet contains worksheets for 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). The worksheets for the soils on the buildable area of the lots in the Bateman Proposed Tracts received on September 18, 2009, are an attachment to the Preliminary Memorandum and can be summarized as follows:
    - (1) Jasper loam, (soil unit 440B), with 1% to 5% slopes has a very high suitability for septic tank leach fields with a soil potential index of 79. This soil is found to be the majority of soil present on Tract 1 and is characterized as a moderate rated soil due to the slow percolation rate. Jasper loam makes up 79% of the soil on Tract 1.
    - (2) Parr silt loam, 2% to 5% slopes (map unit 221B), has a High suitability for septic tank leach fields with a soil potential index of 95. There are no required corrective measures necessary with this soil. There are only four soils in Champaign County with a higher rating and 55 soils that have lower ratings. Parr silt loam comprises 25 and 69 percent of Tracts 2 and 3 respectively.
    - (3) Drummer silty clay loam, (soil unit #152) has a low suitability for septic tank leach fields with a soil potential index of only 53. Several corrective measures are required. There are only 19 soils with a lower suitability than Drummer and 40 soils with a higher suitability. Drummer soil is found on all three tracts and comprises 75% of Tract 2 (the highest), 30% of Tract 3, and 15% of Tract 1 (the lowest).
  - C. Based on the lots in the Bateman Proposed Tracts received on September 18, 2009, the suitability of the soils on the subject property for septic systems are comparable to the "much better than typical" conditions for Champaign County in terms of common conditions for the septic suitability of soils for the proposed RRO District because about 70% of the subject property consists of soils with a very high suitability for septic tank leach fields.

**GENERALLY REGARDING THE AVAILABILITY OF GROUNDWATER AT THE SITE**

14. Regarding the availability of water supply to the site:

- A. The Staff report *Locational Considerations and Issues for Rural Residential Development in Champaign County, Illinois* included a map generally indicating the composite thickness of water bearing sand deposits in Champaign County. The map was an adaptation of a figure prepared by the Illinois State Geological Survey for the Landfill Site Identification Study for Champaign County. A copy of the map from the Staff report is included as an attachment to the Preliminary Memorandum and indicates that the subject property is not within the area of limited groundwater availability.
- B. Based on the available information, which is not plan dependent, groundwater availability of the subject property for the proposed RRO District is comparable to the “Ideal or nearly Ideal” conditions for Champaign County in terms of common conditions for groundwater availability and the impact on neighboring wells because of the following:
  - (1) The subject property is not in the area with limited groundwater availability; and
  - (2) There is reasonable confidence of water availability; and
  - (3) There is no reason to suspect an impact on neighboring wells.

**GENERALLY REGARDING THE AVAILABILITY OF EMERGENCY SERVICES TO THE SITE**

- 15. Regarding the availability of emergency services to the site:
  - A. The subject property is located approximately 5.3 road miles from the Cornbelt Fire Protection District station in Mahomet. The Fire District chief has been notified of this request.
  - B. The nearest ambulance service is in Champaign.
  - C. Based on the available information, which is not plan dependent, the emergency services conditions on the subject property are comparable to the “more or less typical” conditions for Champaign County because the proposed RRO District is between 5 and 6 road miles from the Cornbelt Fire Protection District station in Mahomet.

**GENERALLY REGARDING FLOOD HAZARD AND OTHER NATURAL OR MANMADE HAZARDS**

- 16. Regarding the flood hazard status of the site, pursuant to Federal Emergency Management Agency Panel Number 170894- 0150B, the entire subject property is not located within the mapped Special Flood Hazard Area.
- 17. Regarding the presence of nearby natural or man-made hazards;
  - A. Regarding the presence of underground high pressure natural gas pipelines:
    - (1) When the proposed RRO was originally proposed in 2005, there were no *Zoning Ordinance* requirements regarding gas pipelines. During the course of the public hearing the pipelines around the subject property became an issue and the Zoning Board originally voted to recommend denial of the RRO. Eventually, Case 583-AT-07 was proposed, and this case was tabled until after the *Zoning Ordinance* was amended.

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- (2) As amended on November 20, 2008, by Ordinance No. 841 (Case 583-AT-07), the *Zoning Ordinance* requires lots created in an RRO district to have buildable area outside of the Pipeline Impact Radius (PIR) of a natural gas pipeline. It also prohibits any construction inside the PIR except for driveways.
  - (3) The lots in the Bateman Proposed Tracts received on September 18, 2009, are all partially located in the PIR of People's Gas pipelines that are part of the Manlove Storage Field facility, and all three Tracts appear to have adequate building area outside of the PIR of the relevant pipelines.
- B. In a letter dated July 12, 2006, and in testimony at the July 13, 2006, meeting Thomas L. Purrachio, Gas Storage Manager for The Peoples Gas Light and Coke Company testified as follows:
- (1) Peoples' Gas facilities in the vicinity of the subject property as follows:
    - (a) A gas injection well is located on a small separate tract of land on the west side of the subject property and is served by a 12 inch diameter high pressure natural gas pipeline that extends to the north and has an associated 12 inch diameter alcohol pipeline.
    - (b) Three pipelines are adjacent to the south lot line of the subject property and also across the street from the subject property on the north and east sides and consist of a 12 inch diameter high pressure natural gas line and a 12 inch diameter alcohol line and a water line.
    - (c) There is a separate small tract of land at the northeast corner of the property where the three pipelines that are across the street from the subject property on the east side cross to the north side.
    - (d) People's Gas also has easements over the subject property that give People's the right to lay any additional lines they find "necessary or desirable" and when they install these new lines their overall easement expands by an appropriate dimension described in the easement document. They are limited, however, to place their lines within 50 feet of a section line, a quarter section line, a highway right-of-way line, or an established fence line.
    - (e) The gas pipelines are nominal 12 inch diameter with a maximum operating pressure of 2,000 pounds per square inch (PSI) and are located approximately three to five feet below grade. Similar pipelines service the adjacent gas injection wells. This results in a potential impact radius of 393 feet which is much greater than the potential impact radius for gas lines at 30 or 40 or 60 or 150 PSI that might be in normal subdivisions.

- (2) Peoples Gas requests the following:
  - (a) A perimeter non-buildable easement area should be established on Tract 3 with a total easement width of 90 feet.
  - (b) The conceptual, preliminary, and final plats of subdivision should show the pipeline easement areas consistent with the 1965 easement document and any zoning approval should delineate maximum permissible building areas and expressly prohibit any construction of principal or accessory buildings anywhere outside the maximum permissible building areas. The majority of pipeline incidents nationwide are the result of third-party damage and the likelihood of third-party damage naturally increases with population density.
  - (c) Peoples Gas has not asked the Board to prohibit building within the red zone on the map of Manlove Storage Area and Bateman Property Development that is attached to the letter dated July 12, 2006, but the red zone is indicated to educate the Board and the public about requirements of the pipeline safety code.
  - (d) Peoples Gas has an outstanding safety record and endeavors to meet or exceed all pipeline safety regulations but the 393 feet of potential impact radius is a fair approximation of the pipeline and well rupture that occurred in 1998. In that event the wind was blowing from the southwest to the northeast and the farm ground was scorched for quite a distance to the northeast and one should not expect a pipeline rupture to go straight up, depending upon the weather.
  - (e) The pipeline in the ground at the subject property already meets the more stringent requirement of a Class 2 area and Peoples Gas would not have to replace the existing pipelines if the subdivision were built as proposed.
  - (f) Although not a safety issue, on occasion maintenance activities require venting of gas at any time of day or night without notice to adjacent property owners that might result in noise for a few hours.
- C. Testimony at the April 13, 2006, public hearing regarding the presence of high pressure gas pipelines can be summarized as follows:
  - (1) Doug Turner who resides at 248CR2500N, Mahomet testified that his most vital concern about the proposed RRO is the adjacency to the Peoples Gas line. Peoples Gas safety record is excellent but several years ago one of their lines ruptured and if the Board could have seen the fire that was created and the hole that was left the Board would understand his concern. He said that the fire was so hot that it melted the oil road and when the fire was put out a semi-tractor and trailer would have fit in the hole.
- D. Based on the lots in the Bateman Proposed Tracts received on September 18, 2009, the proposed RRO District is comparable to “much worse than typical” conditions in terms of common

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conditions for flood hazard and other natural or man-made hazards for rural residential development in Champaign County because of the following:

- (1) None of the subject property is within the Special Flood Hazard Area.
- (2) None of the roads that are required to access the subject property by emergency services are located within the 100 year floodplain.
- (3) The proposed RRO lots are located in the Manlove Gas Storage Field and the parent tract has high pressure natural gas pipelines on three sides. All three of the proposed RRO lots are located partially within the PIR, and without some separation from the PIR the proposed lots should not be considered "typical" for location near man-made hazards.
- (4) However, all three lots do include at least an acre of buildable area outside the PIR as required by the Zoning Ordinance and are conforming in that regard.

**GENERALLY REGARDING COMPATIBILITY WITH SURROUNDING AGRICULTURE AND THE EFFECTS OF NEARBY FARM OPERATIONS ON THE DEVELOPMENT**

18. Regarding the likely effects of nearby farm operations on the proposed development:
  - A. Modern agricultural operations are generally incompatible with rural residential development because of the following:
    - (1) Row crop production produces noise, dust and odors that homeowners sometimes find objectionable. Farm operations may begin early and continue until well after dark exacerbating the impact of noise related to field work.
    - (2) Livestock management facilities produce odors that homeowners sometimes find objectionable.
  - B. Row crop production agriculture occupies most of the land area within the vicinity of the subject property.
  - C. A diagram of livestock management facilities within one mile of the proposed RRO was prepared by staff and handed out at the April 13, 2006, meeting. The diagram indicates the following:
    - (1) There are apparently four active livestock management facilities within a one mile radius of the subject property and one inactive facility that are located as follows:
      - (a) An apparently inactive livestock management facility is located about ½ mile northeast of the subject property and is indicated as facility A on the staff diagram.
      - (b) A livestock management facility with apparently less than 50 cows is located immediately north of the subject property. This facility is indicated as B on the staff diagram.

A letter received on December 12, 2006, from Bob Bidner, 148 CR2600N, Mahomet, who lives on this property states that he no longer raises hogs at this address and the petitioner has his blessing if he wants to build more houses on the subject property.

- (c) A livestock management facility is located south of and adjacent to the subject property. Doug Turner testified at the April 13, 2006, public hearing that he is the landowner to the south of the subject property there is always in excess of 50 cows at this property. Mr. Turner also testified that his sons own property east of the proposed RRO and their properties also have in excess of 50 cows and the cows travel to the fence line when the farmland is in pasture.
- D. Overall, the effects of nearby farm operations on the subject property are comparable to “much worse than typical conditions” for Champaign County because the lots in the Bateman Proposed Tracts received on September 18, 2009, are bordered on one side by livestock management facilities.

***GENERALLY REGARDING THE (LESA) SCORE***

- 19. Regarding the LESA (Land Evaluation and Site Assessment) score of the proposed RRO District:
  - A. The Champaign County, Illinois Land Evaluation and Site Assessment (LESA) System is a method of evaluating the viability of farmland for agricultural uses. The LESA system results in a score consisting of a Land Evaluation portion and a Site Assessment portion. The score indicates the degree of protection for agricultural uses on that particular site and the degrees of protection are as follows:
    - (1) An overall score of 220 to 300 indicates a very high rating for protection of agriculture.
    - (2) An overall score of 200 to 219 indicates a high rating for protection of agriculture.
    - (3) An overall score of 180 to 199 indicates a moderate rating for protection of agriculture.
    - (4) An overall score of 179 or lower indicates a low rating for protection of agriculture.
  - B. The LESA worksheets for the subject property are an attachment to the Preliminary Memorandum. The component and total scores are as follows:
    - (1) The Land Evaluation component rating for the proposed RRO District is 84.
    - (2) The Site Assessment component rating for the proposed RRO District is 136 to 142.
    - (3) The total LESA score is 220 to 226 and is a “high” rating for protection.
    - (4) For comparison purposes, development on prime farmland soils located at or near a municipal boundary within an area with urban services should typically score between 154 and 182.



- C. Based on the lots in the Bateman Proposed Tracts received on September 18, 2009, the LESA score for the subject property compares to common conditions in Champaign County as follows:
- (1) The Land Evaluation score of 84 is comparable to “ideal or nearly ideal” conditions for Champaign County.
  - (2) The Site Assessment score of 136 to 142 is comparable to “much better than typical” conditions for Champaign County.
  - (3) The total LESA score of 220 to 226 is comparable to “much better than typical” conditions for Champaign County.

***GENERALLY REGARDING THE EFFICIENT USE OF BEST PRIME FARMLAND***

20. The soils on the original 77 acres are considered best prime farmland but the proposed RRO averages to be less than Best Prime Farmland overall.

***GENERALLY REGARDING THE EFFECTS ON WETLANDS, ARCHAEOLOGICAL SITES, AND NATURAL AREAS***

21. Regarding the effects on wetlands, endangered species, natural areas, and archaeological sites:
- A. A copy of the Agency Action Report from the Endangered Species Program of the Illinois Department of Natural Resources was received on October 2, 2005, and included as an attachment to the Preliminary Memorandum. The subject property does not contain any significant wild life habitat. The subject property is not near any historic site. Nor are there any endangered species at the site or in the vicinity that could be adversely impacted. Therefore, the Department of Natural Resources terminated the consultation on October 20, 2005.
  - B. The subject property is not in an area of high probability for archaeological resources. The Illinois State Historic Preservation Agency may need to be contacted regarding this project. Although there are no known significant resources within this project area.
  - C. Based on the available information, which is not plan dependent, the proposed RRO District is comparable to “much better than typical” conditions in terms of common conditions for wetlands, endangered species, natural areas, and archaeological sites.

***GENERALLY REGARDING OVERALL SUITABILITY OF THE SITE FOR RURAL RESIDENTIAL DEVELOPMENT***

22. Compared to common conditions found at rural sites in Champaign County, the lots in the Bateman Proposed Tracts received on September 18, 2009, are similar to the following:
- A. “Ideal or Nearly Ideal” conditions for the following factors:
    - (1) adequacy of roads.
    - (2) availability of water.
  - B. “Much Better than Typical” conditions for the following factors:
    - (1) Effects on drainage.

- (2) Septic suitability;
  - (3) LESA score,
  - (4) Flood Hazard Status,
  - (5) Environmental concerns
- C. “More or Less Typical” conditions for the following four factors:
- (1) Emergency Services;
- D. “Much Worse than Typical” conditions for the following factor:
- (1) Natural or man-made hazards;
  - (2) Effects on farms

**GENERALLY REGARDING COMPATIBILITY WITH SURROUNDING AGRICULTURE AND THE EFFECTS OF THE DEVELOPMENT ON NEARBY FARM OPERATIONS**

23. Regarding the likely effects of the proposed development on nearby farm operations:
- A. The adjacent land use on two sides of the subject property is agriculture and the property is surrounded by agriculture. Direct interactions between the lots in the Bateman Proposed Tracts received on September 18, 2009, and nearby farmland are likely to include the following:
- (1) The added traffic from the proposed development will increase the conflicts with movement of farm vehicles. See the concerns related to adequacy and safety of roads.  
  
The three single-family dwellings that will result from the proposed RRO will generate 200% more traffic than the non-RRO alternative development of only one home.
  - (2) Trespassing onto adjacent fields may be more likely resulting in damage to crops or to the land itself. The three single-family dwellings that will result from the proposed RRO may generate 200% more trespass than the non-RRO alternative development of only one home.
  - (3) Litter may blow into the adjacent crops making agricultural operations more difficult. The three single-family dwellings that will result from the proposed RRO may generate 200% more litter than the non-RRO alternative development of only one homes.
  - (4) It is unlikely that drainage from the proposed development would significantly affect any adjacent farm operation.
  - (5) If trees are planted close to the perimeter of the property, they can be expected to interfere with some farming operations (such as harvesting) and may contribute to blockage of underground tiles (if any exist). Perimeter fencing, if installed, could also interfere with farming operations. It is unlikely that either trees or fencing on the

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proposed development would add any effects to adjacent farmland as compared to the non-RRO development.

- B. The indirect effects are not as evident as the direct effects.
- (1) A potential primary indirect effect of non-farm development on adjacent farmers (as identified in *Locational Considerations and Issues for Rural Subdivisions in Champaign County*) is that potential nuisance complaints from non-farm neighbors about farming activities can create a hostile environment for farmers particularly for livestock management operations.
  - (2) Champaign County has passed a right to farm resolution that addresses public nuisance complaints against farm activities. The resolution exempts agricultural operations from the Public Nuisance Ordinance (except for junk equipment) but does not prevent private law suits from being filed.
  - (3) The State of Illinois Livestock Management Facilities Act (510ILCS 77) governs where larger livestock facilities (those with more than 50 animal units, which is equivalent to 125 hogs) can be located in relation to non-farm residences and public assembly uses (churches, for example). The separation distances between larger livestock facilities and non-farm residences is based on the number of animal units occupying the livestock facility, and the number of non-farm residences in the vicinity. The smallest setback distance is for livestock management facilities of between 50 and 1,000 animal units and is  $\frac{1}{4}$  mile from any non-farm residence and two miles from any populated area. Regarding livestock facilities within the vicinity of the subject property:
    - (a) A diagram of livestock management facilities within one mile of proposed RRO was prepared by staff and handed out at the April 13, 2006, meeting and testimony regarding livestock management facilities was given at the April 13, 2006 meeting. Active livestock management facilities border the subject property on the north, east, and south sides and each existing facility is already within one-quarter mile of an existing non-farm residence. None of the existing facilities are currently located within one-half mile of a populated area (10 or more non-farm residences).
    - (b) The livestock management facilities on the east and south sides already have more than 50 cows each. With the proposed RRO each of these facilities could expand up to 1,000 cows with no new requirement under the Illinois Livestock Management Facilities Act. (c) It is not clear how large the livestock management facility on the north is in terms of livestock units but it appears to be less than 50. Facilities with fewer than 50 livestock units are exempt from the requirements of the Illinois Livestock Management Facilities Act. The proposed RRO would not create a populated area within one-half mile of the facility and expansion beyond 50 animal units would not be limited by the proposed RRO such that the fixed capital cost of the new components constructed within a 2 year period could not exceed 50% of the fixed capital cost of a comparable entirely

new facility. However, it appears, at this time, that the livestock facility north of the subject property is no longer in use.

**GENERALLY REGARDING SPECIAL CONDITIONS OF APPROVAL**

24. Regarding possible special conditions of approval:
- A. Regarding the presence of the Manlove Gas Storage Facility on the subject property and the related high pressure gas pipelines on the property and related gas injection wells on adjacent property:
- (1) Prospective lot purchasers should be aware that the property is part of the Manlove Gas Storage Facility and the following condition will provide that notice:

**Prospective lot purchasers shall be made aware of the presence of the Manlove Gas Storage Facility on the property and the presence of related high pressure gas pipelines on the property and the related gas injection wells on adjacent property.**

The above stated condition is necessary to ensure the following:

**All prospective lot purchasers have as full knowledge as possible of the Manlove Gas Storage Facility prior to purchase of a lot.**

- (2) Prospective lot purchasers should be made aware of the existing easements for Peoples Gas Light and Coke Company. Such notice would generally be given in a Plat of Subdivision but because the proposed lots are larger than five acres and because there are no new streets, a Plat of Subdivision cannot be required. The following condition will provide notice of the easements:

**Prospective lot purchasers shall be made aware of the presence of easements for Peoples Gas Light and Coke Company as originally granted on November 30, 1965, and recorded at pages 71 and 72 in Book 809 of the Office of the Champaign County Recorder of Deeds; and all said easements shall be specifically mentioned in any deed for any lot in the Rural Residential Overlay District in Zoning Case 520-AM-05; and all said easements shall be indicated on any Plat of Survey that is prepared for any lot in said Rural Residential Overlay District.**

The above condition is necessary to ensure the following:

**All prospective lot purchasers and lot owners have as full knowledge as possible of these easements before and after purchase.**

- (3) The following condition requires prospective lot purchasers to be aware of the *Zoning Ordinance* prohibitions on construction in the Pipeline Impact Radius.

*AS APPROVED*

**Prospective lot purchasers shall be made aware of the *Zoning Ordinance* requirements that prohibit any construction in the Pipeline Impact Radius (except for driveways) and the resulting amount of buildable area available on each lot.**

The above condition is necessary to ensure the following:

**All prospective lot purchasers and lot owners have as full knowledge as possible of the restrictions placed on the lots due to their proximity to high pressure gas pipelines.**

B. Regarding compliance with the Champaign County Stormwater Management Policy:

- (1) Paragraph 7.2 B. of the Champaign County Stormwater Management Policy requires that if no easement exists for existing agricultural drainage tile an easement shall be granted for access and maintenance. There is no easement for the underground agricultural drainage tile in the swale and the following condition would document this requirement:

**Prior to offering any lots for sale the petitioner shall dedicate a tile access and maintenance easement for the tile in the swale with an easement of width of 80 feet centered on the centerline of the swale and no construction nor earthwork shall occur within the tile easement and no woody vegetation shall be allowed to grow nor shall any connection be made to the drainage district tile without prior written approval of the Newcomb Special Drainage District.**

The above condition is necessary to ensure the following:

**The existing agricultural drainage system can be easily maintained in the future; and is not harmed by the proposed Rural Residential Overlay Zoning District; and that said District complies with the requirements of the Champaign County Stormwater Management Policy.**

- (3) Even if the petitioner replaces the tile in the swale there may be other tile that must be replaced by lot owners if disturbed during construction and the following condition will provide notice of that requirement:

**Any underground drainage tile that must be relocated to accommodate any construction in the proposed Rural Residential Overlay Zoning District shall be replaced and relocated in conformance with the Champaign County Stormwater Management Policy.**

The above condition is necessary to ensure the following:

**The existing agricultural drainage system is not harmed by the proposed Rural Residential Overlay Zoning District and that said District complies**

**with the requirements of the Champaign County Stormwater Management Policy.**

- C. The following special conditions will minimize the encroachment of driveways and mailboxes in the proposed RRO District into the right of way:
- (1) The following condition deals with the location of driveways and mailboxes on Tracts 2 and 3 of the Bateman Proposed Tracts received on September 18, 2009:

**Tracts 2 and 3 of the Bateman Proposed Tracts received on September 18, 2009, shall have centralized driveways and shall also have grouped mail boxes located as far off the roadway as permitted by the United States Postal Service and evidence of the mail box installation and location shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate.**

The above condition is necessary to ensure the following:

**Driveway entrances and mail boxes do not unnecessarily impede agricultural traffic.**

- (2) The following condition requires driveway entrances on all lots to conform to the requirements of the Cornbelt Fire Protection District:

**All driveway entrances shall be 30 feet wide with a radius as approved by both the Newcomb Township Highway Commissioner and the Cornbelt Fire Protection District and evidence of both approvals shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate.**

The above condition is necessary to ensure the following:

**Emergency services vehicles have adequate access to all properties.**

- D. The following special conditions will ensure that the homes built outside of the Pipeline Impact Radius of the high pressure gas pipelines are accessible by emergency vehicles:

- (1) **All homes shall be served by driveways that have a paved surface consisting of at least six inches of rock that is at least 20 feet wide and a corner radius approved by the Cornbelt FPD and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.**

The above condition is necessary to ensure the following:

**All homes are accessible by emergency vehicles.**

*AS APPROVED*

- (2) **Each driveway shall be provided with a means of turnaround of adequate dimension to accommodate fire protection and emergency service vehicles that at a minimum shall consist of a hammerhead (or three-point) turnaround with a paved surface consisting of at least six inches of rock that is at least 20 feet wide with a minimum backup length of 40 feet and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.**

The above condition is necessary to ensure the following:

**All homes are accessible by emergency vehicles.**

- E. Tracts 1 and 3 of the Bateman Proposed Tracts received on September 18, 2009, are larger than five acres and there are no new streets proposed, and Tract 2 can be created with a survey. Therefore, the proposed RRO District will not require a Plat of Subdivision and a Plat of Subdivision cannot be made a requirement. A Plat of Subdivision is where one would normally expect to find out about easements on a property and any special no-build limitations that were part of the plat approval. The following condition makes up for this lack of a plat and will serve to provide notice to prospective lot purchasers of all of the special conditions of approval:

**Prior to advertising any lots for sale the petitioner shall file a Miscellaneous Document with the Champaign County Recorder of Deeds stating that the Rural Residential Overlay Zoning District was authorized on the subject property subject to specific conditions and said Document shall contain all of the conditions of approval for Case 520-AM-05.**

The above condition is necessary to ensure the following:

**Prospective lot purchasers are aware of all of the conditions relevant to approval of the Rural Residential Overlay District on the subject property.**

**DOCUMENTS OF RECORD**

1. Petition received October 12, 2005, with attachments
2. Preliminary Memorandum dated March 24, 2006, with attachments:
  - A Zoning Case Maps (Location, Land Use, Zoning)
  - B List of Petitioner Submittals
  - C Proposed Bateman Tracts received October 12, 2005
  - C1. HDC Drainage Statement, dated October 4, 2005
  - D. Newcomb Township Special Drainage District Map
  - E Champaign County Land Use Regulatory Policies
  - F Map of Areas of Limited Groundwater Availability
  - G Natural Resource Report received November 1, 2005
  - H Copy of Agency Action Report received October 12, 2005
  - I Illinois Department of Transportation Map of Street Names
  - J Illinois Department of Transportation Map of Annual Average Daily Traffic (AADT)
  - K Excerpted worksheets from Soil Potential Ratings For Septic Tank Absorption Fields Champaign County, Illinois
  - L Land Evaluation and Site Assessment (LESA) System Worksheet for Subject Property
  - M Table of Common Conditions Influencing the Suitability Of Locations For Rural Residential Development In Champaign County
  - N Comparing the Proposed Site Conditions to Common Champaign County Conditions
  - O Summary of Site Comparison for Factors Relevant To Development Suitability
  - P Summary of Comparison for Factors Relevant To Compatibility with Agriculture
  - Q DRAFT Summary of Evidence (included separately)
3. Supplemental Memorandum dated March 30, 2006, with attachments:
  - A Revised Proposed Bateman Tracts received March 29, 2006
  - B Staff photos of subject property
  - C Right of way grant
  - D Revised Draft Summary of Evidence
4. Revised Land Evaluation Worksheets from the Champaign County Soil and Water Conservation District (one worksheet per proposed tract; handout at the April 13, 2006, meeting)
5. Livestock Management Facilities Within One Mile Of Proposed RRO with map (staff handout at the April 13, 2006, meeting)
6. Illinois Livestock Management Facilities Act. General Requirements Related to Size of Facility (staff handout at the April 13, 2006, meeting)
7. Supplemental Memorandum dated July 7, 2006, with attachments:
  - A Approved minutes from the April 13, 2006, ZBA meeting
  - B Minutes for the March 30, 2006, ZBA meeting (included separately)



8. Letter dated July 12, 2006, from Thomas L. Puracchio, Gas Storage Manager for the People's Gas Light and Coke Company, with attachments
  - A Easement document for subject property
  - B Plan drawing showing existing pipeline locations on the subject property
9. Revised Proposed Bateman Tracts received July 13, 2006
10. Supplemental Memorandum dated August 25, 2006
11. Supplemental Memorandum dated October 5, 2006, with attachments:
  - A Minutes for the July 13, 2006 meeting (included separately)
  - B Revised Proposed Bateman Tracts received July 13, 2006
  - C Revised Site Comparison for Factors Relevant To Development Suitability
  - D Revised Summary of Site Comparison for Factors Relevant To Development Suitability
  - E Revised Draft Summary of Evidence
12. Supplemental Memorandum dated October 12, 2006, with attachments:
  - A pp. 628 & 629 from Architectural Graphic Standards, Robert T. Packard, AIA, ed.; John Wiley & Sons, Seventh Edition, 1981.
  - B Excerpt of Peoples Gas map of Manlove Gas Storage Field & Bateman Property Development received July 13, 2006 (included separately)
  - C Revised Proposed Bateman Tracts received October 12, 2006 (included separately)
  - D Revised Proposed Bateman Tracts received October 12, 2006 (with indication of Potential Impact Radius) (included separately)
  - E Revised Site Comparison for Factors Relevant To Development Suitability
  - F Revised Summary of Site Comparison for Factors Relevant To Development Suitability
  - G Excerpts from Title 49 of the Code of Federal Regulations
13. Supplemental Memorandum dated December 8, 2006
14. Supplemental Memorandum dated December 14, 2006, with attachments:
  - A Revised Proposed Bateman Tracts received December 14, 2006
  - B Letter from Bob Bidner received December 12, 2006
  - C ANNOTATED APPROVED Summary of Evidence dated October 12, 2006
15. Revised site plan received December 14, 2006, as revised at the public hearing
16. Bateman Proposed Tracts received on September 18, 2009
17. Supplemental Memorandum for Case 520-AM-05, dated September 25, 2009, with attachments:
  - A Case Maps for Case 520-AM-05 (Location, Land Use, Zoning)
  - B Bateman Proposed Tracts received on September 18, 2009
  - C Section 22 Natural Resources Report
  - D IDOT ADT Highway Map with 2006 data
  - E Champaign County Land Use Regulatory Policies

- F Ordinance No. 841 (Zoning Case 583-AT-07)
  - G Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County
  - H Comparing the Proposed Site Conditions to Common Champaign County Conditions
  - I Summary of Site Comparison for Factors Relevant To Development Suitability
  - J Summary of Comparison for Factors Relevant To Compatibility with Agriculture
18. Supplemental Memorandum for Case 520-AM-05, dated October 1, 2009, with attachments:
- A Table of Livestock Management Facilities Within One Mile of Proposed RRO
  - B Map of Livestock Management Facilities Within One Mile of Proposed RRO
  - C Table Summarizing Requirements of Illinois Livestock Management Facilities Act (510 ILCS 77/et seq.)
  - D Finding of Fact excerpted from Annotated Approved on Remand Summary of Evidence for Case 520-AM-05, dated December 14, 2006.

**FINDING OF FACT**

From the Documents of Record and the testimony and exhibits received at the public hearing conducted on **March 30, 2006, April 13, 2006, July 13, 2006, August 31, 2006, October 12, 2006, December 14, 2006, and October 1, 2009**, the Zoning Board of Appeals of Champaign County finds that:

1. The Proposed Site **SUBJECT TO CONDITIONS, IS SUITABLE** overall for the development of **THREE** residences because:
  - A. **the site meets the Pipeline Impact Radius Ordinance to mitigate manmade hazards and safety concerns; and**
  - B. **much better than typical and nearly ideal conditions for the other consideration of adequacy of roads; effects on drainage; septic suitability; LESA score; and flood hazard status, and the availability of water is ideal; and**
  - C. **the property is 5.3 miles from the Cornbelt Fire Protection District; and**
  - D. **with the proposed condition the property will meet the Cornbelt Fire Protection District's standards for access and turn-around.**

and despite:

- E. **the fact that there are high pressure gas pipelines in the vicinity; and**
  - F. **the site has much worse than typical Champaign County conditions because it is bordered on one side by livestock management facilities and land surrounding the lots is actively in production.**
2. Development of the Proposed Site under the proposed Rural Residential Overlay development **SUBJECT TO CONDITIONS, WILL BE COMPATIBLE** with surrounding agriculture because:
    - A. **surface drainage that is much better than typical; and**
    - B. **the condition to provide an easement for the drainage district tile;**
    - C. **the adequacy of the roads that is nearly ideal Champaign County conditions; and**
    - D. **traffic generated by the proposed RRO District that will be only 200% more than without the RRO**
    - E. **the condition to require centralized driveways and grouped mailboxes as to not impede agricultural traffic**

and despite:

- F. presence of adjacent livestock management facilities on one side and four other livestock management facilities within a one-mile radius of the property for a total of three active facilities that are by law allowed to expand up to 1,000 animal units; and**
- G. the presence of a drainage district tile near the proposed RRO district**
- H. the proposed RRO will have an impact on farm compatibility.**

**FINAL DETERMINATION:**

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Map Amendment requested in Case 520-AM-05 should **BE ENACTED** by the County Board ***SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:***

1. **Prospective lot purchasers shall be made aware of the presence of the Manlove Gas Storage Facility on the property and the presence of related high pressure gas pipelines on the property and the related gas injection wells on adjacent property.**
2. **Prospective lot purchasers shall be made aware of the presence of easements for Peoples Gas Light and Coke Company as originally granted on November 30, 1965, and recorded at pages 71 and 72 in Book 809 of the Office of the Champaign County Recorder of Deeds; and all said easements shall be specifically mentioned in any deed for any lot in the Rural Residential Overlay District in Zoning Case 520-AM-05; and all said easements shall be indicated on any Plat of Survey that is prepared for any lot in said Rural Residential Overlay District.**
3. **Prospective lot purchasers shall be made aware of the *Zoning Ordinance* requirements that prohibit any construction in the Pipeline Impact Radius (except for driveways) and the resulting amount of buildable area available on each lot.**
4. **Prior to offering any lots for sale the petitioner shall dedicate a tile access and maintenance easement for the tile in the swale with an easement of width of 80 feet centered on the centerline of the swale and no construction nor earthwork shall occur within the tile easement and no woody vegetation shall be allowed to grow nor shall any connection be made to the drainage district tile without prior written approval of the Newcomb Special Drainage District.**
5. **Any underground drainage tile that must be relocated to accommodate any construction in the proposed Rural Residential Overlay Zoning District shall be replaced and relocated in conformance with the Champaign County Stormwater Management Policy.**
6. **Tracts 2 and 3 of the Bateman Proposed Tracts received on September 18, 2009, shall have centralized driveways and shall also have grouped mail boxes located as far off the roadway as permitted by the United States Postal Service and evidence of the mail box installation and location shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate.**
7. **All driveway entrances shall be 30 feet wide with a radius as approved by both the Newcomb Township Highway Commissioner and the Cornbelt Fire Protection District and evidence of both approvals shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate.**

8. All homes shall be served by driveways that have a paved surface consisting of at least six inches of rock that is at least 20 feet wide and a corner radius approved by the Cornbelt FPD and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.
9. Each driveway shall be provided with a means of turnaround of adequate dimension to accommodate fire protection and emergency service vehicles that at a minimum shall consist of a hammerhead (or three-point) turnaround with a paved surface consisting of at least six inches of rock that is at least 20 feet wide with a minimum backup length of 40 feet and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.
10. Prior to advertising any lots for sale the petitioner shall file a Miscellaneous Document with the Champaign County Recorder of Deeds stating that the Rural Residential Overlay Zoning District was authorized on the subject property subject to specific conditions and said Document shall contain all of the conditions of approval for Case 520-AM-05.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Doug Bluhm, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date



Date October 6, 2009

To: Environment and Land Use Committee

From: Susan Chavarria, LRMP Project Manager

Regarding: ELUC October 13, 2009 Meeting Agenda Item XI

- A. ELUC Approval of Proposed Goals, Objectives and Policies (Stage 2) and the Future Land Use Map (Stage 3) of the Land Resource Management Plan.
- B. Review of Proposed Implementation Strategy (Stage 4) of the Land Resource Management Plan

Action Requested: A. ELUC Approval  
B. Information Provided for Review Only

Regarding ELUC October 13, 2009 Meeting Agenda Item XI

**A. ELUC Approval of Draft Goals, Objectives and Policies (Stage 2) and the Future Land Use Map (Stage 3) of the Land Resource Management Plan.**

Please refer to your 'clean copy' draft of the Proposed LRMP Goals, Objectives and Policies. This was sent to you attached to a cover memorandum from Susan Chavarria dated September 24, 2009.

**B. Review of Proposed Implementation Strategy (Stage 4) of the Land Resource Management Plan**

Please refer to your copy of the "County Board Study Session: LRMP Stage 4 Review" memorandum from Susan Chavarria dated September 25, 2009.