

AS APPROVED MAY 08, 2006

**MINUTES OF REGULAR MEETING**

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

**DATE: April 10, 2006  
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:** Jan Anderson, Patricia Busboom, Chris Doenitz, Tony Fabri, Nancy Greenwalt (VC), Ralph Langenheim (C), Brendan McGinty, Steve Moser, Jon Schroeder

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Connie Berry, John Hall, J.R. Knight, Leroy Holliday, Frank DiNovo, Susan Monte, Deb Busey, Joel Fletcher (Senior Assistant State's Attorney)

**OTHERS PRESENT:** Larry Seefeldt, Orin Hutchcraft, Kathy Hutchcraft, Roger Fredenhagen, Paul Cole, David Phillippe, Bernard Hammel, William Stevens, Jerry Schweighart, Amy Murray, Hal Barnhart, Larry Wood, Robert Mitsdarfer, Phillip R. VanNess, David Atchley

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

The meeting was called to order at 7:02 p.m.

**2. Approval of Agenda**

**Mr. Moser moved, seconded by Mr. Doenitz to approve the agenda as submitted. The motion carried by voice vote.**

**3. Minutes of Previous Meeting (March 13, 2006)**

**Mr. Schroeder moved, seconded by Mr. Fabri to approve the March 13, 2006, minutes as submitted. The motion carried by voice vote.**

**4. Public Participation**

Mr. Paul Cole, Attorney for the Petitioner and co-owner of the limited liability company known as Colorado

Avenue, LLC. is the Petitioner. He said that the Committee has a copy of the procedural record and deed record of Subdivision Case 187-06. He said that at the March 13, 2006, ELUC meeting an objection was raised to the process on the basis that there was a concern that the subject property is restricted and could not be developed with more than one house. He said that he went to Chicago Title Company and completed a search of the public record and reviewed all of the deeds which pertain to the chain of title to the subject property and found no restrictions. He said that it is ELUC's purpose to approve or reject a plat and the plat at this time has been brought to the Committee's attention with the unqualified recommendation on the part of staff with perhaps one or two small exceptions. He said that at the last meeting he commented that there appeared to be a request for waivers associated with this petition and those waivers required the demonstration on the plat where percolation tests had been completed on the property. He said that the Subdivision Ordinance requires that a percolation test be completed on each proposed lot. He said that he was told that a test would need to be completed to see if the subject property is appropriate for the type of septic systems which are proposed to be installed. He said that he was informed by a number of people that the percolation test is referred to in the Ordinance but a Soil Analysis is a better indicator. He said that he had a soil analysis test completed and had it reviewed and approved by the Public Health District. He said that he came up against a "Catch 22" because he was informed that the soil analysis test is a better test and is more informative but the Subdivision Ordinance still requires percolation tests. He said that staff has been very professional and Mr. Hall does a very good job in giving the information without taking sides. He said that he had not requested a waiver indicating that a percolation test is not necessary because he planned on providing information on the plat that would satisfy the requirement, that being the soil analysis test. He said that Mr. Hall anticipated that a waiver would be needed although he, Mr. Cole, testified at the last meeting that a waiver would not be required because he anticipated placing the results of the soil analysis on the plat. He said that he believes that having taken a look at what has been presented to the Committee currently there may be for technical reasons still a need to ask for a waiver that in effect indicates that percolation test is not required because a soil analysis test is better because it serves the public interest. He said that they are not asking for a waiver based on anything other than the fact that there is a slight misdescription of the Ordinance and it should say soil analysis or percolation tests are required which would give the petitioner the option of providing what is really in the best interest of the public and his own. He said that if he tried to sell a property with a septic system on it that is not going to work as well as it should then he has nothing to sell and only headaches for the next ten years. He said that he has practiced law in this community for 28 years and expect to continue to do so for at least another 20 years. He said that one of the fellow owners of the subject property plans to be in the community for a very long time and they cannot run away from a problem if it comes up later on therefore whatever they build will need to pass public scrutiny from the Public Health Department and anyone else who is involved in seeing that what they are proposing is done correctly. He said that it is difficult to give a presentation when you don't know what objections or questions they are suppose to be addressing therefore at this point he would request that anyone who has a question regarding the proposed subdivision to offer it at this time.

Mr. Steve Moser stated that Mr. Orin Hutchcraft's deed has covenants attached to it which were recorded in 1993. He said that there are three other property owners in the subject property's area that are under the same assumption that Mr. Hutchcraft is under in that the whole subdivision is under the same covenants. He said that he finds it hard to believe that a deed which was recorded in 1993 does not have attachments recorded with it indicating the covenants.

Mr. Cole stated that the attachments were not recorded with the deeds because if they were they would have been in document order with the deed.

Mr. Moser stated that he feels a great deal of sympathy for the other property owners in the subject property's area because they believed that one home was only going to be allowed on each six acres.

Mr. Cole stated that on the other side he and his associates purchased this property relying on the public record therefore it would be wrong to subject them to restrictions that do not apply to their property when they were entitled to rely on the public record. He said that this meeting is not the place or body that enforces private subdivision or deed restrictions. He said that he assumes that the Environment and Land Use Committee is in the business to review plats and that is all that he can address. He said that he has provided to the Committee an entire record and even some of his own speculation of how the problem regarding the deed restrictions occurred. He said that it is his opinion that when the entire 40 acre parcel was first developed there were family members involved in the development who were not constrained by the same kind of restrictions on the property that they received from their fellow family members as were invoked on other property owners. He said that he willingly acknowledges that this is unfair and if the other property owners during some 16 years ago were told by the people from whom they purchased their property from that all of the property was going to be subject to the same restrictions then the people who sold the property to them should have done it that way but consequently they did not. He said that what happened as a consequence was that there was a trap laid for the unwary and he is the unwary because he went to the public record to see what the status of the property was to date and now in order to justify something that he has done economically he has to tell the neighbors that the best he can offer is that he will be a good neighbor. He said that he is not going to do what one might do with the property "by-right" by developing it agriculturally, perhaps installing stockade fences and raising swine, but he is not going to do that but if someone else owned the property then they could certainly do it. He said that he proposes to create a subdivision where restrictions do exist. He said that there will be limitations of the development of houses and outbuildings. He said that of the 13 restrictions that appear in the deed prepared for Mr. and Mrs. Hutchcraft only one disturbs him and that is the restriction of one house. He said that all of the other restrictions he would willingly impose on his lots. He said that they will impose very generous setbacks such as a minimum of 50 feet. He said that if this property had been purchased by someone who wanted to build his own taj-mahal and raise swine or anything else then presumably he could have but thanks to the petitioners this is not the case. He said that they could place on house one the one lot but they desire to place 3 houses on the large proposed lots.

Mr. David Phillippe, Engineer for HDC Engineering stated that his company was hired as the engineers and surveyors for the preparation of the Wolf Creek Subdivision. He said that Mr. Cole gave an excellent discussion regarding the soil evaluations that were performed for the site. He said that when the sanitary sewer system is proposed for the site the licensed installer will be required to run tests on the specific site and location of the leach field and that will have to be approved by the Champaign County Public Health District.

Mr. Moser asked Mr. Phillippe if the pins have been checked to assure that the property is not encroaching

upon the property to the north.

Mr. Phillippe stated that they have surveyed the property and found the pins to be in the proper location. He said that when the property was originally surveyed, not subdivided, the deed restrictions were placed on some tracts and not others. He said that when a property is subdivided the restrictions are recorded with the subdivision and apply to all of the lots within the subdivision but when a property is surveyed the restrictions that are included sometimes only apply to some lots and not others. He said that at some point in the past there was a ten foot strip taken from the property to the north and added to the subject property and apparently through his discussion the property owners of the north property were not sure of the location of the pins.

Mr. Phillip VanNess, Attorney representing Mr. and Mrs. Hutchcraft, stated that he and his clients do not doubt that they would rather have homes located on the subject property rather than barns and swine however that is not what has been proposed. He said that a proposal has been presented to this Committee to divide a 6.076 acre lot into three residential lots. He said that the request is to waive the requirement of paragraph 9.1.2 .q. for percolation test holes. He said that testimony has been received indicating that the tests that were performed are superior to the percolation tests but if that is the case what is the rush because the petitioner could perform the percolation tests which would conform to the regulations. He said that there is also a request to waive paragraph 9.1.2.r which is waive certification on the Final Plat by a Registered Professional Engineer or Registered Sanitarian that the proposed land use, the proposed lot, and the known soil characteristics of the area are adequate for a private septic disposal system. He said that this seems like a very reasonable requirement and it is definitely and directly related to the location of the residences. He asked why the Committee would even consider this request until all of the required information has been presented. He said that there is more than one party which has disappointed expectations and the reality is that one of the proposed residences will be pushed up and directly in the backyard of his client's residence. He said that his clients purchased a nine acre site under the expectation that all of the lots within the same area were subject to the same requirements. He said that they do not doubt that the record indicates what it does and that is truly unfortunate but the question is upon whom should this misfortune fall. He asked if it should be the current residents who have made an investment in their properties or the new property owners who have not. He said that a map provided by Berns, Clancy and Associates indicated a slight encroachment upon the land of his clients and obviously this is another issue which should be resolved prior to moving forward. He said that there is no reason for this Committee to fret over an issue which has not been fully developed to date. He said that the Committee has not received a percolation test, finality on the boundary lines of the two parcels therefore there is no rush to move forward. He said that the County's policy has been evolving over a period of time but all of the Committee members are aware that the Comprehensive Zoning Review is currently underway and one of the clear themes of the amendment is to limit the number of smaller residential encroachments onto rural land and this is just another hole in that bag if the County allows smaller lots to be developed on this property. He said that the Committee should be focusing on where the County Board clearly is telling us to go and where we should be several years down the road and honor that policy. He requested that the Committee defer action until the required information is submitted rather than waive the requirements insist that they be submitted as required.

Mr. Cole requested the opportunity to rebut Mr. VanNess' comments.

Mr. Doenitz called for a Point of Order and noted that this is the public participation portion of the meeting.

Mr. Roger Fredenhagen, who resides at 1916 CR 2325E, St. Joseph addressed Agenda Item #10. He said that the Zoning Board of Appeals has recommended that the request should not be enacted. He said that there are a number of issues regarding the lots which the ZBA addressed and a large amount of testimony was received opposing the request. He said that he agrees with the ZBA and requests that the Committee recommend denial.

Mr. Moser asked if the Stanton Township Planning Commission submitted a protest for Case 514-AM-05.

Mr. Hall stated that the Stanton Township Planning Commission did submit a protest.

Mr. David Atchley, Engineer for HDC Engineering and representing Mr. Richard Hooser regarding Case 514-AM-05 stated that Stanton Township did submit a protest but no notification was sent to the owner or the engineer regarding their reasons for the protest. He said that he called Brian Schurter, Attorney for the Stanton Township Planning Commission and asked what their concerns were regarding the requested RRO. He said that Mr. Schurter indicated that he did not attend the meeting regarding this case but it was his understanding that there were concerns regarding drainage and flooding. He said that the information provided by staff indicates the 100-year flood plain and testimony of the neighboring residents regarding the flooding. He read the following statements from the Finding of Fact: 1. Flooding on the subject property can at times exceed the 100 year event; 2. Emergency services will be compromised during the flood event; 3. Approximately 1/3 of the property is landlocked due to the drainageway. Mr. Atchley stated that this is a true statement because there is a piece of the property which is located on the other side of the creek and it is not accessible during flooding events without encroaching upon someone else's property. 4. The bridge is hazardous to motorists when children are playing on the bridge located on CR 1950N. He said that this is an issue which cannot be prevented because kids do come to the bridge and kids cannot be restricted in a subdivision. 5. During high water septic systems placed in the flooding area will have problems. He said that this is true but there is plenty of ground available to place the septic tank out of the problem area. He requested that the Committee read the documents and review the staff's finding regarding typical and non-typical conditions and the answer should be evident.

Mr. Larry Wood, General Manager for The Andersons addressed Agenda Item #13. He said that the text amendment has passed through the ZBA with a recommendation of approval. He said that most of the testimony during the case regarded the amount of water required for a 110 million gallon ethanol plant. He said that it takes six gallons of water per one gallon of ethanol therefore the concern regarding the water usage and its impact on the Mahomet Aquifer. He said that the testimony indicates that a consultant from The Andersons, who is also a hydrologist, indicated that there is a lot of water capacity within the Mahomet Aquifer which hasn't been tapped yet. He said that currently the Mahomet Aquifer supplies 80 to 90 million gallons of water per day to all of the municipalities and private wells and it has the capacity to provide over 400 million gallons per day if required and a plant of this size would pull approximately 2 million gallons of water per day. He said that wells for the ethanol plant will be monitored for impact to local wells in the area although if any wells were affected by the proposed ethanol plant it would be a well owned by Illinois

American Water because it is the closest well to The Andersons. He said that it is The Andersons intent to continue to be good corporate stewards in this community.

Mr. Langenheim asked Mr. Wood if he was speaking about the entire aquifer from Vermilion County to Mason County or just Champaign County.

Mr. Wood stated that he was speaking of the entire area of the aquifer. He said that Illinois American Water serves Champaign-Urbana and Savoy area and is pulling about 22 million gallons of water per day.

Mr. Hall clarified that the item before the Committee is the general text amendment and not a particular plant.

**5. Correspondence**

None

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

**A. Renewal of Federally Enforceable State Operating Permit for Air Emissions for Herff Jones Cap & Gown Division in Champaign.**

Ms. Wysocki stated that the County received Public Notice regarding the Renewal of the State Operating Permit for Air Emissions. She said that since this is a cleaning establishment there is a problem of emissions into the atmosphere and basically the State is reviewing the permit and is willing to take testimony until May 5<sup>th</sup>. She said that if an individual contacts a member of the Committee regarding Herff Jones Cap & Gown the Committee member can pass this information along to that individual. She said that an item which is not on the agenda is regarding the Liquor Advisory Committee. She said that the Committee requires a replacement for Mr. Isaac Mapson. She said that the Committee is comprised of County Board members and liquor license holders. She said that the Committee could allow Ms. Greenwalt and Mr. Schroeder's term to extend until the end of the County Board term.

**7. Subdivision Case 187-06: Wolf Creek Subdivision. Subdivision Plat Approval for a three-lot minor subdivision in the CR Zoning District in Section 30 of Ogden Township.**

**Ms. Anderson moved, seconded by Mr. Fabri to approve Subdivision Case 187-06: Wolf Creek Subdivision.**

**Mr. Moser moved, seconded by Mr. Doenitz to defer Case 187-06: Wolf Creek Subdivision until percolation tests are submitted.**

Mr. Moser stated that there is Dana soil on the tract which is one of the worst types of soil for septic systems.

Ms. Anderson stated that the case was deferred last month due to the covenants and any septic system must

be approved by the Department of Public Health.

Mr. Hall stated that she was correct.

Mr. Fabri asked for clarification between the percolation tests versus the soil analysis.

Mr. Hall stated that the percolation tests can sometimes be more useful than soil investigations. He said that generally soil investigations are superior and it would be very good to amend the Subdivision Regulations to provide for either but staff has not done this because we have been busy with other things. He said that personally he believes that the waiver is reasonable and is a little frustrated that we have a professional soil classifier yet the engineer will not certify the tests because someone else completed those tests. He said that he can imagine that there is some logic in this thinking yet the County Health Department accepted the soil investigation results. He said that when the Subdivision Ordinance is amended the County will have to provide for some reasonable linkage on who completes the tests and who does the certification but no time has been allowed to propose such an amendment.

Mr. Cole stated that he would provide a percolation test. He said that the percolation test can be completed within the next week. He said that the Committee could approve the subdivision pending a successful percolation test submitted to Mr. Hall, Zoning Administrator.

**The motion to defer carried by a show of hands.**

**The vote was:           5-yeas           4-nays**

Mr. Cole stated that the Subdivision Ordinance indicates that a decision must be made within 45 days of submittal of the completed application.

Mr. Hall stated that after a complete submission of a completed application a decision must be made within 30 days. He said that 10.1.6.B of the Subdivision Ordinance indicates that approval for a final plat must be made within 30 days of a completed application and 45 days for a minor plat. He said that a complete application refers to everything required in the Subdivision Regulations, including percolation test results.

Mr. Cole stated that he would not argue.

**8.       Subdivision Case 188-06: Wild Rose Subdivision. Subdivision Plat Approval for a three-lot Minor subdivision in both the B-4, General Business Zoning District and the AG-1, Agriculture Zoning District in Section 8 of Tolono Township.**

**Ms. Greenwalt moved, seconded by Ms. Anderson to approve Case 188-06: Wild Rose Subdivision.**

Mr. Fabri stated that this subdivision requires the same waivers that were required for the previous subdivision case which was deferred.

**4-10-06**

**AS APPROVED May 08, 2006**

**ELUC**

Mr. McGinty stated that one of the challenges which is before the Committee is that a Zoning Ordinance exists which is being modified and it makes it difficult to look at these subdivision issues without knowing what the future holds.

Mr. Schroeder stated that this is an established residential area with two existing houses and an old seed corn facility located in the B-4, zoning district. He said that the difference between this request and the previous request is that there are already two established homes on the subject property.

**The motion failed by a show of hands.**

**The vote was:                      4-yeas                      5-nays**

Mr. Hall stated that it is not clear what intent the Committee wanted to take regarding this subdivision but if the intent is to deny there must be an adopted statement of rejection.

Mr. Fletcher stated that ELUC's action will be documented. He said that the motion to approve was defeated and the Committee will be required to document their reasons for denial. He said that a member of the Committee who voted in favor of the denial could meet with him and they could discuss those reasons for presentation at the May, 2006, ELUC meeting.

Mr. Hall stated that if the concern is percolation tests the petitioner may provide those results at the next meeting.

Mr. Fabri stated that he would reconsider his motion to deny if the percolation tests are submitted at the next meeting.

Mr. Fletcher stated that he would be happy to discuss the reasons for denial or approval with waivers.

Mr. Moser asked since there are two existing houses on the property why can't they sell those two off without being required to request a subdivision.

Mr. Hall stated that they wanted to minimize the amount of farmland which goes with the houses. He said that this is an inner play of the maximum lot size of 3 acres on those soil types and once that maximum lot size comes into place a person cannot create a five acre lot. He said that they must create at least two residential lots in the rural districts and they cannot do this without a subdivision approval. He noted that the only building on the third lot is the tall seed corn processing facility and it is not clear what the lot will be used for but it does meet all of the requirements for the B-4, zoning district.

Mr. Fletcher stated that he would be happy to draft a statement of denial but it would be more appropriate for a member of the Committee to discuss the reasons for denial. He said that once the statement is completed it can be submitted to ELUC for review.

Mr. Fabri stated that he will discuss the statement of denial with Mr. Fletcher.

**9. Update regarding the Illinois Supreme Court decision in Village of Chatham vs. Sangamon County.**

Mr. Fletcher stated that he, the planning staff and Frank DiNovo met with the City of Champaign and the City of Urbana to discuss the issues involving annexation agreements and where the law needs to go. He said that Mr. DiNovo is preparing information and upon its completion he will present that information to the Committee. He requested that this item not be automatically placed on the agenda for next month.

**The consensus of the Committee was not to place Item #9 on the May, 2006 agenda.**

**10. Zoning Case 514-AM-05 Petitioner: Richard Hooser. Request to amend the Zoning Map to allow for the development of 1 Single Family Residence on a lot in the AG-1, Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District. Location: A 4.72 acre tract of land located in the South ½ of the Northwest ¼ of the Southwest ¼ of Section 25 of Stanton Township and that fronts on the west side of CR 2325E and is Approximately ¼ mile South of CR 1950N.**

**Ms. Greenwalt moved, seconded by Mr. Moser to recommend denial of Zoning Case 514-AM-05: Richard Hooser. The motion carried by voice vote.**

**11. Zoning Case 524-AM-05 Petitioner: Clara Titler. Request to amend the Zoning Map to Change the zoning district designation from B-5, Central Business to R-2, Single Family Residence. Location: Lots 11, 12 and 13 in Block 1 of the Original Town of Penfield and Commonly known as the vacant lots at 121 Main St., Penfield.**

**Mr. Doenitz moved, seconded by Ms. Anderson to recommend approval of Zoning Case 524-AM-05: Clara Titler. The motion carried by voice vote.**

**12. Zoning Case 517-AT-05 Petitioner: Zoning Administrator. Request to amend the Zoning Ordinance to allow a lot to have access to a public street by means of an easement of access provided that both the lot and the easement of access were created in a plat of subdivision that was duly approved between 5/17/77 and 2/18/97 and that the lot meets all other dimensional and geometric standards established by this Ordinance.**

Mr. Hall stated that if the Committee is interested he did bring copies of the subdivision plats which Case 517-AT-05 would effect.

Ms. Anderson asked how many existing subdivisions would be affected by Case 517-AT-05.

Mr. Hall stated that eight subdivisions would be affected.

**4-10-06**

**AS APPROVED May 08, 2006**

**ELUC**

**Ms. Greenwalt moved, seconded by Ms. Anderson to recommend approval of Case 517-AT-05 as submitted.**

Mr. Doenitz stated that if this amendment is approved the County will have eight more subdivisions without public access. He asked the Committee why they would want to approve such an amendment.

Mr. Hall stated that if the amendment is not approved the end result will be the same other than there will be a series of variance cases before the ZBA and each instance will receive much greater scrutiny. He said that he predicts that each of the lots within the subdivisions will be built upon at the cost of the County running a number of variance cases.

**The motion failed.**

**3-yeas**

**6-nays**

**13. Zoning Case 523-AT-05 Petitioner: Zoning Administrator – First Report. Request: Add “Ethanol Manufacturing” and authorize by Special Use Permit with standard conditions in the I-2, Heavy Industry Zoning District.**

Mr. Hall stated that Case 523-AT-05 is to add “Ethanol Manufacturing” to the Zoning Ordinance only as a Special Use Permit and only in the I-2 zoning district. He said that there is no higher level of scrutiny that something gets in the Zoning Ordinance than being only a special use permit in only the I-2 zoning district. He said that there are two conditions: 1. whether the facility will be connected to a sanitary sewer and if not a good explanation of how waste water will be discharged must be included; 2. ground water investigations must be submitted whether the facility is placed on a private water well or utilize untreated water from a water company. He said that whenever a case like this comes up the County will probably be spending money to hire it’s own groundwater professional to review the work completed by the petitioner’s groundwater professional but it makes little since to require the investigations if they are not reviewed by competent professionals.

Mr. Moser asked Mr. Hall what type of regulations an Ethanol Manufacturing Plant will be under if it is annexed into a village.

Mr. Hall stated that he does not know what type of regulations the plant would be under if annexed into a village but he does know that it would not necessarily be restricted to the County’s regulations.

Mr. Moser stated that he thinks it is preposterous that the people in this County would throw out something like this that would be an economic benefit to not only the agricultural community but the County as a whole. He said that if Champaign County does not approve such a plant then they will go somewhere else within the County where they can obtain an annexation agreement which a village that is farmer friendly or they will to a different county that is farmer friendly. He said that The Andersons is big business and they have been good to the County and he does not understand any opposition to this amendment.

Ms. Greenwalt stated that the amendment was recommended for approval by the ZBA therefore the agenda item will not be voted upon by ELUC until next month so that municipal comments can be received.

Mr. Hall clarified that one reason that the agenda item will sit at ELUC for one month will be so that municipalities will be able to comment but it would be essential for the Committee to express a vote of confidence in either what the ZBA has recommended or if any changes needed to be made to the amendment.

Ms. Anderson expressed concern with the Mahomet Aquifer and supported the groundwater tests.

Mr. Hall stated that the only thing that the required tests can do is to estimate the affects on nearby wells and the technology does not exist to date to determine the long term effects on the aquifer.

Mr. Langenheim asked if this measure imposes a restriction which does not presently exist in the establishment of an ethanol plant.

Mr. Hall stated yes. He said that currently there are no requirements for "Ethanol Manufacturing Plants" in the Zoning Ordinance.

Mr. Langenheim stated that this opens up a path to establishing an ethanol plant therefore it is not a restriction but facilitates the establishment of an ethanol plant.

Mr. Hall stated yes.

Mr. DiNovo stated that ethanol plants are not presently prohibited by the Zoning Ordinance.

Mr. Hall stated that ethanol plants are not presently authorized either.

Mr. DiNovo stated that a use that does not appear in the "Table of Authorized Uses" is permitted as something and an application can be made. He said that the Zoning Administrator would determine what the use is equivalent to and it would be treated.

Mr. Langenheim stated that if someone desires to establish an ethanol plant under the present conditions the application will come through the County through the ZBA and then through the Committee.

Mr. Hall stated that the closest use in the existing use table which is by-right in I-2, is a beverage distillery and this seems inappropriate for an ethanol plant.

Ms. Busboom stated that it would be a huge mistake for the County not to be friendly to the rural production.

Mr. Moser stated that at some point bio-diesel plants will also need to be added to the Table of Authorized Uses. He said that there are going to be a lot of uses which are going to pop up in the future such as wind

farms, bio-diesel plants, etc.

Mr. Hall stated that wind farms are allowed by a Special Use Permit. He said that he is not is not familiar enough with bio-diesel plants to know how they would compare to an ethanol plant.

Mr. Moser stated that there is a big push to get 5 or 10% soybean oil blended with diesel fuel and he has used it for the last five years. He said that it is another big market for soybeans and there are incentives from the state to promote the use such as no sales tax. He said that the results for the use of bio-diesel have been very satisfactory and it is being used in the large cities for their mass transit districts.

Ms. Busboom stated that a study is currently being conducted to locate a bio-diesel plant near one of the County's railroads very soon.

Mr. Fabri stated that he is concerned about the water usage although he believes that it is a use which should be added to the Zoning Ordinance.

**The consensus of the Committee was to support the amendment as recommended by the Zoning Board of Appeals. The case will appear on the May 08, 2006, agenda.**

**14. Appointment of the Champaign County Regional Planning Commission County Planner as the County Recycling Coordinator.**

Ms. Deb Busey stated that currently the County Recycling Coordinator is the County Administrator. The Waste Management Plan in 1991 has subsequently been updated by the Regional Planning Commission, on behalf of the County at the request of ELUC, in 2001. In the re-organization of Planning and Zoning that took place in Champaign County FY2005, it was agreed that the ongoing responsibility for the County's Waste Management Plan and subsequent updates would be assigned to the County's Planner employed in the Regional Planning Commission.

**Ms. Anderson moved, seconded by Ms. Greenwalt that the Environment and Land Use Committee recommends to the County Board the appointment of the Champaign County Regional Planning Commission County Planner as the Recycling Coordinator for Champaign County. The motion carried by voice vote.**

**15. Endorsement of the U.S. Route 45 Corridor Plan by the Champaign-Urbana Urbanized Area Transportation Study (CUUATS)**

**Mr. Fabri moved, seconded by Mr. Schroeder to recommend endorsement of the U.S. Route 45 Corridor Plan by the Champaign-Urbana Urbanized Area Transportation Study (CUUATS).**

Mr. Moser stated that this appears to be a good plan to dig up everything along Route 45 from Tolono to Savoy for houses which will take a lot more farm ground out of production.

**16. Discussion regarding building codes and regulation of rental housing**

Mr. Hall stated that this item has been deferred to this meeting however there is no new information at this time.

Mr. Fabri asked if there was an industry standard for building codes and how is staff and the County moving forward on this agenda item.

Ms. Greenwalt stated that legally this topic is complicated. She said that they have been reviewing options for the County and hopefully next month a proposal will be submitted to the Committee for review.

Mr. Hall stated that the only thing that has been done is to work with the building codes that were specified in the new State law therefore the County will focus on what the law identifies.

Mr. Moser stated that if the County adopts building codes it will be the greatest thing that ever happened to existing old farmhouses because they will be required to be pushed in holes. He said that many of these old farmhouses are rented and poorly taken care of.

**17. Comprehensive Zoning Review Update**

Ms. Monte stated that at the April 06, 2006, Zoning Board of Appeals meeting the Board made a final determination on two finding of facts. She said that the two determinations were in regard to the Stream Protection Buffer and the Public Resource Area. She said that two additional meetings will be required to move through the remaining findings and optimistically June or July is when all of the recommendations will be presented to ELUC for review.

**18. Monthly Report for March, 2006**

**Mr. Doenitz moved, seconded by Mr. Fabri to accept the March 2006, Monthly Report and to place it on file. The motion carried by voice vote.**

**19. Other Business**

None

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

**The consensus of the Committee was to place Agenda Items #10, 11 and 14 on the County Board Consent Agenda.**

**21. Adjournment**

**4-10-06**

**AS APPROVED May 08, 2006**

**ELUC**

**Mr. Doenitz moved, seconded by Ms. Anderson to adjourn the April 10, 2006, ELUC meeting. The motion carried by voice vote.**

The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Secretary to the Environment and Land Use Committee

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