

MINUTES OF REGULAR MEETING

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

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

**OTHER COUNTY
BOARD MEMBERS**

PRESENT: C. Pius Weibel (County Board Chairman)

MEMBERS ABSENT: Steve Moser

STAFF PRESENT: John Hall, Leroy Holliday, Susan Monte (Regional Planning Commission County Planner), Rita Morocoima-Black (CUAATS), Frank DiNovo (Regional Planning Commission)

OTHERS PRESENT: Michael Tague, Eric Thorsland, Hal Barnhart, Tanna Fruhling, Louis Wozniak, Doug Turner

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 and Addendum

Ms. Anderson moved, seconded by Mr. Gladney to approve the agenda and addendum as submitted. The motion carried by voice vote.

3. Approval of Minutes (January 16, 2007)

Mr. Doenitz moved, seconded by Mr. Jones to approve the January 16, 2007, minutes as submitted. The motion carried by voice vote.

4. Public Participation

1 Mr. Michael Tague, legal representative for Mr. Bateman addressed agenda Item #8. He stated that he could
2 either make his comments regarding Case 520-AM-05, at this time or he can wait until the case his called.

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4 Ms. Wysocki asked Mr. Tague if he would like to give any preliminary comments regarding Case 520-AM-
5 05.

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7 Mr. Tague stated that Mr. Bateman has a farm which has four existing residential lots. He said that all of the
8 four existing residential lots are within the potential impact radius of the gas pipelines which are not located
9 on his property. He said that Mr. Louis Wozniak, Petitioner for Case 542-AM-06, will also speak about the
10 gas pipelines because he shares the same problem with the pipelines. He said that Mr. Bateman had
11 submitted a proposal to create five more lots in an area that appeared appropriate for rural suburban lots. He
12 said that the location is not considered "best prime farmland." He said that when creating small residential
13 properties the impact upon farm traffic, placement of mailboxes, drainage tiles and easements must be
14 considered and all interested parties have been satisfied with the proposed plan. He said that even though
15 there are two gas pipelines located across the road to the east and north from Mr. Bateman's property, the
16 only easement which was found would give People's Gas 45 feet to install three more pipelines if necessary.
17 He said that the representative for People's Gas informed the Zoning Board of Appeals that People's Gas
18 had no present intention of installing more pipelines along Mr. Bateman's property. He said that the
19 Petitioner is aware that no property, which could be developed upon, could be included within the 45 foot
20 easement although People's Gas wanted to make everyone aware of the potential impact radius which in
21 essence created a 350 foot type of an area which could not be developed upon. He said that People's Gas
22 did not state that people could not build in this area but did inform everyone that the pipelines were present
23 so that people could make an informed choice. He said that revised lots were proposed which had suitable
24 buildable area outside of the potential impact area and will have proposed restrictions so that no one would
25 place a dwelling within the potential impact area although there is no legal prohibition. He said that the
26 existing four lots could build within the potential impact area and if the RRO was not necessary someone
27 could build within a few feet of the pipeline. He said that the ZBA did not feel that this was appropriate
28 because people may not be within their dwelling but upon their property in the potential impact area. He
29 said that a new plan was submitted which would have lots in which all of the lot, except for the driveway,
30 would be outside of the potential impact area therefore the only way that someone could be effected would
31 be by failure. He said that the ZBA felt that this was a reasonable way to deal with the potential impact
32 radius although flag lots must be created to accomplish this concept. He said that if there was no reason for
33 the flag lots he could understand any hesitation from ELUC but the Petitioner felt that they were being
34 pushed by the ZBA to make safety the concern and to create suitable buildable lots outside of the potential
35 impact radius.

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37 Mr. Louis Wozniak stated that he will submit his comments when Case 542-AM-06 is called.

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39 Mr. Doug Turner, who resides at 248 CR 2500N, Mahomet stated that he owns property to the south and
40 operates a fairly large livestock facility on his property. He said that his family also owns the property to the
41 east of the proposed subdivision. He said that there are three existing homes on Mr. Bateman's property and
42 they were built prior to the initiation of the RRO process. He said that the two homes which are located the

1 the closest to his livestock operation are very good neighbors and they do like the livestock facility although
 2 he is not sure what future owners will think of his operation. He said that his livestock facility has been in
 3 his family since 1902 and he is concerned that his operation could be effected by people building houses
 4 next to his property. He said that this request came to the Committee in January and failed to pass due to the
 5 lack of a second. He said that flag lots in Champaign County have already presented numerous problems
 6 and one of those problems is that ideal conditions would need to exist to turn around an emergency vehicle
 7 on a flag lot. He said that the turn-around radius of 40 feet is required for an emergency vehicle but usually a
 8 house fire requires more than one emergency vehicle and if water must be hauled in from a different location
 9 there is no way to get enough water to the facility to put out the fire therefore placing the homeowners at
 10 risk. He said that another issue to consider is the ability of a homeowner to clear out their drive after a large
 11 snow event to allow an emergency vehicle to reach the home. He said that very few people who move to the
 12 country understand how different the wind and the snow affect a rural lot. He said that he believes that the
 13 flag lots are a bad idea and would impact the adjacent farming operation. He said that if the proposed lots
 14 are approved he believes that Mr. Bateman will be back in front of this Committee requesting additional lots
 15 in the future. He requested that the Committee recommend denial.

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18 **5. Correspondence**

19 **A. Letter from Reg Ankrom, Illini Ethanol, LLC**

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The consensus of the Committee was to place the letter from Reg Ankrom, Illini Ethanol, LLC on file.

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24 **6. County Board Chair’s Report**

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None

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**7. Recreation and Entertainment License: Shirley’s Oasis, 2705 CR 3000N, Penfield, IL
 February 1, 2007 through December 31, 2007.**

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**Mr. Doenitz moved, seconded by Ms. Anderson to approve the Recreation and Entertainment License
 for Shirley’s Oasis.**

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Ms. Melin requested clarification of the term “amusement machine.”

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Ms. Anderson stated that pinball machines are considered a type of “amusement machine.” She asked if the
 property recently changed ownership.

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Ms. Wysocki stated yes.

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Mr. Hall stated that the “amusement machines” are licensed with the county and those licenses are also
 processed through the Planning and Zoning Department.

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The motion carried by voice vote.

8. Remanded Zoning Case 520-AM-05 Petitioner: **Gene Bateman** Request: **Amend the Zoning Map to allow for the development of 2-single family lots in the AG-1, Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.** Location: **Approximately seven 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 CR 2600N and CR 200E.**

Ms. Anderson moved, seconded by Mr. Langenheim to recommend approval of Case 520-AM-05.

Mr. Schroeder stated that he will not support this proposal due to the proposed flag lots.

Ms. Anderson requested clarification of the term “flag lot.”

Mr. Hall stated that a “flag lot” is a lot where the frontage is less than the width. He said that in this case the frontage is as much as 90 feet but tapers back to a 40 foot access strip and the main portion of the lot is set back from the road based upon the potential impact area. He said that the Land Use Goals and Policies do not address flag lots and flag lots are entirely in conformance with the Zoning Ordinance although that does not mean that the Committee has to agree with flag lots but they are permitted. He said that various Board members have concerns regarding flag lots but until a text amendment prohibits flag lots this proposal conforms to the Zoning Ordinance.

Mr. Doenitz requested a roll call vote.

Mr. Hall noted that the State’s Attorney is not present at tonight’s meeting and he explained that if the Committee decides to vote against the recommendation of the ZBA the finding must be revised to support the Committee’s decision.

Mr. Langenheim asked Mr. Hall when the Committee would need to revise the finding.

Mr. Hall stated that the finding will need to be revised prior to the case being forwarded to the full County Board.

Mr. Langenheim asked if the revision of the finding should be completed during the course of this meeting.

Mr. Hall stated yes.

Ms. Melin stated that the proposal indicates that the driveway will be paved. She asked if a paved driveway is the “norm” for a flag lot in other rural developments in the County.

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 2 Mr. Hall stated that a paved driveway is not a requirement of the Zoning Ordinance. He said that the paved
 3 driveway is a special condition required by the ZBA so that these lots will be in conformance with the fire
 4 protection district requirements.

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 6 Ms. Melin asked if the lot was not considered a flag lot would a paved driveway be required.

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 8 Mr. Hall stated that a paved driveway would still be a requirement of the fire protection district but the ZBA
 9 would probably not require it as a special condition. He said that in Case 542-AM-06, the ZBA did make a
 10 paved driveway a special condition even though the lots are regular frontage lots.

11
 12 Ms. Wysocki stated that she visited the subject properties for both Case 520-AM-05 and Case 542-AM-06.
 13 She said that she read the concerns of the ZBA about the gas lines and she wished that there had been an
 14 indication on one of the maps where the lines were located. She said that she observed the substation and
 15 the indicators that there are gas lines in the territory but it is not clear where the lines run and how it impacts
 16 the placement of the proposed lots. She said that she traveled to the west of the Bateman property and
 17 realized that there are a number of existing homesteads that are in relatively close proximity to one of the
 18 substations. She said that obviously the previous homeowners had someone approving their lots even
 19 though they were within close proximity to the gas lines and she has a hard time making a case for why not
 20 these tonight.

21
 22 Mr. Doenitz stated that a lot of the existing homes were there before the gas lines were installed and the new
 23 homes are located on by-right lots therefore the lots did not require approval.

24
 25 Ms. Wysocki asked Mr. Doenitz if the gas lines ran parallel to the road.

26
 27 Mr. Doenitz stated yes.

28
 29 Ms. Melin stated that it is her understanding that the livestock facility is protected from the Nuisance
 30 Ordinance.

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 32 Mr. Hall stated that the County has an ordinance which makes it very clear that the County will not enforce
 33 its Nuisance Ordinance on the livestock facility although it does not mean that the homeowners could not
 34 take a private course of action if they chose to do so.

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 36 The roll was called:

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 38 **Anderson-yes** **Doenitz-no** **Gladney-no**
 39 **Jones-no** **Langenheim-yes** **Melin-yes**
 40 **Moser-absent** **Schroeder-no** **Wysocki-yes**

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 42 Ms. Wysocki stated that the motion failed due to a tie vote.

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Mr. Hall stated that it might be better to have a motion to reconsider Case 520-AM-05 and then go in to the motion and then, if the case, make a motion to deny. He said that the reason that this case had to come back to the Committee this month was because the motion was not handled properly in January.

Mr. Schroeder moved, seconded by Mr. Langenheim to reconsider the original motion. The motion carried by voice vote.

Mr. Schroeder moved, seconded by Mr. Doenitz to recommend denial of Case 520-AM-05, per the following amended finding:

Mr. Schroeder stated that the proposed site is **not suitable** for the development of two residences because:

- 1. the fact that there are two high pressure gas pipelines in the vicinity; and the existing lots are either in conformance to the Ordinance or were already in place prior to the installation of the gas pipelines; and
- 2. the site has much worse than typical Champaign County conditions because it is bordered on one side by livestock management facilities; and
- 3. emergency services vehicle access is limited by flooding.
- 4. the ZBA voted for acceptance with nine conditions for two flag lots and it would be very difficult to police.

Mr. Schroeder stated that development of the proposed site under the proposed Rural Residential Overlay development **will not** be compatible with surrounding agriculture because:

- 1. the presence of adjacent livestock management facilities on one side and four other livestock management facilities within one-mile radius of the property for a total of three active families that are by law allowed to expand up to 1,000 animal units; and
- 2. the presence of a drainage district tile near the proposed RRO District.

Mr. Langenheim suggested the removal of the reference to the gas lines because the lots boundaries are outside of the described easement for the gas lines therefore they comply with the existing safety regulations.

Mr. Schroeder concurred with Mr. Langenheim’s request to strike his comments in Item #1 regarding suitability regarding the two high pressure gas pipelines in the vicinity. He said that he opposes the proposed RRO because of the jigsaw puzzle effect that it creates strips of land that would be difficult to farm. He said that row crops would be out of the question.

Mr. Tague stated that the Petitioner’s whole approach has been to work with the problems that are created by the uniqueness of the proximity of the high pressure gas lines and the other challenges that have been encountered. He said that Mr. Hall has reminded him that there is another potential configuration in which the lots could be put together to deal with fragmentation and flag lot problems. He said that the 1.6 acre lot could be abutted to the farthest lot to the south therefore only having one flag lot and eliminating the

1 fragmentation of the farming. He said that the current configuration minimizes taking prime farm ground
2 out of production. He said that by putting the flag lots adjacent to each other and sharing a common lane
3 would eliminate a legitimate finding that the emergency vehicles could not reach the properties due to
4 flooding. He said that he would appreciate another opportunity to revise the site plan so that all of the
5 objections relative to the number of farms in the vicinity could be eliminated with reconfiguration of the
6 lots. He said that the lane would be designated as a public street rather than a shared, private lane.

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8 Mr. Schroeder stated the approval of the township road supervisor must be obtained if the road is to become
9 a public street.

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11 Mr. Hall stated that if the lane is to become a public street there is a process for getting the street constructed
12 through the subdivision process and this process would require County Board approval. He said that Mr.
13 Tague's concerns appear to be focused on the flag lots and admittedly the ZBA is not as experienced with
14 flag lots as the County Board. He said that if this is a revision that the Committee might be willing to
15 entertain the case could be remanded back to the ZBA for review of the revised site plan.

16
17 Mr. Schroeder stated that flag lots are a bad use of property unless there is an instance where a flag lot is
18 needed. He said that he is concerned that there is more and more density piling in to this area and the
19 dangerous conditions that sometimes exist for emergency vehicles to access the properties. He said that he
20 is not a big proponent of flag lots.

21
22 Mr. Tague stated that originally the high pressure gas pipelines were the main concern. He said that one of
23 the proposals that was created was to have no flag lots but regular lots along the road which would have a
24 lane of approximately 300 feet to access the area outside of the potential impact radius where the house
25 could be built. He said that the ZBA was concerned that people could be in their yards which were inside
26 the potential impact area therefore the approach of regular lots was abandoned. He asked the Committee if
27 the approach of having regular lots with super setback lines to deal with the potential impact radius concern
28 would satisfy the Committee's concerns.

29
30 Mr. Schroeder stated that after reviewing the documentation he is still concerned about the high pressure gas
31 lines and placing homes within this area. He said that he has a high pressure gas line on the west side of his
32 property which runs from Morris, Illinois to Tuscola, Illinois and he can just farm over this pipeline. He
33 said that someone who lives in this new subdivision and requires maintenance in their backyard could easily
34 be unaware of the location of the high pressure lines and disturb one of those lines. He said that he is
35 concerned about how many lots are being created in this area.

36
37 Mr. Gladney asked Mr. Hall if when the ZBA makes a recommendation regarding a case is the Committee
38 expected to go with their recommendation. He said that he gets the sense that not forwarding the ZBA's
39 recommendation to the County Board is an issue.

40
41 Ms. Wysocki stated that ELUC does not have to accept the ZBA's recommendation but if the
42 recommendation is turned down ELUC must prepare a statement as to why ELUC is varying from the

1 ZBA’s recommendation.

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3 Mr. Hall stated that this guidance comes from legal precedence where the County has been involved in legal
4 cases before and the State’s Attorney informed the Committee that if action is taken which is counter to the
5 ZBA’s recommendation then ELUC’s action must be justified in writing.

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7 Mr. Schroeder stated that it is very rare that ELUC overturns a recommendation by the ZBA.

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9 Ms. Wysocki suggested that ELUC members visit a ZBA meeting so that they can appreciate the hard work
10 that the ZBA does have to go through in making their recommendations to this Committee. She asked the
11 Committee if they would prefer to defer this case to the March meeting.

12
13 Mr. Langenheim stated that perhaps this should be deferred to the March meeting so that the Petitioner can
14 revise his site plan for consideration.

15
16 Mr. Hall stated that if the plan is revised and the case is deferred he would like to obtain legal comments
17 from the State’s Attorney’s Office.

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19 Mr. Langenheim asked if a motion to defer would charge the Petitioner to revise his site plan for further
20 recommendation.

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22 Mr. Wysocki stated that revising the site plan is at the discretion of the Petitioner.

23
24 **Mr. Langenheim moved, seconded by Mr. Gladney to defer the consideration of the motion to**
25 **recommend denial of Case 520-AM-05, to the March, ELUC meeting. The motion carried by voice**
26 **vote with two opposing votes.**

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28 Ms. Wysocki stated that Case 520-AM-05 has been deferred to the March meeting and it is up to the
29 Petitioner as to what his next step will be.

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32 **9. Case 542-AM-06 Petitioner: Louis and JoAnn Wozniak Request: Amend the Zoning Map to**
33 **allow for the development of 8 single family residential lots in the AG-1, Agriculture Zoning**
34 **District by adding the Rural Residential Overlay (RRO) Zoning District. Location: A 57.64**
35 **acre tract of land located in the East ½ of the Southwest ¼ of Section 22 of Newcomb Township**
36 **and located on the west side of Illinois Route 47 and between CR 2600N and CR 2650N.**

37
38 **Mr. Doenitz moved, seconded by Mr. Jones to recommend denial of Case 542-AM-06.**

39
40 Mr. Doenitz stated that this is the kind of subdivision that the County Board clearly indicated that they do
41 not want in the County. He said that if he remembers correctly the County Board stated that they wanted
42 compact and contiguous development and this subdivision does not qualify for either one. He said that the

1 ZBA findings indicate the same.
2
3 Ms. Wysocki noted that the ZBA recommendation is denial.
4
5 Mr. Louis Wozniak distributed an informational handout to the Committee for review.
6
7 Ms. Wysocki reminded Mr. Wozniak that the Committee cannot accept new evidence regarding this case.
8
9 Mr. Wozniak stated that the handout is not new information regarding approval or denial and is only new
10 information about what he is about to petition the Committee for approval. He said that the distributed
11 information will answer many of the Committee's questions regarding his request.
12
13 Ms. Wysocki asked Mr. Wozniak what he is petitioning the Committee to do.
14
15 Mr. Wozniak stated that he is petitioning the Committee to defer his case until such time that the County
16 Board makes a decision on a text amendment regarding pipeline safety.
17
18 Mr. Schroeder asked Mr. Hall if currently there was such a text amendment.
19
20 Mr. Hall stated no.
21
22 Ms. Wysocki informed Mr. Wozniak that this case could be deferred for more than 30 days.
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24 Mr. Wozniak stated that he would expect that his case be deferred for the rest of the year.
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26 Mr. Doenitz stated that he believes that the Committee is walking a very thin line in accepting this
27 information from Mr. Wozniak.
28
29 Ms. Wysocki agreed and informed Mr. Wozniak that she is going to be very cautious and if this begins to
30 sound like a plea for something then she will interrupt him and deny further comments.
31
32 Mr. Wozniak stated that he understood. He said that during the previous case the Committee stated that
33 some of the homes existed prior to the installation of the high pressure gas pipeline. He said that this
34 information should make it very clear that People's Gas does not have any issues with installing their
35 pipelines within the potential impact radius of an existing home. He said that the two pipelines which are
36 next to Mr. Schroeder's property are not just a collection pipeline but is a transmission pipeline and is very
37 large. He said that the gas line easement is located on a deed to a property therefore if the future homeowner
38 reviews his deed to his newly obtained property he will be well informed of the existence of the pipeline
39 next to his property. He said that he would like to address the issue of pipeline safety. He said that he is not
40 questioning whether the ZBA acted in good reason or not but he does feel that they over stepped their
41 mandate because there are no regulations concerning the location of a home next to a high pressure gas
42 pipeline. He said that he would like to see a text amendment to the Ordinance which would clearly define to

1 everyone where buildable area is located on such a lot and where it is not. He said that the County Board
2 owes it to the people of the County to make this information very clear so that these issues do not
3 continuously occur before the ZBA.
4

5 Mr. Wozniak stated that the high pressure pipeline is located along Route 47 to the east and south of the
6 subject property. He said that the second page of the handout indicates the “no build zone” or potential
7 impact radius of the area. He said that in his request it was proposed that the homes be built outside of the
8 potential impact area and his request was denied. He said that the ZBA denied his request because of the
9 safety issue although the lots in Case 542-AM-06 do have a buildable area outside the potential impact
10 radius. He said that Case 520-AM-05 achieved approval by creating flag lots by which only the driveways
11 are located within the potential impact radius and one of the main concerns that the ZBA had with Case 520-
12 AM-05 is that kids would play in the potential impact radius. He said that kids would be gathered at the end
13 of the driveways, which are located within the potential impact radius, waiting for the school bus. He said
14 that Case 542-AM-06 also has the situation of the kids gathering at the end of their driveways, located
15 within the potential impact radius, waiting for a school bus which is a safety concern. He said that he cannot
16 see a difference between the two yet the ZBA decided that Case 520-AM-05 should be recommended for
17 approval and Case 542-AM-06 was recommended for denial. He said that this is why it is very important
18 for the issue of pipelines to be determined by the County Board so that recommendations are consistent with
19 the County’s determination. He requested that Case 542-AM-06 be deferred until such time that the County
20 Board decides to make a ruling on pipelines. He said that the subject property currently has five by-right
21 lots available for creation and could cover the entire acreage. He said that three of the lots could be less than
22 ten acres and two of the lots could be 35 acres or more therefore this is the basic difference between Case
23 520-AM-05 and Case 542-AM-06 although they both have the issue of the pipeline which needs resolved.
24

25 Ms. Melin asked Mr. Wozniak if the subject property is currently being farmed.

26
27 Mr. Wozniak stated yes. He said that there is a huge swale in the middle of the property and it is not
28 extremely productive.
29

30 Ms. Melin asked Mr. Wozniak if the low productivity is why he desires to subdivide the property.

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32 Mr. Wozniak stated yes. He said that to the north the surrounding area is basically subdivided into
33 approximately five acre lots.
34

35 Mr. Doenitz asked Mr. Wozniak what he will do with the drainage swale and the existing drainage tile.
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37 Mr. Wozniak stated that the drainage swale will be preserved by an easement and only vegetation will be
38 permitted. He said that all lots are accessible without crossing the swale easement. He said that unless a
39 variance is permitted the drainage tile must be replaced with a continuous solid tube and if necessary he will
40 do such unless so many restrictions are imposed and he finds that it is not worth it and he decides to only go
41 with his five by-right lots. He said that if he proceeds with the RRO he will abide by all of the County’s
42 requirements. He noted that there is a 15 foot elevation difference between the southern and northern portion

1 of the property. He stated that he would appreciate it if the Committee would defer Case 542-AM-06 to a
2 later date and if Mr. Hall would propose text to deal with pipelines in the County.

3
4 Mr. Schroeder stated that Mr. Wozniak appears to be creating the best scenario for his request therefore
5 perhaps it would be in the best interest of Mr. Wozniak and Mr. Bateman if a text amendment was drafted to
6 deal with the pipeline safety issue. He said that the County does not have a standard for pipeline safety and
7 one is obviously needed.

8
9 Mr. Hall stated that to be fair to the landowners it would be good if the County could review the Ordinance
10 to see what the County Board’s position is on pipelines. He said that before he could initiate a text
11 amendment he would like to create a memorandum for consideration by ELUC. He said that it is important
12 that ELUC provides direction on how the Committee is predisposed to look at these situations regarding the
13 potential impact radius. He said that the federal guidelines were only discovered during the process of these
14 two cases. He said that he did not propose a text amendment because he did not want to bias the
15 Committee’s decision in either case. He said that the recommendation of a text amendment should come
16 from a petitioner and he informed Mr. Wozniak that he should expect a deferral no earlier than the
17 September 10, 2007, ELUC meeting.

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19 Mr. Schroeder stated that it isn’t like the County has pipelines everywhere but it would benefit the County to
20 have some sort of guidelines.

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22 Mr. Hall stated that just last month the ZBA had a third RRO where there was large diameter, low pressure
23 pipeline running along the subject property. He said that it would be his hope that a text amendment could
24 be created which would address all of the known pipelines in Champaign County. He said that he would
25 recommend that Case 542-AM-06 be deferred until the September 12, 2007, ELUC meeting pending the
26 Committee’s action in regard to the text amendment.

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28 **Mr. Schroeder moved, seconded by Ms. Melin to defer Case 542-AM-06, at the request of the**
29 **Petitioner, to the September 12, 2007, ELUC meeting so that the County Board can amend the Zoning**
30 **Ordinance with setbacks from pipelines. The motion carried by voice vote.**

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33 **10. Endorsement of the US Route 130 Corridor Plan prepared by the Champaign – Urbana**
34 **Urbanized Area Transportation Study (CUUATS)**
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36 Mr. Hall stated that the endorsement could be construed to go beyond merely acknowledging that the plan
37 exists and the endorsement could be interpreted to indicate a measure of support. He said that if the
38 Committee wants to indicate a measure of support they can endorse it or if the Committee really only wants
39 to acknowledge that the plan exists then the Committee should place it on file.

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41 Ms. Black stated that she would appreciate the Committee’s support.
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1 **Mr. Langenheim moved, seconded by Ms. Anderson recommended endorsement of the plan.**

2
3 Mr. Doenitz asked if the Committee is committed if they endorse the plan.

4
5 Ms. Black stated the Committee is not committed to provide anything other than their support of the plan.

6
7 **Mr. Doenitz offered an alternative motion, seconded by Mr. Schroeder to accept the plan and place it**
8 **on file.**

9
10 Ms. Wysocki stated that currently the motion on the floor is to endorse the plan.

11
12 Mr. Gladney requested an explanation of the study.

13
14 Ms. Black stated that the Champaign County Regional Planning Commission (CCRPC) was contracted by
15 the City of Urbana to conduct a study on land use and transportation issues on Urbana’s east side. She said
16 that there was a lot of public participation involved in this study and at the end of the process CCRPC
17 developed an implementation. She said the goal is to implement the plan when something is needed in the
18 study area.

19
20 Mr. Weibel stated that there is no formal intergovernmental agreement regarding this plan and endorsement
21 at this time amounts to recognizing that the plan exists therefore there is no financial obligation to be
22 considered at this time.

23
24 Ms. Wysocki requested a roll call vote.

25
26 The roll was called as follows:

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28	Anderson-yes	Doenitz-no	Gladney-yes
29	Jones-no	Langenheim-yes	Melin-yes
30	Moser-absent	Schroeder-no	Wysocki-yes

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32 **The motion carried.**

33
34 **11. Proposal to prepare the Comprehensive Land Use Plan for Champaign County**

35
36 Ms. Monte gave a Power Point presentation regarding the Proposal to prepare the Comprehensive Land Use
37 Plan for Champaign County.

38
39 Ms. Monte stated that the memorandum dated February 9, 2007, provides three distinct paths that can be
40 taken in developing a county plan. She said that a county government land use plan would be adopted by
41 the County Board but endorsed by the other governmental units. She said that agreement of a county
42 government land use plan would be accomplished by a simple majority of the County Board while the other

1 regional plans would require or assume broad agreement from multiple parties. She said that other
2 governmental units would provide input to the county government land use plan and members of the
3 steering committee would react to proposed plan development as it occurred over time. She said that the
4 steering committee would be participating in developing a regional land use plan and regional
5 comprehensive plan. She said that a county government land use plan or a regional land use plan would
6 serve primarily to guide regulatory decision making. She said that regulatory is the only tool that the
7 County has at this point. She said that a regional land use plan would be focused on land use and the
8 regulatory tools used to regulate land use. She said that a comprehensive plan would open up the tools and
9 go beyond regulatory tools which other governmental units have such as taxing and spending powers and
10 public investment.

11
12 Mr. DiNovo stated that, for example, the County does not directly control where or when sanitary sewers are
13 constructed. He said that the County does not have direct control over construction of local streets and most
14 of the construction for public facilities and the provisions for fire protection districts are controlled by other
15 entities other than the County government.

16
17 Ms. Monte stated that it cannot be assumed that other governmental units will buy-in to a county
18 government land use plan because it is a county plan which deals with county regulatory tools. She said that
19 it could be assumed that other governmental units would buy in to a regional land use plans. She said that
20 the there is no difference in the level of technical analysis for the county government land use plan or the
21 regional land use plan. She said that once a regional comprehensive plan is considered there is a wider array
22 of subjects to consider. She said that the time to complete a county government land use plan is
23 approximately 2-1/2 years or less while the time to complete a regional land use plan may take
24 approximately 2-1/2 years, maybe more given its wider scope of focus. She said that there is no significant
25 difference expected in the development of a county regional land use plan or regional land use plan. She
26 said that there are no cost estimates before the Committee tonight but those estimates are anticipated at the
27 March meeting. She said that a regional comprehensive plan is anticipated to cost significantly more but it
28 could be made to fit a budget.

29
30 Mr. DiNovo stated that the RPC can prepare any of the three kinds of plans within whatever dollar amount is
31 budgeted. He said that the more comprehensive the plan the less specific in detail it could be and that would
32 be the trade off.

33
34 Ms. Monte stated that the county government plan is simply to guide the County Board decisions about land
35 use, subdivision and zoning decisions. She said that other governmental units would sit on a steering
36 committee and would simply react and provide information for different type of interest.

37
38 Mr. DiNovo stated that ELUC must be specific in their direction. He asked the Committee if this is to just
39 be a plan for the County Board or is it a county plan where other units of government will be directly
40 involved in developing and ultimately adopting a plan.

41
42 Mr. Doenitz asked Mr. DiNovo what other units of governments would be involved.

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2 Mr. DiNovo stated that the larger municipalities and depending upon the subject matter it might be advisable
3 to have the sanitary district and forest preserve districts involved. He said that he has always been a little bit
4 ambivalent about a comprehensive plan because the word “comprehensive” means that you are covering all
5 of the subject matter and it gets very complicated. He said that it must be made clear if the County Board
6 members really want a comprehensive plan or a land use plan. He said that if there is a concern about the
7 overlap of extra-territorial jurisdictions then all of the larger municipalities should be involved.

8
9 Mr. Doenitz stated that those larger municipalities should be involved at a very minimum. He said that
10 when he was referring to a plan he was referring to units of government such as townships, township
11 planning commissions and fire protection districts which are the little guys in the County which the cities
12 walk right over.

13
14 Mr. DiNovo stated that if a regional plan is to be developed the more buy-in that you get the better. He said
15 that if a way can be figured out to where everyone involved will buy-in to it then that would be great but
16 then you have to deal with a lot of different players therefore it becomes very complicated. He said that it is
17 assumed that either way there would be a high degree of input from a lot of different sources so that there
18 would be a steering committee that would have township representatives, village representatives, and
19 municipal representatives on it for either a county or regional plan. He said that if it was just a county
20 government plan those people would be brought together to provide input but then ultimately the only
21 decision maker would be the County Board where as for a regional plan those people would be brought
22 together and the purpose would be to get them to sign off on the document so that they can all go back and
23 adopt endorsement resolutions.

24
25 Mr. Doenitz stated that the cities and villages that exercise their ETJ do whatever they please and he does
26 not believe that they need to be sitting on the steering committee for the County.

27
28 Mr. DiNovo stated that it is an opportunity for the County to ask for things from them. He said that anyone
29 who comes to the table on this issue must come with the appreciation that it is a two way street. He said that
30 everyone is being asked to give and take and if the attitude of a government is that they are not going to give
31 up any of their of their independent authority and are not going to make any changes to their plans and
32 policies and only wants the County to adopt verbatim what they have already done then there isn't much of a
33 prospect of adopting a regional plan.

34
35 Mr. Doenitz stated that at this point the cities and the villages do not need the County. He said that if they
36 wanted to they could just annex in a property so what would they have to gain by supporting a regional plan.

37
38 Mr. DiNovo stated that the *Chatham Decision* gave the municipalities the ability to encroach upon each
39 others ETJ and this creates a motivation for them to work out a venue between themselves. He said that it
40 can be assumed that the County will get an ear full from the municipalities one way or the other.

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42 Ms. Melin asked Mr. DiNovo if a regional comprehensive plan would be less detailed.

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Mr. DiNovo stated that it depends on how much money the County has to spend on the project. He said that a plan can be very detailed to include detailed ambulance service areas and it could be mapped but if the money was not available general statements and policies about ambulance service and what type of development is appropriate in areas with ambulance response times. He said that if there is a limited amount of money the only way to cover the comprehensive array of subjects is to cover them all in a more general way. He said that if money was not a problem the comprehensive plan could be very detailed and specific but it would be very specific.

Ms. Melin stated that at the very minimum the framework could only be developed which would coordinate policies.

Mr. DiNovo stated that if a plan was developed focusing on land use for the county government then it will only be about zoning. He said that if a comprehensive plan is developed about land use then it would also be about sanitary sewer extension such as when and where the extension will occur and how it will be financed. He said that in order for that plan to be meaningful the people who actually control and build sanitary sewers must adopt that plan otherwise they will not pay very much attention to it. He said that in most of the county comprehensive plans that have been reviewed there have been multiple units of government which were involved in its development.

Ms. Wysocki stated that she sent everyone the introductory chapter of the McLean County Comprehensive Plan and has since discovered that it was adopted in 2000. She said that McLean County is now in the position to revisit the plan with the idea of updating and modifying it. She said that McLean County dealt with natural environment, economic development, historic preservation and urban revitalization, population housing, community facilities and services, transportation as well as land use. She said that she assumes that when they put their steering committee together they had some mechanism by which these issues rose to the top as far as interest and need. She said that McLean County worked with Bloomington and Normal as well as some of the smaller communities in the county and other taxing bodies.

Mr. DiNovo stated that this kind of communication helps to build shared understandings and he does not want to give anyone the impression that developing this broad agreement will be easy. He said that there is nothing magical about planning that makes controversy go away. He said that there are disagreements that are very fundamental and some people have very sincere libertarian ideas which they will not abandon just because the county is going through the planning process. He said that there can be a level of agreement from a few people who represent a broad majority on the issues at the table. He said that when those people are brought to the table there is a lot of negotiating and compromising involved and that is a different kind of result than if you did it yourself. He said that he does not want to diminish the key feature in doing a plan for the county government. He said that a plan for the county government is a plan that gets worked out amongst 27 people and could be a plan that is worked out amongst 14 people. He said that what is really on everyone's mind is that there needs to be a better way to deal with the Rural Residential Overlays when they show up at ELUC and guidelines are needed for staff and the ZBA. He said that a county government land use plan would most directly provide those guidelines. He said that if you want to get all of the different

1 units of government in Champaign County on the same page and moving in the same direction a regional
2 approach is what needs to be done. He said that the scope of a regional plan could vary but direction is
3 needed from this Committee before anything else can move forward.

4
5 Mr. Doenitz stated that he does not want everyone and their dog involved in what the County controls. He
6 said that the cities and villages with ETJ are going to do whatever they want. He said that the County needs
7 to take care of itself and go with that.

8
9 Ms. Anderson asked how different this process would be from the process that the County completed in
10 2001 regarding the Land Use Regulatory Policies.

11
12 Mr. Doenitz stated that we don't listen to what others tell us.

13
14 Mr. DiNovo stated that there would be a couple of differences. He said that there would be more technical
15 work completed such as more statistical data collected, maps, etc. He said that the public input in the
16 process of developing the Land Use Regulatory Policies came in two ways by poorly attended town
17 meetings and public participation at the ELUC meetings. He said that to do a more formal county land use
18 plan there would be more opportunities for public participation and it would be a more deliberate process
19 and there would be drafts available for public comment. He said that the Committee is assuming that ELUC
20 would be in the driver's seat and would be the overseeing body although this is not true because ELUC
21 would not be involved day to day. He said that there would be a steering committee that had township
22 representatives, Farm Bureau representatives, environmentalist, etc that would actually do the day to day
23 work subject to periodic reviews by this Committee. He said that there would be more input in many
24 different ways in this process than occurred with the Land Use Regulatory Policies. He said that when the
25 town meetings were held it was very disappointing when there was poor attendance for public input.

26
27 Mr. Doenitz stated that we should concentrate on local government officials that have been elected for input.

28
29 Mr. DiNovo stated that staff needs direction on which option the Committee would like to take in regard to a
30 plan.

31
32 Mr. Doenitz stated that he would be glad to do that if he knew who was going to be involved.

33
34 Mr. DiNovo stated that he would like direction so that his staff can come back with a detailed proposal in
35 March.

36
37 Mr. Schroeder stated that he would be in favor of a land use plan and he would like to incorporate, for
38 information only, the plans from the Sanitary District, fire protection districts, municipalities, forest preserve
39 plans, etc. He said that he cannot foresee this County doing a comprehensive plan like McLean County's
40 because there is so much difference between what people in Champaign-Urbana believe should be done in
41 comparison to the rural residents of the County. He said that there is too much political difference for trust
42 to be gained between the municipalities and other governing bodies for a comprehensive plan. He said that

1 he did live in McLean County for a short period of time and it is very cohesive and there is no real animosity
2 out in the rural area like there is in Champaign County. He said that it is unfortunate that there isn't enough
3 trust between everyone to create a comprehensive plan for the County. He said that there are benefits in
4 having cohesive planning. He said that he would like to see a land use plan with all of the current plans of
5 the other government units and municipalities incorporated for information purposes only.
6

7 **Mr. Schroeder moved, seconded by Mr. Doenitz to direct the RPC County Planner to prepare a**
8 **proposal to develop a Champaign County Government Land Use Plan which includes existing plans**
9 **from other entities.**

10
11 Mr. Weibel asked if the County adopted a government land use plan could it be incorporated into a
12 comprehensive plan in the future.

13
14 Ms. Monte stated that generally comprehensive plans are updated or reviewed at least once every 10 years.

15
16 Mr. Weibel stated that he understands the review process. He asked if the County adopted a government
17 land use plan could it be a stepping stone for a comprehensive plan.

18
19 Mr. DiNovo stated that if the County was to propose a comprehensive plan today most of the other
20 participants would come in to the effort with existing plans.

21
22 Mr. Weibel stated that he wanted to be assured that the County was not going to travel a dead end road.

23
24 Ms. Wysocki stated that she would be very surprised that when the cities and villages review their plans they
25 would not take in to consideration what was done at the county level.

26
27 Mr. Schroeder asked if the RPC staff had a discussion with any representatives from the various
28 municipalities regarding a possible regional comprehensive plan.

29
30 Ms. Wysocki stated that there has been discussion and there has been no flat rejection of the concept of a
31 regional comprehensive plan. She said that currently the RPC has a lot on its plate because they are
32 involved in a search for a new director, the weatherization program, and big.small.all., etc. She said that as
33 of late last year there had been some talk about opening up opportunities for some of the smaller villages to
34 become a member of RPC.

35
36 Mr. Schroeder stated that he would think that one of priorities of this County is to have the RPC to bring in
37 the smaller municipalities like Ogden and Pesotum to join in and have a voice.

38
39 Mr. DiNovo stated that this topic has been debated vigorously at the RPC.

40
41 Mr. Schroeder stated that the charge of the RPC is to do the regional planning in this area and why these
42 smaller villages haven't been included is a mystery. He said that there is too much meddling going on in

1 certain areas of the RPC in trying to change what the RPC is about and that is part of the reason why this
2 County cannot do a comprehensive plan.

3
4 Mr. DiNovo stated that under the RPC’s current by-laws which are memorialized in the County Board’s
5 Ordinance there is room for only two more voting members on the commission. He said that two more
6 municipalities could join as voting members and beyond that any other municipalities that joined the RPC
7 would have to share a single voting representative.

8
9 Mr. Schroeder stated that this is a problem. He asked if the County Board needs to make a change to this
10 policy or the RPC. He said that currently the County has a mess called METCAD and firemen from
11 Seymour and Mahomet have indicated their dissatisfaction. He said that one of the biggest problems with
12 this County is that there is so much mistrust out in the rural areas for good reasons. He said that no one
13 wants to cooperate with each other and they just want to run things.

14
15 Mr. DiNovo stated that he is reluctant to get in to this discussion because he is not sure what is going on. He
16 said that the last time that the issue came up it was addressed as a question for the Regional Planning
17 Commission members to address and it was to be handled by the Commission. He said that at the same time
18 the RPC was created by the County Board and whether the current members would continue to pay dues to
19 an organization that they are unhappy with is another question.

20
21 Mr. Schroeder stated that his problem with METCAD is that there is a new fire station on the west side of
22 Champaign yet if a fire occurs in west Champaign the Savoy Fire Protection District is alerted. He said that
23 this could be a potential life threatening situation when the Savoy Fire Protection District is trying to get
24 back up.

25
26 **The motion carried by voice vote.**

27
28
29 **12. FY07 Regional Planning Commission County Work Plan (annual work plan for the County**
30 **Special Projects Planner at the RPC)**

31
32 Mr. Hall stated that there is no information regarding this item therefore it will be placed on the March, 2007
33 agenda.

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

37
38 Mr. Hall stated that Christine Papavasiliou, Assistant State’s Attorney, informed him that foreclosure
39 proceedings are proceeding on the two properties that the Committee gave direction on last month. He said
40 that an agreement is being drafted for the Norman property so that the County can pursue demolition. He
41 said that prior to pursuing demolition staff will obtain direction from the Committee.

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14. Monthly Report (January, 2007)

Mr. Hall distributed the monthly report for January, 2007, to the Committee for review. He said that the work load for the ZBA is getting close to what it historically has been. He said that normally the Committee places the monthly report on file.

Mr. Schroeder moved, seconded by Mr. Langenheim to place the January, 2007 monthly report on file. The motion carried by voice vote.

A1. Proposal to request federal funding for completion of the Mahomet Aquifer Study

Ms. Wysocki stated a proposal has been requested to support federal funding of the completion of the Mahomet Aquifer Study. She said that the proposal is not asking for any financial resources and is only asking for an endorsement of the request to seek federal monies.

Mr. Langenheim moved, seconded by Mr. Schroeder to recommend support for federal funding for completion of the Mahomet Aquifer Study. The motion carried by voice vote.

Ms. Wysocki stated that on February 16, 2007, there is an all day meeting of the Special Committee of the Mahomet Aquifer Study to be held at the Holiday Inn at 9:00 a.m.

15. Other Business

None

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

The consensus of the Committee was to place Item #A1 on the County Board Consent Agenda

17. Adjournment

Ms. Wysocki moved, seconded by Mr. Schroeder to adjourn the February 12, 2007, meeting.

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

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Secretary to the Environment and Land Use Committee

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