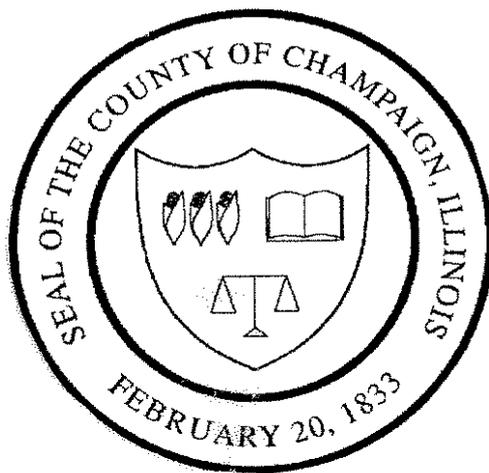


*Environment
& Land Use Committee
Agenda*

November 13, 2007



7:00 p.m.

*Lyle Shields Meeting Room
Brookens Administrative Center
1776 East Washington, Urbana, Il 61802
(217) 384-3708*

AGENDA

Champaign County Environment & Land Use Committee

Members:

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

Date: November 13, 2007

Time: 7:00 p.m.

Place: Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington St.
Urbana, Illinois

Phone: (217) 384-3708

AGENDA *Old Business shown in Italics*

1. Call to Order
2. Approval of Agenda
3. Minutes: September 10, 2007; October 9, 2007; August 17, 2007 (Performance Appraisal Subcommittee) 1 thru 34
4. Public Participation
5. Correspondence
 1. Mahomet Aquifer Consortium Member Meeting No. 54, June 6, 2007, minutes 35 thru 36
 2. Mahomet Aquifer Consortium Meeting No. 56, October 22, 2007, Agenda 37
6. *Proposed Intergovernmental Agreement regarding development pursuant to municipal annexation agreement that is more than one-and-one half miles from the municipality. (Information to be distributed at meeting)*
7. *City of Champaign Request for increased County Contribution to Offset Cost of Drop-Off Recycling Site Update (Information to be distributed at meeting)*
8. *Champaign County Land Resource Management Plan Update*
9. Resolution Regarding County Board Acceptance of IEMA State-Local Pre-Disaster Mitigation Program Grant Agreement for Planning 38 thru 42
10. Request for a referendum regarding United States Environmental Protection Agency's consideration of a proposed chemical waste landfill over the Mahomet Aquifer in Dewitt County. 43 thru 45
11. Zoning Administrator's proposed Zoning Ordinance amendment adding conditions under which Township Highway Maintenance Garages may be authorized by right rather than as a Special Use Permit 46 thru 48

ENVIRONMENT AND LAND USE COMMITTEE AGENDA
NOVEMBER 13, 2007
PAGE 2

12. **Zoning Administrator's proposed Zoning Ordinance amendment adding standards for exterior lighting for certain land uses**
(information to be distributed at meeting)
13. **Update on Enforcement Cases** *(information to be distributed at meeting)*
14. **Monthly Report** *(information to be distributed at meeting)*
15. **Other Business**
16. **A. Closed session pursuant to 5 ILCS 120/2 (c) 1 to consider the employment, compensation, discipline, performance, or dismissal of an employee.**
 - B. Review of Closed Session Minutes:**
 1. **December 12, 2005**
 2. **August 17, 2007 (Performance Appraisal Subcommittee)**
 3. **September 17, 2007 (Performance Appraisal Subcommittee)**
17. **Determination of Items to be placed on the County Board Consent Agenda**
18. **Adjournment**

MINUTES OF REGULAR MEETING

Champaign County Environment & Land Use Committee Champaign County Brookens Administrative Center Urbana, IL 61802	DATE: September 10, 2007 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, Chris Doenitz, Matthew Gladney, Brad Jones, Ralph Langenheim, Steve Moser, Carrie Melin, Jon Schroeder (VC), Barbara Wysocki (C)

**OTHER COUNTY
BOARD MEMBERS
PRESENT:**

C. Pius Weibel (County Board Chair)

DRAFT

MEMBERS ABSENT: None

STAFF PRESENT: John Hall, Jamie Hitt, Leroy Holliday, J.R. Knight, Susan McGrath (Senior Assistant State's Attorney), Susan Monte (Regional Planning Commission)

OTHERS PRESENT: Deb Feinen, Karen Foster, Amy Twohey, George Malloch, Trisha Crowley, Bruce Knight, Eric Thorsland, Jason Barickman, Hal Barnhart

1. Call to Order, Roll Call

The meeting was called to order at 7:03 p.m. The roll was called and a quorum declared present.

2. Approval of Agenda

Mr. Langenheim moved, seconded by Mr. Jones to approve the agenda.

Ms. Wysocki stated that the agenda should be rearranged and the Committee should hear Items #12 and #13 prior to Item #5.

Mr. Langenheim and Mr. Jones accepted Ms. Wysocki's request and amended their motion to rearrange the agenda and hear Items #12 and #13 prior to Item #5. The motion carried by voice vote.

1 **3. Approval of Minutes (August 13, 2007)**
2

3 **Mr. Doenitz moved, seconded by Mr. Jones to approve the August 13, 2007 minutes as submitted. The**
4 **motion carried by voice vote.**
5

6 Mr. Moser arrived at 7:05pm.
7

8 **4. Public Participation**
9

10 Mr. Jason Barickman, Attorney representing Mr. Roger Armstrong and Tom Fiedler who are both the
11 plaintiffs in a lawsuit with the City of Champaign and now the Illinois American Water Company over an
12 annexation agreement for a 40 acre tract of land, addressed the Committee. He said that the property is
13 located two-and-one-quarter miles west of the Staley and Bradley intersection west of Champaign. He said
14 that presumably most of the Committee members are familiar with that tract of land. He said that there is a
15 pending lawsuit which claims that the City of Champaign acted outside of its authority for two legal reasons,
16 the first being the *Chatham* decision and the second being that the City acted in an illegal spot zoning. He
17 said that they are requesting that the County get involved in this lawsuit. He said that he had not seen the
18 County's written position, which was explained by Ms. McGrath, that this lawsuit is invalid or unwarranted
19 and would like the committee to ask Ms. McGrath how she arrived at that conclusion.
20

21 Mr. Barickman said that there are two issues to this lawsuit, one is Chatham and certainly no one is expected
22 to understand what Chatham said or what it means in the context of this lawsuit other than the attorneys who
23 deal in municipal and real estate practice. He said that there are lawyers around the state trying to figure out
24 what it means and we have our analysis and we believe that we are right and the city has their analysis and
25 they believe they are right and that is what courts are for.
26

27 Mr. Barickman said that completely separate from Chatham is whether or not this is illegal spot zoning. He
28 said that the water company purchased forty acres of land which is zoned agricultural, they bought it
29 knowing that it is for agricultural use, the land is to be used to process water and it is not as if that piece of
30 land is unique to obtain water from the ground in fact there are wells throughout the county. He said that
31 these wells go into the Mahomet Aquifer and they bring up the water where it is processed and purified and
32 then sold to us as consumers. Mr. Barickman said that we are not disputing where the well sites are we are
33 disputing where the processing occurs.
34

35 Mr. Schroeder arrived at 7:10pm.
36

37 Mr. Barickman said that the property is in an area consisting exclusively of Ag and residential use today and
38 for at least one mile in every direction from this forty acre parcel the use is agriculture and residential. Mr.
39 Barickman said that the city changed the zoning to Light Industry and as a result of that objections were
40 raised. He said that this parcel is not contiguous to the City's corporate boundary and in fact it is over two
41 miles outside of it. Mr. Barickman said that objections were raised not only from the city Planning
42 Commission as well as the City Council hearing on this matter.

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Mr. Barickman said that when you look at spot zoning you look at the arbitrary nature of the decision. He said that the property is not contiguous and it sits about two miles outside the city’s limits. He said that the City of Champaign’s Comprehensive Plan has planned for development up to one mile outside of the city and has not planned anything further than that.

Mr. Barickman said that the actions of the City of Champaign to allow this is solely for the water company, they had no plan for this before. He said that when you look at their planning which is three miles from the property, the plans the city has made calls for residential and agricultural uses. He said to the extent the City of Champaign has adopted a comprehensive plan that calls for any use similar to the use that they authorized through this rezoning is ridiculous they had not planned as far away as this property is and for two miles of that planning they only planned for agricultural and residential uses. He said that the city did this strictly for the water company and the water company offered no evidence as to why this site is so important for processing. He said that if you have ever seen a spot zoning case this is it. He said that he would disagree whole heartedly with any legal opinion that finds otherwise and he would ask them specifically to explain how they found anything otherwise.

Trisha Crowley asked that Bruce Knight speak first.

Bruce Knight, Planning Director for the City of Champaign, said he is here to speak to the resolution calling for intergovernmental agreements between the county and municipalities in the county. He said that the resolution stems from the case Mr. Barickman has talked about and a number of issues have been raised by that case and he felt it could be best dealt with by an intergovernmental agreement. He said that by state law the City of Champaign is required to follow its own zoning procedures for any rezoning via any annexation agreement. He said that they did receive a protest in the case but in point of fact, the result of a protest under our zoning and with the county as well is to require an extra-majority vote of city council which is six out of nine votes and under state law every annexation agreement has to be approved by six out of nine votes with the end result being the same that the city was required to pass this by six votes.

Mr. Knight said that there was an issue regarding going beyond the extraterritorial jurisdiction and their reading of Chatham and the States Attorney’s Office reading of Chatham, at least prior to this case, indicated that the law is clear and that there is no limit on where annexation agreements can be established between municipalities and property owners. He said that we agree that it is time to address that and set a reasonable limit and decide how to best do that and it ought to be done by intergovernmental agreement but beyond that it needs to be addressed by legislation as well and Ms. Crowley will speak about our thoughts on pursuing legislation.

He said that in regards to whether the development is addressed by a comprehensive plan, we do require that for urban development to extend into the unincorporated area it be consistent with our comprehensive plan. Mr. Knight said that in this case we believe that this had to do with siting a utility and the water company did provide evidence as to whether this location was unique.

1 Mr. Knight said that the City supports the concept of an intergovernmental agreement and thinks it is
2 important that the agreement we have now is updated to address Chatham which was not the state of law at
3 the time the agreement was first established. He said that the agreement should address the appropriate
4 limits of new development that is approved in the County by the municipality through annexation agreement.
5 He said that the resolution before the committee has some specific language for an intergovernmental
6 agreement and the specificity of that language may cause some challenges as it is currently written.
7

8 Trisha Crowley of the City of Champaign said that they are here to discuss the intergovernmental agreement
9 and Illinois communities, counties, and cities had been discussing the ramifications of Chatham since the
10 decision was issued in 2005. She said that there have been all kinds of legislation in different forms proposed
11 and some of it has passed but none of it deals with all of the different kinds of things that come out of the
12 Chatham decision. She said that Mr. Barickman said it's a complicated thing that only lawyers can
13 understand but by her point of view it's very simple that everyone can understand and can work with through
14 intergovernmental agreement and through additional legislation. She said that Chatham was a decision that
15 said if a city has an annexation agreement then city rules, ordinances and regulation apply and this is
16 something that the city has been doing for the last two years. Ms. Crowley said that this one is further out
17 than the others and raised all these issues that we are dealing with now and that brings up issues that are
18 important to both of us not just from this one case but from the fact that the Chatham case is out there for all
19 municipalities to use and everyone needs to know what the ramifications of that are.
20

21 Ms. Crowley said that part of an intergovernmental agreement is that it is something that all sorts of
22 communities could enter into so that we have a coordinated plan of growth for the whole county. She said
23 one of the aspects of an intergovernmental agreement is that many of the towns in the county are non-home
24 rule units and they are required to have specific authority in order to enter into an intergovernmental
25 agreement and that is why the City wants to cooperate with the County in proposing and looking at some
26 legislation that would provide some long term solution to some of the Chatham issues and that legislation
27 would improve the County's ability to enter into intergovernmental agreements with both home rule and
28 non-home rule municipalities so that they could modify the effects of that decision through those
29 agreements. She said that the City and the County have a history of working together in order to solve
30 general problems and this will be another aspect of that.
31

32 Mr. Moser said that the collar counties and counties near East St. Louis are exempt and lost their mile and a
33 half when municipalities annexed. He said that this is the first time this has happened in the fifteen years he
34 has been here and he would like to get the county added to the list.
35

36 Ms. Crowley said that legislation is part of the answer but just saying a mile and a half is not much of a
37 solution if you look at how much of the County is within the ETJ areas.
38

39 Ms. Crowley said that legislation is the answer to that and we would like to work with you on legislation and
40 if non-home rule municipalities have the ability to enter into intergovernmental agreements then you can
41 have some control through intergovernmental agreements under certain conditions.
42

1 Mr. Moser said that Savoy, Champaign and Urbana seem to be willing to do this but he thinks that
2 Mahomet, St. Joseph and Tolono would not be willing to agree to this.

3
4 Ms. Crowley said that it took a long time to get the sanitary sewer agreement together and she is not saying
5 that this will be easy but if we work together we could get further in this issue.
6

7 Ms. Wysocki asked the committee to hold their questions until public participation has ended then they
8 could ask their questions.
9

10 Eric Thorsland, CR2500 North, said that it is nice to see that the City of Champaign is willing to work with
11 the County and that's great, it seems that everybody wants to support this so far and that's a fantastic idea.
12 He said that Chatham is not something that you might think the lay person thinks about but it is for the
13 people that live out in the mile and a half region.
14

15 Mr. Thorsland said that the resolution is a good one and it's the first time he had seen so many strike outs
16 and it gets better and not distilled. He said that if the City of Champaign wants to work on this everybody
17 should and he thinks the County should go back to the municipal boundaries and annexation agreements
18 should not be allowed unless the water supply is up to the border. He said the protest rights of everyone
19 within the mile and a half are not strong enough and things get moved around and annexation agreements are
20 too far out. He said there are a couple of cases that are not here tonight that are examples of if you put a few
21 houses out there more houses will get put out there and with Chatham eventually somebody from Fisher will
22 decide that they like the way the land looks across Newcomb Township and into Mahomet. He said that this
23 is a border war and at best, Chatham will be overturned at some point but until then if this County wants to
24 get together and get people like Mahomet and St. Joseph on board go for it, do it, support it and get it done.
25 He said that if you asked the average person they would like to see the mile and a half get diminished or back
26 in the County's control. He said that he can vote for his county representative but cannot vote for the people
27 in town. He asked that the committee support the resolution.
28

29 Ms. Wysocki asked if there were anyone else who wished to speak and there was none.
30

- 31 **5. Correspondence**
- 32 **A. Press Release and Media Advisory regarding: "Champaign Sued Over Water Company**
- 33 **Annexation Agreement"**
- 34 **B. E-mail response from C. Pius Weibel regarding Armstrong IAWC annexation agreement**
- 35 **C. Letter from Scott Bidner, Champaign County Farm Bureau President dated August 23,**
- 36 **2007**
- 37 **D. Meeting of the East Central Illinois Regional Water Supply Planning Committee**
- 38 **E. E-mail from Linda Ehmen regarding decreasing farmland**
- 39

40 **The Committee accepted and placed on file the correspondence included in Agenda Items #5A**
41 **through 5E.**
42

1 6. Recreation and Entertainment License: Egyptian Collectors Association, Inc for a Hunting
2 and Trade Show at the Champaign County Fairgrounds, 902 North Coler, Urbana.
3 September 29-30, 2007.
4

5 Mr. Jones moved, seconded by Mr. Doenitz to approve the Recreation and Entertainment
6 License for the Egyptian Collectors Association, Inc. The motion carried by voice vote.
7

8 7. Recreation and Entertainment License: Gordyville, LLC to operate Bull Riding and Dance.
9 Location: 2205 CR 3000N, Gifford. October 19-20, 2007.
10

11 Mr. Doenitz moved, seconded by Mr. Jones to approve the Recreation and Entertainment License for
12 Gordyville, LLC. The motion carried by voice vote.
13

14 8. *Zoning Ordinance text amendment for land use compatibility near pipelines*
15

16 Mr. Hall gave an update on the text amendment for land use compatibility near pipelines that is Case 583-
17 AT-07 and explained that the public hearing would not open until September 27, 2007, and the case would
18 not likely be decided by the County Board until December at the earliest.
19

20 9. *Remanded Zoning Case 520-AM-05 Petitioner: Gene Bateman Request to amend the Zoning*
21 *Map to allow for the development of 2 single-family lots in the AG-1, Agriculture Zoning District*
22 *by adding the Rural Residential Overlay (RRO) Zoning District. Location: Approximately seven*
23 *acres of an existing 62.20 acre parcel in the East Half of the Northeast Quarter of Section 29 of*
24 *Newcomb Township that is commonly known as the farm field that borders the south side of CR*
25 *2600N and CR 200E.*
26

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

33 Mr. Hall said that he had spoken with both Mr. Bateman and Mr. Wozniak and both of them had requested
34 that their case be deferred until the County Board has taken final action on Zoning Case 583-AT-07 and he
35 had checked with the States Attorney and it is possible to defer the cases in that way.
36

37 Mr. Hall said that a frontage protest had been received in Case 542-AM-06 and at such time as the County
38 Board votes on that case it will require 21 of 27 votes to override the protest.
39

40 Mr. Langenheim moved, seconded by Mr. Doenitz, to defer items 9 and 10 until the County Board
41 has taken final action on Case 583-AT-07. The motion carried by voice vote.
42
43

1 11. *Proposed Amendment to County's Nuisance Ordinance adding burning regulations*

2
3 **Mr. Langenheim moved, seconded by Ms. Anderson, to recommend approval of the amendment to the**
4 **Nuisance Ordinance.**

5
6 Mr. Hall explained that he and Ms. McGrath had met with Sheriff Walsh and reviewed the proposed
7 regulations and since the regulations are in the Nuisance Ordinance the Sheriff's deputies can issue tickets
8 for violations. He said the burning regulations are a little more complicated than the Sheriff would like but
9 the first notice could be from the Planning and Zoning Department with referral to the Sheriff's deputies if
10 additional violations occurred.

11
12 Mr. Hall said that Ms. Hitt had checked with all municipalities in the County but to date had not gotten
13 response from the Villages of Allerton and Ludlow. He said that on p. 146 of the agenda the Villages of
14 Philo and Ogden needed to be added to the list of villages that allow burning of landscape waste during the
15 hours of sunrise to sunset and also add Sidney after Savoy and with those changes the proposed regulations
16 match the landscape waste burning regulations in the villages. Mr. Hall said he did not think these
17 regulations would be an enforcement problem because historically the only complaints about burning have
18 come from around Champaign and Urbana.

19
20 Mr. Doenitz asked if these regulations provide any uniformity around the various municipalities in the
21 County.

22
23 Mr. Hall said there was no uniformity because the regulations are based on the Illinois Pollution Control
24 Board regulations that require regulations similar to those of the municipality.

25
26 Mr. Moser said that he hoped the dumping regulations would also be enforced.

27
28 Ms. Melin said that she had received calls about burning of landscape waste south of Windsor Road and she
29 thought that the proposed regulations would help.

30 Mr. Schroeder asked how this would be advertised to the general public and said he was against the Planning
31 and Zoning staff being involved in investigating burning complaints unless staff can issue tickets.

32
33 Ms. McGrath said the Sheriff indicated that his deputies would contact the Planning and Zoning Department
34 to verify which village had which rules rather than have a deputy try to follow the Ordinance but he did
35 understand that tickets would have to be issued by the deputies. Ms. McGrath also said that the maker and
36 seconder of the motion should acknowledge the changes as a friendly amendment.

37
38 Mr. Schroeder said that in the legislative budget hearings that were held last week he found out that deputies
39 are already strapped and if someone living far out in the County needs help they can forget about it because it
40 will take too long for a deputy to get there and this would just delay it more.

1 Mr. Doenitz said that if this is passed he was sure that Sheriff Walsh would be asking for a couple of more
2 deputies next year.

3
4 Mr. Hall said the EPA rules relieve the County of the need to adopt rules for burning of landscape waste and
5 the Committee could delete the landscape waste regulations from the amendment.

6
7 Mr. Doenitz asked if the landscape waste regulations were removed, what would the amendment cover.

8
9 Mr. Hall said that the amendment would cover burning of domicile waste within one mile of all
10 municipalities.

11
12 Mr. Langenheim asked if the proposed regulations would affect the annual burning of prairie reserves.

13
14 Mr. Hall said it would not as long as those burns are conducted in accordance with the EPA rules.

15
16 **Mr. Schroeder moved, seconded by Mr. Doenitz, to remove subparagraph F.(1)(g). The motion**
17 **carried on a voice vote.**

18
19 Ms. Melin said that burning of landscape waste is what people are complaining about.

20
21 Mr. Hall said that the County could adopt regulations for burning of landscape waste only within 1,000 feet
22 of Champaign and Urbana.

23
24 **Ms. Melin moved, seconded by Mr. Schroeder, to reinstate F.(1)(g) only within 1,000 feet of**
25 **Champaign and Urbana. The motion carried on a voice vote.**

26
27 Mr. Jones requested a roll call vote:

28				
29	Anderson-yes	Doenitz- no	Gladney- yes	Jones-yes
30	Langenheim-yes	Melin-yes	Moser-yes	Schroeder-yes
31	Wysocki-yes			
32				

33 **12. *City of Champaign annexation agreement with Illinois-American Water Company for a proposed***
34 ***water treatment plant in Section 1 of Scott Township and potential role of Champaign County in***
35 ***litigation involving annexation agreement.***

36
37 Ms. McGrath said that a series of meetings had been held since the last ELUC meeting to determine if it
38 made sense for the County to intervene in the lawsuit filed by Mr. Barickman on behalf of Mr. Armstrong
39 and Mr. Fiedler. She said that at the Committee’s request, she studied the documents leading to the Supreme
40 Court decision in Chatham including the trial court level documents; and the appellate court level documents
41 and the cases that were passed shortly prior to Chatham, to see what the legislature did in the new Municipal
42 Code related to annexation agreements; and reviewed the City of Champaign Zoning Ordinance and the

1 materials that were passed out to the Champaign City Council and applicable statutes; and the lawsuit filed
 2 by Mr. Barickman including the amended complaint that was received this afternoon; and the pleadings of
 3 the water company in the lawsuit. She said there were several meetings in addition to the meeting with Mr.
 4 Armstrong and Mr. Barickman, we also met with water company representatives Mr. Sjuts and their attorney
 5 Mr. Thies and that culminated with a meeting with the City of Champaign on Thursday, September 6. She
 6 said that she also reviewed materials provided by the RPC relating to the proposed intergovernmental
 7 agreement and also talked to County Engineer Jeff Blue who, at the request of the City of Champaign and
 8 the water company, conducted a pavement study on the roads surrounding the subject property on Bradley
 9 Avenue and CR1700 and, in fact, Mr. Blue has received a pavement management study report and has made
 10 his recommendations to the water company development team.

11
 12 Ms. McGrath said that she was looking to see what Sangamon County did when they opposed the Village of
 13 Chatham to say that they should not do the annexations they had done which at that time were about 65 to 70
 14 annexation agreements with different landowners and businesses in different areas of Sangamon County.
 15 She said that the County of Sangamon spent a lot of time and effort opposing what the Village of Chatham
 16 had done including retaining an expert witness, Bruce Knight. She said that Sangamon County raised all of
 17 the arguments that she would encourage Champaign County to raise if the County chose to intervene in Mr.
 18 Barickman’s lawsuit. She said that Sangamon County talked about the constitutionality of the statue that
 19 said that some counties are exempt from the legislation regarding annexation agreements. She said that in
 20 answer to Mr. Moser’s question about those counties, the counties that were exempt at the time of the
 21 Chatham lawsuit were Madison County, St. Clair County, Cook County, DuPage County, Kane County,
 22 Lake County, McHenry County, and Will County. She said that Sangamon County questioned the
 23 constitutionality of those exemptions and also talked about spot zoning and the fact that when the Municipal
 24 Code was amended, the legislature had left intact the part of the Counties Code that talked about the
 25 county’s right to zone outside the mile and a half limit and did not change the Plat Act nor the county’s right
 26 to have building codes. She said that Sangamon County asked how did it make sense that a municipality
 27 could enter into an annexation agreement that basically said it did not care about zoning and put whatever
 28 terms it wanted into the agreement and if the municipality wanted to it could even ignore its own codes.

29
 30 Ms. McGrath said that unfortunately the trial court, appellate court, and the Supreme Court decided that even
 31 though the law did not make sense, Sangamon County was wrong because first, the Legislature had looked at
 32 the Municipal Code last in time and there is a legal doctrine that says that the most specific legislation that is
 33 the last in time trumps everything else. She said that the other thing the courts said was that Sangamon
 34 County had no standing to question the constitutionality of the legislation that exempted certain counties and
 35 if the law needed to be changed it needed to be changed by the legislature and not the courts. Ms. McGrath
 36 said that is what every single court said in the Chatham case. She said that the issues raised in the Chatham
 37 case were the same issues that would be raised if the Board chooses to get involved in the lawsuit. She said
 38 that she thinks the legislation is terrible and has the exact effect that Mr. Thorsland talked about but that
 39 should not affect your opinion about whether or not to enter into the lawsuit. Ms. McGrath said that the
 40 County’s intervention into the lawsuit would not be successful and you are better served entering into an
 41 intergovernmental agreement and asking for legislation because that is where the problem is.

42

1 Mr. Doenitz asked Ms. McGrath to discuss the issue of spot zoning.
2
3 Ms. McGrath said spot zoning was addressed at every level of the Chatham case the courts said two things.
4 She said that first, just because a change is not compact and contiguous it is not spot zoning and if the
5 municipality has followed its own Zoning Ordinance properly then it does not necessarily constitute spot
6 zoning. Ms. McGrath said that in regards to Mr. Moser's question about what happens if an adjacent
7 landowner asks the County to rezone land next to the water treatment plant, the zoning in the annexation
8 agreement only goes into affect when the annexation actually occurs and in this case the City of Champaign
9 has 20 years to annex the property.
10
11 Mr. Moser asked Ms. McGrath if she reviewed the Boone County case near Cherry Valley and Belvidere and
12 if it had any effect on this.
13
14 Ms. McGrath said that she did and there were two cases that the Chatham court talked about specifically, the
15 Lisle Case, and the Belvidere case and a third case. She said that the legislature had specifically amended
16 the Municipal Code to allow non-contiguous annexation agreements.
17
18 Mr. Jones asked Mr. Barickman if he saw something that Ms. McGrath had overlooked.
19
20 Mr. Barickman said that the Chatham decision does not answer whether a municipality can execute an
21 annexation agreement that is outside of its ETJ and within another municipal ETJ and outside of the
22 annexing municipality's comprehensive plan. Mr. Barickman read from the City of Champaign Zoning
23 Ordinance that stated, quote, it was enacted to implement the policies of the City of Champaign
24 Comprehensive Plan and promote and protect the general welfare of the people. Mr. Barickman said that as
25 he mentioned, the comprehensive plan that was adopted by the City of Champaign does not even reach the
26 property and it does not follow that Chatham allows the rezoning if it followed the City Zoning Ordinance
27 because the City violated it's Zoning Ordinance by going outside of it's comprehensive plan area.
28
29 Mr. Barickman said that Chatham does not go so far as to say that if there is clear, illegal spot zoning the old
30 precedence against spot zoning is no longer applicable. He said that Chatham does not allow spot zoning.
31 He said that Chatham does allow a municipality to sign an annexation agreement on property that is not
32 contiguous; and there is a debate about whether there is a limitation to that in the mile and a half; and there is
33 a debate on whether that is allowed when the property is within another mile and a half and outside of the
34 annexing municipality's mile and a half; and there is a debate on whether the annexing authority can do any
35 of this if it is not within their comprehensive plan.
36
37 Mr. Moser asked Mr. Barickman what would be changed in the lawsuit if the judge allowed it to be changed.
38
39 Mr. Barickman said that what was originally a lawsuit between landowners and the City of Champaign has
40 developed to where the water company has forcibly intervened and joined as a codefendant and that led to
41 delays and the preliminary injunction hearing has been set for September 24 at 1:30 PM.
42

1 Mr. Moser asked if the County were to intervene, should it do so quickly.
2
3 Mr. Barickman said yes. He said that the City was told there would be a lawsuit by the landowners and there
4 is a lawsuit and the water company hired a Chicago law firm and has shown that they will spend an
5 unlimited amount of resources defending what the City has done and that burden is borne by two landowners
6 who have never had a voice in this whole process and that is why we are before you. Mr. Barickman said
7 this ought to be a dispute between the County the City.
8
9 Ms. Anderson asked what obligations the County would have if it got involved in the lawsuit.
10
11 Ms. McGrath said that depends upon how far up this case would go and the decision of the trial court but
12 you will bear certain fees if there are depositions of witnesses or just arguments but that will be decided on
13 the 24th. She said that if the County retained an expert witness there would also be a cost for that.
14
15 Ms. Wysocki asked if the County would have to hire outside counsel.
16
17 Ms. McGrath said no.
18
19 Mr. Jones said that the jurisdiction of the County is under attack and not just because of the water company
20 and the County needs to enter into this litigation to try and stop it now and not wait for the legislature.
21
22 Mr. Barickman said the easiest and cheapest way to stop the litigation is for the water company to submit to
23 the County zoning jurisdiction.
24
25 Mr. Moser asked if the decision to intervene would have to go to the full Board.
26
27 Ms. McGrath said that it would and it would require a simple majority vote.
28
29 **Mr. Doenitz moved, seconded by Mr. Moser, to recommend that the County Board intervene in the**
30 **lawsuit against the City of Champaign annexation agreement with Illinois-American Water Company**
31 **for a proposed water treatment plant in Section 1 of Scott Township.**
32
33 Mr. Schroeder said that with all due respect to his colleagues, he could not support the motion because it
34 would cause unnecessary hardship. He said that the horse is already out of the barn thanks to Champaign but
35 he will not vent his rage in trying to sue them. Mr. Schroeder said that his problem was with the State of
36 Illinois. He said that an example of what the State of Illinois does for planning and zoning is to site a 150
37 kid child care facility next to a hazardous waste storage facility and nobody in this County or in the 102
38 counties in the state would allow that. He said there is a livestock facility located 50 feet from an adjacent
39 residence and if he tried to establish the same facility he would be required to be one-half mile away from a
40 residence but the State can do it. He said that if Champaign is the 800 pound gorilla in the room then the
41 State is an 8,000 pound gorilla.
42

1 Mr. Schroeder said that what is needed is to get together instead of letting the State define us.

2
3 Mr. Langenheim said that he would vote against the recommendation.

4
5 Ms. Wysocki asked if the Committee was ready to vote and if it should be a roll call vote. The consensus of
6 the Committee was for a roll call vote:

7				
8	Anderson-no	Doenitz- yes	Gladney- no	Jones- yes
9	Langenheim- no	Melin-yes	Moser- yes	Schroeder-no
10	Wysocki- no			

11
12 **13. *Proposed Intergovernmental Agreement regarding development pursuant to municipal***
13 ***annexation agreement that is more than one-and-one half miles from municipality.***

14
15 Ms. Wysocki said that on page 148 is a proposal for a resolution to create an intergovernmental agreement
16 for the board to review asked if the committee had any questions or comments.

17
18 Mr. Doenitz said that he disagrees with Ms. Crowley and he said that the only way to resolve this issue is to
19 back up, undo it and let the County handle it the way it is supposed to.

20
21 Ms. Crowley said that the City is operating under the law and rules as it existed and disagrees with Mr.
22 Doenitz. She said that if the County doesn't like that there are ways that we can work together to change that
23 but if all you want is to go back to that one case and undo that one case the County is not going to get very
24 far.

25
26 Mr. Doenitz said that is the only case we have.

27
28 Ms. Crowley said that we have to look at Chatham as a whole and what affects it has on the county and what
29 affects it has on the cities and try to look at the whole issue and deal with it through a process where each
30 case as it comes up goes through a process of information and communication so that they know what the
31 County's concerns are and what the City's concerns are and this will work not only with the City of
32 Champaign but with any city or town, that's the concept for the intergovernmental agreement that they work
33 with communication and the County could tell the City what the concerns are in a timely way so they could
34 take that into account and the City could tell the County what their concerns are. She said if going ahead
35 depends on taking care of this one case to begin with she didn't think that they would be moving very far.

36
37 Ms. Melin said that maybe the county would have come to the same conclusion as the City of Champaign
38 did but was never asked. She said that a complaint was made but six out of nine people voted for this
39 annexation. She said that the people need to have a voice. She said that in any future agreement we should
40 make sure that we put a lot of power in the voice of the people so that they could be heard.

1 Mr. Gladney said that he agrees with Ms. Melin. He said that he is all for intergovernmental agreements but
2 the timing of this was not good, concerns were raised and the city came and asked about the agreement after
3 their decision was made. He said that he watched the City Council meeting where it was voted on and also
4 watched the planning meeting before that and there were a lot of concerns there and lots of words against it
5 and the City of Champaign made the decision to go ahead with it and now its here and now everyone is
6 saying let's talk and work together and hash this out.

7
8 Ms. Crowley said that the concept of an intergovernmental agreement was discussed at the RPC Technical
9 Committee for some time and it is now developing to this point. She said that maybe the timing was not the
10 best but this case brings up the urgency and illustrates the issues precisely and that's why we're talking about
11 it today rather than months from now. Ms. Crowley said this is an issue that we've been talking about for
12 some time.

13
14 Ms. Anderson asked if the intergovernmental agreement will any affect on the Chatham case.

15
16 Ms. Crowley said that an annexation agreement is a contract so one party cannot get out of a contract by
17 themselves so the city could not get out of the agreement with the county but it is unlikely that the
18 intergovernmental agreement in itself will affect the Chatham case. She said that the case is being litigated
19 and Mr. Barickman is being very active in trying to overturn that.

20
21 Mr. Langenheim said that one thing to be considered here is that it is highly desirable that the water
22 treatment plant be as close as possible to the wells that are producing the water otherwise you are pumping
23 the water out somewhere else and purifying it and then pumping it back. He said in addition, there is a
24 reduction of risk to that water supply by cutting down the distance the water has to be pumped.

25
26 Mr. Doenitz said that he has no problem with where the plant and treatment should be but he objects to the
27 process it took to get there.

28
29 Mr. Schroeder said that he is not against the development and there was discussion about not going back but
30 to go forward. He said that he disagrees with that and said we need to go back and take a look at the history
31 to see what really broke down because everybody in this room lives in the County of Champaign, everyone
32 has three representatives on this County Board and Mr. Thorsland made a good point when he said they are
33 being pulled in these annexations and they have no say in the city council.

34
35 Mr. Schroeder said that although the City allows the public to speak there are no consequences and it is
36 almost like taxation without representation and that's what's so frustrating. He said he was on the Zoning
37 Board of Appeals when the developers of north Prospect came to the County and they said they like to do
38 this and rezone this, that's the way things used to be done. He said that when there was development outside
39 corporate limits usually things came to the county we did not have a stormwater management policy then. He
40 said the county tends to look at things differently than the city council does. Mr. Schroeder said that it was
41 not a slam dunk when they rezoned north Prospect and there was a farmer who voted against it because there
42 was concern about drainage even though Champaign had a pre-annexation agreement. He said that there is

1 supposed to be a run-off ditch cut and water retention along Prospect but it never happened and instead it
2 was pumped out on Scott Kesler's field for years. He said when you move outside the ETJ or even the
3 corporate limits it's completely different no mater if you live out there or not if there is no consequence with
4 what you do when you vote on things then you really don't see outside that.
5

6 Mr. Schroeder said that he is not here to beat up on Ms. Crowley or Mr. Knight but things used to follow a
7 pattern. Mr. Schroeder said that he is concerned with the development that Savoy has going on north of
8 Church Street and considers it spot development as well as the development on Curtis Avenue because
9 nothing is staying compact nor contiguous. He said that he appreciates the City of Champaign is looking
10 into an agreement but it is frustrating because he had people come to him and ask is the County going to sue
11 the City of Champaign or the water company?
12

13 Mr. Schroeder said that things used to be different out here and you say that the County doesn't have an
14 engineer but the County has hired engineers before and for codes there are always pre-annexation
15 agreements and the State mandates us to have codes so if you build something and something happens it's
16 your neck. He said that it's deeper than just Chatham because if the County is looking to do a comprehensive
17 land use plan he can't see this happening in the near future because of a lack of trust for things that happened
18 in the past and for the things that continue to happen.
19

20 Ms. Crowley said that we can achieve an understanding by talking with each other and working on the
21 document for the future. She said that she is not sure that she would recommend to the City Council to take
22 the resolution in the exact form. She said that unless we are talking to each other we will be back here again
23 and have this same conversation.
24

25 Ms Wysocki asked Mr. Hall if the committee passes this resolution does it then got to the County Board.
26

27 Mr. Hall said that he had talked to the Urbana staff and they said that they also have some concerns about the
28 resolution so he thinks the Committee should wait another month. He said that this was the best he could do
29 for this meeting but he did not give it to any municipal staff to review and it should be reviewed before it
30 goes to the County Board.
31

32 Ms. Wysocki said that she did not want the county alone passing a resolution which one if not two
33 municipalities have concerns with this resolution. She said that it would make more sense to work on it
34 again and submit it at a future date.
35

36 **Mr. Langenhiem moved, seconded by Ms. Melin, to defer the proposed intergovernmental agreement**
37 **regarding development pursuant to municipal annexation agreement that is more than one-and-one**
38 **half miles from municipality. The motion carried by voice vote.**
39

40 Ms. Melin asked since this is a county resolution should we have input from all the municipalities.
41
42

1 Mr. Hall said that this is just a resolution calling for a future agreement. He said we had two municipalities
2 who were interested in this from the start and he had passed it out at the RPC Technical Committee meeting
3 and we only received comments from those two municipalities. He said that he would like to get the
4 responses back by the next meeting.

5
6 Mr. Moser said that he did not see that we could pass anything without Rantoul, St. Joseph, Mahomet and
7 Tolono. He said that he talked to Rantoul and they said that they were not interested and he believes that St.
8 Joseph, Tolono and Mahomet will say the same thing. Mr. Moser said he if we are going to go to Urbana we
9 ought to make the effort and talk to all of them.

10
11 Ms. Wysocki said that Mr. Moser's statement is well taken and some small villages and small towns don't
12 have their own planning department or attorneys on staff and most of the village councils are part time
13 people that have other jobs and it is not always convenient for them to get off and come here and sit down
14 and work on this and move these issues along. She said that she can understand that some communities may
15 say that this is not the battle they would like to fight right now and others are not practiced enough in
16 situations like this.

17
18 Ms. McGrath said that in light of the concerns the resolution should be sent to the village councils for their
19 comments. She said that the County should also encourage the small municipalities and villages to join in
20 the legislative effort as well.

21
22 Ms Wysocki asked Ms. McGrath since we have a motion to defer and can choose to not to take action on this
23 can the county still submit the agreement to the other municipalities.

24
25 Ms. McGrath said yes.

26
27 Mr. Doenitz asked Ms. Crowley if this agreement gets worked out, is any part of it binding or is it good faith.

28
29 Ms. Crowley said that the point of the legislation is to make sure that it is binding.

30
31 Mr. Doenitz said that legislation really does not have anything to do with the intergovernmental agreement
32 so if we have an intergovernmental agreement with the City of Champaign or other municipalities are there
33 any repercussions.

34
35 Ms. Wysocki said that to her understanding no.

36
37 Mr. Doenitz asked what good is it.

38
39 Ms. Crowley said that there can be binding intergovernmental agreements with the cities right now and there
40 are repercussions for going outside of the agreement and there are remedies in the agreement and that is
41 something that is typically in the agreement. She said that you want to make sure that it is worth
42 everybody's while to follow the process and have an agreement that is binding.

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Mr. Moser said that the only hope of getting that passed is with Champaign, Urbana, Savoy, and maybe Mahomet.

Ms. Wysocki said that her response to Mr. Doenitz's question would be as Mr. Thorsland pointed out that everybody beyond the city limits seems to be talking about Chatham in one way or the other and many of us have seen the newspaper article about the city planner in Tolono moving on the mile and a half that is left between them and Savoy basically saying that they are going to pursue this more aggressively than what was done in the past. She said that she agrees that Chatham does not provide any protections and it does rest on a great deal of good will and trust in each municipality which isn't too common but if you think about all of the ramifications of Chatham at this point what's being offered to the smaller towns and communities is that, at least in Champaign County, there will be definite guidelines about annexing within Champaign County. She said that we can't say anything in an intergovernmental agreement about what Quincy, Illinois might do to Fisher or what Rockford may do to Broadlands in terms of annexing that really has to come from the State legislative process but we can establish some civility by agreeing among ourselves about what kind of guidelines, procedures, and what kind of communication is going to happen within our county.

Mr. Doenitz said that he knew Ms. Wysocki meant well but that was looking at it through rose colored glasses.

Ms. McGrath said that is a point that your staff has taken very seriously because there is no point in entering into an agreement that doesn't do anything. She said that we have talked to Champaign and Urbana but we need to have the discussion with the villages and tell them that we want this to be an agreement similar to the boundary agreement between the cities and the sanitary district which is a contract but also to amend the legislation that specifically talks about annexation agreements to say that you can enter into an intergovernmental agreement between the County and municipalities and that agreement is legally binding. She said that is why this is a dual process to have the legislation in combination with the agreement.

Ms. McGrath said that means that we will have to meet with area legislators and tell them what we want them to do similar to the effort that was done on Curtis Road in the past year. She said that it was meaningless to do one without the other.

Mr. Gladney asked if we mail the proposed agreement to municipalities, can we put a timeframe on for the responses.

Ms. Wysocki said we could put a timeframe and it would be good to have response back by the next ELUC meeting.

Mr. Hall said that there was probably not enough time for responses to be received by the October ELUC meeting.

Mr. Gladney suggested that there might be time to receive responses by the November meeting.

1
2 Mr. Hall said that the November meeting should allow time for responses and allow time for everyone to
3 attend the proposed RPC forum on annexation agreements.

4
5 Mr. Gladney said he did not want to see us still waiting for responses in the spring.
6

7 Mr. Doenitz said that for the record he was contacted by Mr. Sjuts after the last ELUC meeting and he
8 expected Mr. Sjuts to be here tonight and he was assured that Mr. Sjuts would be here tonight and he is
9 disappointed that he is not.

10
11 Mr. Moser said that all villages should be contacted. He said that Philo adopted a comprehensive plan fifty
12 years ago and Sidney wants to grow and Fisher and Gifford want to grow and they all ought to be contacted.
13

14 Ms. Wysocki agreed that all would be contacted.
15

16 Mr. Hall said that he would send a notice of the proposed intergovernmental agreement to all County
17 municipalities and request comments in time for ELUC to take action in November but the agreement would
18 also be on the October agenda.
19

20 ***14. City of Champaign Request for increased County Contribution to Offset Cost of Drop-Off***
21 ***Recycling Site Update***
22

23 Ms. Monte said that no new information had been received and she asked that this item be deferred.
24

25 **Mr. Schroeder moved, seconded by Mr. Doenitz, to defer item 14 to October 9, 2007. The motion**
26 **passed on a voice vote.**
27

28 ***15. Champaign County Land Resource Management Plan Update***
29

30 Ms. Wysocki said that the first meeting of the Champaign County Land Resource Management Plan Steering
31 Committee was held on August 31, 2007, and she was very happy that there were five members of ELUC
32 present at that meeting. She said that Ms. Chavarria and Ms. Monte gave presentations on the state of
33 County planning and distributed copies of the big.small.all report and the Blue Ribbon Panel and the next
34 meeting is this Thursday, September 15, 2007, at 7:30 AM at the First Christian Church on Staley Road.
35

36 ***16. Update on Enforcement Cases***
37

38 Mr. Hall said that an offer had been received on the property with a burned out structure at 1101A East
39 Perkins Road, Urbana, but the prospective buyer would like a decision as soon as possible and that would
40 require a special ELUC meeting prior to the full Board meeting on September 20, 2007.
41

42 **The consensus of the Committee was to hold a special ELUC meeting prior to the full Board meeting.**
43

1 **17. Monthly Report (August 2007)**
2

3 Mr. Hall said he did not have a monthly report to hand out but that if a report were available it would show
4 that there have been 13 enforcement cases resolved so far this year and there were only 15 resolved for all of
5 2006 and there have been 75 enforcement inspections this year and there were only 57 enforcement
6 inspections in all of 2006 so he thought the shifting of resources was starting to show some benefit. He said
7 that permits were picking back up and at the end of August permits were 95% of the same time in 2006 but
8 zoning cases were still down. He said he hoped to have the monthly reports brought up to date next month.
9

10 Ms. Wysocki asked how the move into the new office space had gone.
11

12 Mr. Hall said there were still furniture issues at every workstation but he hoped to resolve those in the
13 coming weeks.
14

15 Mr. Schroeder said that he encouraged the Committee members to visit the new office.
16

17 **18. Other Business**
18

19 None
20

21 **19. Determination of Items to be placed on the County Board Consent Agenda**
22

23 None
24

25 **20. Adjournment**
26

27 **Mr. Doenitz moved, seconded by Mr. Moser, to adjourn. The motion passed on a voice vote and the**
28 **meeting adjourned at 9:25PM.**
29
30
31

Respectfully submitted,

Secretary to the Environment and Land Use Committee

eluc\minutes\minutes.frm

1 **MINUTES OF REGULAR MEETING**

3 Champaign County Environment	DATE:	October 9, 2007
4 & Land Use Committee	TIME:	7:00 p.m.
5 Champaign County Brookens	PLACE:	Lyle Shields Meeting Room
6 Administrative Center		Brookens Administrative Center
7 Urbana, IL 61802		1776 E. Washington Street
8		Urbana, IL 61802

10
11
12 **MEMBERS PRESENT:** Jan Anderson, Chris Doenitz, Matthew Gladney, Brad Jones, Ralph
13 Langenheim, Steve Moser, Carrie Melin, Barbara Wysocki (C)

14
15 **OTHER COUNTY**
16 **BOARD MEMBERS**

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

18
19
20 **MEMBERS ABSENT:** Jon Schroeder (VC)

21
22 **STAFF PRESENT:** Lori Busboom, John Hall, Susan Chavarria (Regional Planning Commission),
23 Susan Monte (Regional Planning Commission), Susan McGrath (Senior
24 Assistant State’s Attorney), Rita Morocoima-Black (Regional Planning
25 Commission)

26
27 **OTHERS PRESENT:** Hal Barnhart, Diane Ore, Thomas Kovacs, Barney Bryson, Brad Uken

28
29
30
31
32 **1. Call to Order, Roll Call**

33
34 The meeting was called to order at 7:00 p.m. The roll was called and a quorum declared present.

35
36 **2. Approval of Agenda**

37
38 **Mr. Langenheim moved, seconded by Ms. Anderson to approve the agenda as submitted. The motion**
39 **carried by voice vote.**

40
41 **3. Approval of Minutes**

42
43 None

44
45 **4. Public Participation**

46
47 Ms. Diane Ore, who resides at 2508 Bedford Dr, Champaign stated that she would like to address the
48 proposed burning regulations. She said that she is a resident of Windsor Park Subdivision and her

1 neighborhood has approximately 162 homes which are situated between Champaign and Savoy. She said
2 that all of the homes except for the south side of Parkland Drive, which is the southern border of a
3 neighborhood, are within 1000 feet of the municipality of Champaign. She said that she has been on the
4 Windsor Park Homeowner's Association for the past two years as secretary and continue this year as a
5 member at large. She said that she and Tom Kovacs are attending tonight's meeting representing most of
6 their neighborhood for people who feel that leaf and yard waste burning is detrimental to them. She said that
7 their neighborhood is generally close knit and people are, for the most part, cooperative and fair and the only
8 problem that they appear to have in the neighborhood is the landscape burning issue.

9
10 Ms. Ore stated that the Windsor Park Homeowner's Association has received many complaints about the
11 burning issues and they try to encourage people not to burn. She said that two years ago the association
12 purchased a paper lawn and leaf bag for every household in the neighborhood. She said that the bags were
13 distributed and the association informed people that, due to many health issues, the association is requesting
14 that they not burn their landscape waste. She said that approximately 10% of the people in their
15 neighborhood are still determined to burn their landscape waste, leaves and in rare cases garbage.

16
17 Ms. Ore stated that since the health and safety and road damage dangers of leaf and yard waste burning have
18 been recognized more and more people are bagging their leaves for pickup by Dave McGath, Champaign
19 Township Highway Commissioner. She said that she believes that if people were confronted with the
20 consequences for violating a County ordinance that they would stop and she would like to distribute this
21 information in a flyer to everyone in the neighborhood. She said that news travels pretty fast in their
22 neighborhood therefore if one person received a citation for burning from the County then that might take of
23 the whole problem. She requested that ELUC adopt an ordinance that will assist them to stop this public
24 nuisance. She said that there are several residents of the neighborhood who have asthma and the smoke
25 causes various upper respiratory symptoms and exacerbates their condition. She said that some people burn
26 their yard waste on the street therefore it will cost the County more money in repairing the street. She said
27 that the burning in the street also causes a visibility safety hazard and sometimes it is an accident just waiting
28 to happen. She said that one resident of the neighborhood burns leaves in the street unattended.

29
30 Ms. Ore stated that there are many reasons why people should stop burning leaves and landscape waste and
31 she would really appreciate the County Board's support with a burning resolution.

32
33 Mr. Jones asked Ms. Ore where her subdivision is located.

34
35 Ms. Ore stated that her subdivision is south of Windsor Road between Lyndhurst and Prospect Ave. She
36 said that her subdivision has a lot of cul-de-sacs off of Windsor Road and cul-de-sacs off of Prospect to the
37 east. She said that there are 162 houses, which are not minimal, but the area is certainly big enough to cause
38 some damage if there is a lot of leaf burning. She thanked the Committee for listening to her concerns.

39
40 Mr. Thomas Kovacs, who resides at 2502 Stanford Dr, Champaign stated that he and his wife are 6 year
41 residents of the Windsor Park Subdivision. He said that he is concerned about the allowance of leaf burning
42 in the area. He said that he originally lived in the City of Champaign where leaf burning has been prohibited

1 for many years and was surprised to find out that leaf burning was allowed in his neighborhood. He said that
2 he has three neighbors who burn regularly throughout the year and the smoke does not smell like leaves. He
3 said that they are forced to close their windows and stay inside of their home which is very unfair. He read
4 the following statements from the American Lung Association:

- 5 1. 1 out of every 6 people are susceptible to the irritating effects of smoke from burning leaves and
6 these people include children under 10, people over 65, pregnant women, people with asthma,
7 people with chronic respiratory diseases, smokers and people with allergies.
- 8 2. 85% of the particles from burning leaves travel deeply into the lungs placing an unnecessary
9 burden on respiratory systems.
- 10 3. Leaf burning gives out major pollutants in the form of particulates, hydro-carbons and carbon
11 monoxide. High risk groups for particulates are those with cardio-vascular problems, asthmatics,
12 children under the age of 6, and people with bronchitis and emphysema.
- 13 4. The unburned chemicals and combustion in leaf smoke contains 7 hydro-carbons known to cause
14 cancer. 85% of the hydro-carbons given off by leaf smoke are small enough to reach the deepest
15 part of the lungs and are absorbed into the blood stream.
- 16 5. High risk groups at risk from hydro-carbons are those with cardio-pulmonary and cardio-vascular
17 problems, tobacco smokers. Carbon monoxide combined with the hemoglobin in the blood
18 reduces the bloods oxygen carrying capacity.

19
20 Mr. Kovacs stated that on average one ton of leaves will produce 38 pounds of fine particulate matter, 26
21 pounds of hydro-carbons and 112 pounds of carbon monoxide. He said that this is not new information and
22 he cannot see how any sane person would argue why they feel that they need to burn when there is leaf
23 pickup available twice a year. He said that there is no compelling reason to burn leaves or anything else
24 throughout the year. He said that he would like to see something done about this issue.

25
26 Ms. Melin stated that Mr. Kovacs is not located within the city limits of Champaign or Savoy therefore his
27 property is within the unincorporated area of the County.

28
29 Mr. Kovacs stated yes.

30
31 Ms. Melin stated that this is the forum by which Mr. Kovacs must state his concerns regarding burning.

32
33 Mr. Kovacs stated yes. He said that he has heard people say that one of the reasons that they moved to the
34 subdivision is because they are free to burn.

35
36 Mr. Barney Bryson, who resides at 2102 Barnes St, Urbana stated that he has no problem with the burning of
37 leaves or yard waste but he does have a problem with the burning of plastic items. He said that he is the
38 Chairman of the Board of Trustees for the Carroll Fire Protection District and he himself has allergies and
39 respiratory issues and he would appreciate it if the County Board would consider a logical consequence for
40 burning plastic and garbage. He said that he would hate to see people who live out in the far rural areas be
41 hampered by something that they have done forever and the people that are closer to the city limits be limited
42 to the city's requirements. He said that many people do move out in to the country so that they can burn

1 some of their plants and flowers that they grow in their yard because they do not have a semi-truck to haul it
2 away. He said that he would appreciate it if the County Board would consider enforcing the Environmental
3 Protection Agency’s laws in regard to plastic and rubbish burning and consider a minimal allowance of the
4 burning of yard waste or anything else that is acceptable that is a natural consequence of growing plants.
5

6 **5. Correspondence**

7
8 None
9

10 Ms. Wysocki requested that Committee hear Agenda Item #11 at this time. She said that this is basically an
11 update from Susan Chavarria regarding the Land Resource Management Plan.
12

13 **6. Resolution in support of the intent to provide Countywide general public transportation**
14 **service pursuant to SAFETEA-LU**
15

16 Ms. Rita Black, Transportation Engineer with the Champaign-Urbana Urban Area Transportation Study at
17 the Regional Planning Commission stated that Mr. Weibel, Chairman of the Champaign County Board
18 received a letter from Gary A. DeLeo, Section Chief Rural and Small Urban Program for I.D.O.T. regarding
19 Section 5311 Operating/Captial Assistance Funding Request for new Grantees. She said that with the
20 SAFETEA-LU an allocation will be made to the County over the next three years which will amount to
21 almost \$450,000. She said that what I.D.O.T. would like to know at this time is what the County will do
22 with the money. She said that currently the RPC is working on a Human Services Transportation Plan and
23 the plan is also based on the SAFETEA-LU funding and the County along with 18 other counties will hire a
24 Transportation Coordinator. She said that after discussing the issues as to what to do with the SAFETEA-
25 LU funding it was decided that the best option is to roll over the money until review of the results of the
26 Human Service Transportation Plan is complete.
27

28 Mr. Moser asked if the RPC would administer these funds.
29

30 Ms. Black stated not necessarily. She said that at this point we do not know who will administer the
31 funding.
32

33 Mr. Moser stated that he has a fear that this is like every other federal grant that the County receives in that
34 in three or four years there will be a program set up with no funding to carry it on therefore it comes back
35 upon local government to pay for it. He said that he cannot envision what kind of a transportation setup we
36 could have in this County with that limited amount of money. He said that the RPC currently has buses that
37 are sent out to get people and take them places. He said that he does not want another mass transit district
38 in Champaign County if it is going to lead to something for the CU MTD to expand and start taxing
39 farmland for future use.
40

41 Ms. Black stated that staff is working with all of the stakeholders.
42

1 Ms. Anderson asked if the other 18 counties would get funding also.

2
3 Ms. Black stated yes, at different levels.

4
5 Ms. Anderson asked if the funds are not used by 2010 will they lapse.

6
7 Ms. McGrath stated yes.

8
9 Mr. Langenheim stated that the amount of money that is involved is not going to setup a transit district in
10 this County but on the other hand we have an ever increasing number of people moving to the communities
11 in the County. He said that there is a commuter population in the County and given the condition of the
12 world's economy and the future of fuel it doesn't seem imprudent to look forward to the possibility of
13 having commuter service from the City of Champaign to those rural communities. He said that some of
14 those communities have already made moves in considering commuter services. He said that it is incumbent
15 upon ELUC to grasp this opportunity and stock pile the money to see how things go and eventually use it for
16 transportation for commuters because if the cost of fuel goes sky high those people will be stranded out there
17 and something will have to be done for them.

18
19 Mr. Moser stated that people did not move out there to ride a bus to town.

20
21 Mr. Doenitz stated that he disagrees with Mr. Langenheim. He said that the people that he is talking about
22 do not ride buses because they drive \$50,000 vehicles. He said that they are not about to ride a bus to
23 Champaign and he does not understand where Mr. Langenheim got such an idea. He said that he agrees with
24 Mr. Moser in that there is only \$450,000, which is not much money, therefore where is the rest of the money
25 going to come from to complete the project. He said that they are going to come right back to the County to
26 ask for money and the County does not have to give it to them. He said that he does not want anything to do
27 with having the MTD in the County because that would be a disaster. He asked Ms. Black who the
28 stakeholders are.

29
30 Ms. Black stated that she is working with different agencies which provide services for low income, elderly
31 and the disabled to see how they can be more efficient with their services.

32
33 Mr. Doenitz stated that he has been in an elected office in one way or another for 15 years and not one
34 person has contacted him about rural transportation.

35
36 Ms. Anderson stated that there is a wide variety of people and incomes in the County. She said that she is a
37 Mental Health Board member and various other agencies and the issue of transportation is an issue that
38 comes up a lot. She said that the RPC has vans that go out to various areas to provide services and
39 transportation was discussed during *big.small.all* sessions. She said that we should be looking at the
40 transportation services to see what the problems are.

41
42 Ms. Melin asked Ms. Black if the University of Illinois is one of the agencies that she is working with

1 because currently they have a service that goes to Danville.

2
3 Ms. Black stated yes and also with 12 counties surrounding Champaign County.

4
5 Ms. Wysocki asked Ms. Black when she anticipates that the Human Services Transportation Plan will be
6 completed.

7
8 Ms. Black stated that it has to be completed by 2008.

9
10 Ms. Wysocki asked if the County will have the completed plan well in advance of having to make a decision
11 about the disposition of the money that is available.

12
13 Ms. Black stated yes.

14
15 Mr. Weibel asked if this is a grant to the County Board and if it is rolled over we have time to decide what to
16 do with it and if we don't want the program we vote no.

17
18 Ms. Wysocki stated that at this point ELUC does not need to do anything with this.

19
20 Ms. Black stated that ELUC needs to provide direction because she needs to know by November 1st what to
21 do with the money.

22
23 Ms. McGrath stated that if a recommendation is not made tonight then basically the money will be gone.

24
25 **Mr. Langenheim moved to adopt the recommendation to roll over the funds.**

26
27 Ms. McGrath stated that the resolution does have to indicate such and the Sample Board Resolution on Page
28 5 of the packet does not have that language included therefore it must be added.

29
30 Mr. Hall stated that I.D.O.T. provided a Sample Board Resolution for any of the four options.

31
32 **Ms. Melin seconded the motion.**

33
34 **The motion carried with one opposing vote.**

35
36 **7. Proposed Amendment to County's Nuisance Ordinance adding burning regulations**

37
38 Mr. Hall distributed a new memorandum with attachments dated October 9, 2007, to the Board for review.
39 He said that Attachment A compares the burning regulations in the existing Nuisance Regulations (none)
40 with the Illinois Pollution Control Board (and Illinois Environmental Protection Agency regulations) and
41 with the 9/20/07 Draft Resolution. He said that the table attempts to make clear how the Draft Resolution
42 compares to the Pollution Control Board regulations and what it shows is that the Draft Resolution which the

1 Board referred back to the Committee is identical to the Pollution Control Board Regulations except that it
2 only prohibits the burning of landscape waste within 1000 feet of the City of Champaign and City of Urbana.
3 He said that it also adds certain other standards for where burning is allowed.

4
5 Mr. Hall stated that Attachment B is a very simple table that illustrates that between the Draft Resolution of
6 9/20/07 and the no action alternative there is a number of alternatives. He said that one alternative would be
7 to adopt prohibition of burning of landscape waste within 1000 feet of Champaign and Urbana; prohibition
8 of the burning of domicile waste within one mile of Champaign and Urbana; and allow the burning of both
9 items elsewhere in the unincorporated area with “common sense” limits. He said that these “common sense”
10 limits would be as follows: the burning must occur on the same premises on which the waste is generated;
11 the burning must not create a visibility hazard on roadways; the burning shall not occur on roadways unless
12 it has the approval of the relevant highway authority; and all burning shall comply with the requirements of
13 the relevant Fire Protection District.

14
15 Mr. Hall stated that Attachment C takes the Draft Resolution that went to the County Board in September
16 and strikes a number of items. He said that Attachment C prohibits the burning of landscape waste within
17 1000 feet of Champaign and Urbana, prohibits the burning of domicile waste within one mile of Champaign
18 and Urbana; and allows the burning of both items elsewhere in the unincorporated area with “common
19 sense” limits. He said that some of the other alternatives between that alternative and doing nothing is to
20 scale back the limits of the burning of domicile waste. He said that he reviewed the zoning map and he
21 believes that domicile waste burning would need to be prohibited for at least one-half mile from Champaign
22 and Urbana to encompass all of the subdivided areas around Champaign and Urbana. He said that if this is
23 done then we are limiting the burning of domicile waste for the outer one-half mile. He said that there a lot
24 of alternatives but this just simply says that the County is going to adopt the prohibition of burning domicile
25 waste for one mile around Champaign and Urbana and adopt the prohibition of the burning of landscape
26 waste for 1000 feet, which is as Ms. Ore pointed out does not include all of Windsor Park Subdivision, but
27 again both of those numbers come from the Pollution Control Board regulations. He noted that he has not
28 received any comments about what was wrong with the version that was at the County Board but this
29 alternative gets rid of everything except those “common sense” kinds of things.

30
31 Mr. Langenheim asked if it would be possible to couch that restriction on Champaign and Urbana to recast
32 the Champaign and Urbana metropolitan area for highway development. He said that this area would
33 include Savoy, Bondville and the Windsor Park Subdivision.

34
35 Mr. Hall stated that this would be another way of doing it but we would want to be absolutely clear that this
36 area is the Champaign Urbana Urbanized Area Transportation Study area, although he does not know that
37 this would be a better alternative.

38
39 Mr. Langenheim stated that the basic intent is to prohibit burning in urbanized areas and to allow it in fully
40 rural areas and this would be a good way of defining these areas.

41
42 Ms. McGrath stated that the County does not have the legal authority to do that because the Pollution

1 Control Board standards are very strict on what where our local authority ends and statutorily we do not have
2 the authority to expand that area without some kind of amendment to the regulations. She said that even
3 though it sounds like a good idea it isn't something that we can enforce.

4
5 Mr. Langenheim stated that perhaps we could include Champaign, Urbana and Savoy because that would
6 take care of the Windsor Park area.

7
8 Mr. Hall stated that adding Savoy to the prohibition on burning of landscape waste would include all of the
9 Windsor Park area.

10
11 Ms. Anderson stated that she does not believe that the 1000 foot area would include all of the Windsor Park
12 area.

13
14 Mr. Doenitz stated that Windsor Park is surrounded by Champaign and Savoy therefore why haven't they
15 been annexed. He asked if it was because Windsor Park is larger than 60 acres.

16
17 Mr. Hall stated that he believes that Windsor Park is 80 acres. He said that just recently Savoy annexed
18 property near Windsor Park which will house a new banking facility. He said that some day it will be
19 smaller than 60 acres but he does not recall what the boundary agreement between Champaign and Savoy
20 says about who actually would annex that area and that may be one reason why it has never been annexed.

21
22 Ms. McGrath stated that Savoy cannot be included in the burning regulation recommendation because the
23 Pollution Control Board regulations indicate that if the municipality allows burning, which Savoy does
24 allow, then the County cannot enforce its burning regulations upon Savoy's jurisdiction.

25
26 Mr. Hall stated that Savoy only allows burning during the day time hours.

27
28 Ms. McGrath stated that Savoy does allow burning therefore the County cannot over rule their jurisdiction.

29
30 Mr. Jones asked Mr. Hall how the 1000 feet figure was determined.

31
32 Mr. Hall stated that the 1000 feet requirement is straight out of the Pollution Control Board regulations.

33
34 Ms. Wysocki allowed Ms. Ore to comment.

35
36 Ms. Ore stated that the way Windsor Park is situated the 1000 feet requirement would take care of
37 everything but two blocks of the neighborhood. She said that the southern most border of Windsor Park
38 Subdivision is the street called Park Lane Drive. She said that the 1000 feet requirement would cover
39 everything including the north side of Park Lane Drive but not the south side of Park Lane Drive for two
40 blocks. She said that she would rather see the entire neighborhood covered by the prohibition but it would
41 be better to have almost all of Windsor Park Subdivision covered rather than none.

1 Mr. Hall stated that the western 1000 feet of the south side of Park Lane Drive would be covered but it is just
2 that eastern portion that would not be covered.

3
4 Ms. Ore stated that if this is all that the County can offer the Windsor Park area then we will take it.

5
6 Ms. Melin asked if it is true that the County is not complying with the Illinois EPA regulations currently.
7

8 Mr. Hall stated that a hard reading of the regulations indicates that the County is not complying. He said that
9 the alternative that the County Board reviewed in September would also not comply with the Illinois EPA
10 regulations and the alternative that was presented tonight would not comply. He said that the only way to
11 comply with the Illinois EPA regulations would be to adopt them 100%.

12
13 Ms. Melin asked if there were any repercussions for non-compliance.

14
15 Mr. Hall stated that currently staff refers people to the Illinois EPA for enforcement. He said that the Illinois
16 EPA does follow up with enforcement and they have been telling people that Champaign County has not
17 been doing its job.

18
19 Ms. Wysocki asked the Committee which alternative they would prefer if any.

20
21 **Ms. Melin moved, seconded by Mr. Langenheim to adopt Attachment C.**

22
23 Mr. Moser asked who will enforce it because he does not believe that the Sheriff will do it.

24
25 Mr. Doenitz stated that we can't get parked cars moved how are we going to get the Sheriff's office to
26 enforce burning.

27
28 Ms. McGrath stated that citizen complaints will be enforced by the Sheriff's office.

29
30 Mr. Doenitz stated that elected officials complain and can't get stuff done so why would this be any
31 different.

32
33 Ms. Wysocki stated that basically this would be putting in writing what the County's policy is which gives
34 the Sheriff, when needed, the authority to enforce the burning regulations.

35
36 Ms. McGrath stated that the Sheriff's office has received complaints from the Windsor Park area and does
37 not have the authority to follow up on those complaints because they have no authority. She said that the
38 complaints thus far have been referred to the Illinois EPA directly and it is up to this Committee to
39 determine whether they want to change that procedure.

40
41 Ms. Wysocki asked if the Illinois EPA is responsible in terms of enforcing their rules and regulations.
42

1 Ms. McGrath stated that by State Statute the local authority is responsible for enforcing this portion of the
2 Illinois EPA regulations and currently the County is not in state compliance in that we do not have this
3 enforcement activity as part of our Nuisance Ordinance.

4
5 Ms. Wysocki stated that basically the Illinois EPA sends it back to the County with instruction to do
6 something about the violation.

7
8 Ms. McGrath stated yes.

9
10 Mr. Langenheim asked if the fire protection districts have any authority for enforcement.

11
12 Ms. McGrath stated no. She said that the fire protection districts can adopt their own regulations and there
13 are certain complaints that they can follow up on and control under their own regulations but they do not
14 have authority over enforcement activity on burning as described by this particular amendment.

15
16 Ms. Wysocki requested a roll call vote.

17		Anderson-yes	Doenitz-no	Gladney-yes	Jones-yes
18		Langenheim-yes	Melin-yes	Moser-yes	Wysocki-yes

19
20
21 **The motion carried with one opposing vote.**

22
23 **8. City of Champaign annexation agreement with Illinois American Water Company for a**
24 **proposed water treatment plant in Section 1 of Scott Township and potential role of**
25 **Champaign County in litigation involving annexation agreement.**

26
27 Ms. McGrath stated that the Circuit Court granted a motion to dismiss in the case filed by Mr. Armstrong
28 and Mr. Fiedler who was represented by Mr. Barickman. She said that Mr. Armstrong and Mr. Fiedler had
29 30 days from the date of that ruling to appeal it to the Appellate Court and they only have approximately one
30 week in which to file such an appeal. She said that at this time there is no action to be taken by the County
31 Board but the County can re-examine that issue if and when they appeal that decision.

32
33 **9. Proposed Intergovernmental Agreement regarding development pursuant to municipal**
34 **annexation agreement that is more than one-and-one half miles from the municipality.**

35
36 Mr. Weibel stated that the informational meeting regarding Item #9 will be noticed in accordance with the
37 Illinois Open Meetings Act.

38
39 Mr. Hall distributed the following items to the Committee for review: e-mail dated October 9, 2007, from
40 Trisha Crowley; notice of an Information Workshop for Local Government Officials to be held by the RPC
41 regarding Annexation and Extra-territorial jurisdiction; and a map indicating Champaign County Civil
42 Jurisdictions.

1
2 Mr. Hall stated that Ms. Crowley had intended to attend tonight's meeting but was required to attend the City
3 Council meeting. He said that legal representatives from Champaign, Urbana and other municipalities have
4 been meeting and discussing the proposed agreement trying to come up with a comprehensive set of
5 comments. He said that Ms. Crowley plans to attend the November, 2007 ELUC meeting.
6

7 Mr. Hall said that the Committee received an invitation to a forum which the RPC is holding on Thursday,
8 October 25th at the Savoy Recreation Center from 6:30 to 8:45 p.m. The idea of the forum is to have a
9 common understanding of what the effects of the *Chatham* decision are and a common understanding of
10 what the rules regarding annexation agreements are and then have a question and answer session on what the
11 County is trying do with this proposed Intergovernmental Agreement. He said that this is all prior to
12 ELUC's meeting in November where if things could move quickly enough ELUC could make a decision
13 regarding that agreement but frankly at this point he does not believe that ELUC will be ready to make a
14 decision in November. He said that attached with the invitation to the meeting is a map indicating all of the
15 municipalities in the County that have comprehensive plans and thus comprehensive planning ETJ area and
16 all municipalities that have zoning, one-and-one- half mile jurisdiction. He said that the orange lines on the
17 map are the areas where ETJs overlap but there is no specific agreement and the yellow lines are where the
18 ETJs overlap. He said that the orange lines on the map represent another concern that the Intergovernmental
19 Agreement could be of some help with but it also may complicate it.
20

21 Mr. Hall stated that attached to the agenda is a copy of the mailing that was sent to all of the municipalities
22 and he has received calls from the Mayor of Ogden and the staff at the Village of Rantoul. He said that
23 based on the discussion that he had with the Mayor of Ogden there appears to be a real need for the forum
24 that the RPC plans to hold because smaller villages that do not have full-time attorneys are looking for
25 sources of information and that is one thing that the forum is suppose to provide.
26

27 Mr. Moser stated the RPC has a program that has a director from the Illinois Municipal League and that one
28 of the big reasons why we can't get the law changed about *Chatham* and the rest of the stuff that is outside
29 the one-and-one-half mile.
30

31 Mr. Hall stated that he hopes that this is an opportunity to make the Illinois Municipal League aware that
32 even some of their own constituents are unhappy with the *Chatham* decision as it stands and frankly he
33 hopes that it gets them on board in getting something changed at the state level.
34

35 Mr. Moser stated that there is a reason why it isn't getting changed.
36

37 Mr. Doenitz stated that we have already had a member of the Illinois Municipal League in Champaign jump
38 out and do it and they think it's okay so now they want to do something about it. He said that he thinks the
39 whole thing is a moot point and it needs to be done at Springfield and he is not sure why the County is
40 moving ahead with a Land Use Plan until this is resolved. He said that the County will be spending money
41 for absolutely nothing until the *Chatham* issue is resolved. He said that any municipality in the State of
42 Illinois can go anywhere in the County of Champaign and do what they want.

1

2 Mr. Hall stated that Mr. Doenitz was correct in stating that any municipality in the State of Illinois can go
3 anywhere in the County of Champaign and do what they want. He said that if the County was not doing a
4 plan they would be in even a worse situation than they are right now. He said that currently the County can
5 tell municipalities that we are trying to get our plan up to date and that means a lot to the larger
6 municipalities but if the County was not doing a plan there would be some deaf ears among the
7 municipalities because the County would not be trying to get their own plan up to date.

8

9 Mr. Doenitz asked how many years have we gone without a Comprehensive Plan and we still do not have
10 one and are not even close to having one. He asked if anything has come from the County Board to any
11 legislator to try to get someone to sponsor a bill to get something done about this.

12

13 Mr. Hall stated that a the Resolution was sent out in April but nothing else has been sent.

14

15 Ms. McGrath stated that we have had discussions with two of the municipal attorneys to ask them to work
16 with the County on legislation to amend the house bill which we sent the communiqué about in April. She
17 said that thankfully the legislature is not in session now but we are looking to submit additional communiqué
18 to them when they do go back in to session and she would hope to have their support. She said that she
19 suspects that Champaign County is not the only county which is not happy but it would certainly help if the
20 County had the help of the Illinois Municipal League and that is what she is working on currently.

21

22 Mr. Doenitz asked if this could go before legislation during their veto session.

23

24 Ms. McGrath stated that this item is not on their veto session agenda.

25

26 Mr. Hall stated that even if Champaign County had been successful in getting added to House Bill 3597 we
27 would still need an intergovernmental agreement because the municipalities are going to want to know some
28 guidelines in case they want to do something outside of their ETJ and what exactly would be required.

29

30 Mr. Doenitz stated that he thought that this process was taking place currently.

31

32 Mr. Hall stated that if Champaign County had been included in House Bill 3597 the only way that the
33 municipality could go outside of their ETJ is essentially with the approval of the County Board.

34

35 Mr. Moser asked if staff has received any response from St. Joseph or Tolono.

36

37 Mr. Hall stated no.

38

39 Ms. Wysocki stated that it is still pretty early to have received any response.

40

41 Mr. Hall stated that he sent out the memorandum to the municipalities on October 4, 2007, but those who are
42 in the know probably already knew that this was coming up and he doesn't expect to hear anything from

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them until after the forum.

Ms. Wysocki stated that it is important that there is communication and dialogue between the counties and municipalities with the idea of getting everyone on the same page.

Ms. Melin stated that Mr. Knight and Ms. Crowley attended the last ELUC meeting and they were very encouraging about developing an intergovernmental relationship with the County but the way that she reads Ms. Crowley’s e-mail it appears that she is stonewalling because this is an issue that has to be dealt with at a state level. She said that Ms. Crowley’s e-mail does not appear to be as encouraging as when she spoke before this Committee in September.

Ms. McGrath stated that initially this came from a meeting that she, John Schroeder, Barbara Wysocki, and Pius Weibel held at the City of Champaign. She said that at this meeting they specifically asked that the City of Champaign work with the County on the legislation to amend House Bill 3597 to add Champaign County to the list. She said that when Ms. Crowley speaks about state legislation in her e-mail this is what the County requested so that we can work jointly on that issue.

Mr. Moser stated that he does not approve of Champaign jumping over the one-and-one-half mile for the water plant but if you look at Bondville they didn’t have the capability of dealing with the issues and some of these little towns have no capability at all as far planning goes. He said that if the City of Champaign jumps off and does something silly we can’t stop them but we can at least make the effort to get them to sign something because we never know what might pop up out there.

Mr. Doenitz asked if an intergovernmental agreement will be binding.

Ms. McGrath stated that we will have to make sure that we amend the legislation to add a phrase that would say that we have legal permission to enter into an agreement and make it legally binding.

Ms. Wysocki stated that it would be in the Committee’s best interest if as many members of this Committee to attend this meeting as possible. She said that we do not need to dominate the discussion or get carried away but the Committee’s presence could probably carry this a long way in terms of the communities getting serious in working out some kind of agreement.

10. City of Champaign Request for increased County Contribution to Offset Cost Drop-Off Recycling Site Update

Ms. McGrath stated that she has no new information on this agenda item.

Ms. Wysocki stated that Item #10 should be placed on the November, ELUC agenda.

Mr. Moser asked if the County is subsidizing any of the other drop-off sites in the smaller towns.

1 Ms. McGrath stated no.
2

3 **11. Champaign County Land Resource Management Plan Update**
4

5 Ms. Susan Chavarria, Regional Planning Commission stated that a steering committee meeting of the Land
6 Resource Management Plan was held at 7:30 a.m. on September 13, 2007, at the First Christian Church. She
7 said that at this meeting staff updated the steering committee on previous planning efforts by the Blue
8 Ribbon Environmental Panel and also the Visioning Process. She said that staff gave everyone an outline of
9 the existing Conditions and Trends report so that they can take a look to see what will be the general themes
10 of the document. She said that the timeline was reviewed for approving the Conditions and Trends report.
11 She said that the next meeting for the steering committee will be held on November 15, 2007, and during
12 that time we will be reviewing the draft of the Conditions and Trends report that staff is currently working
13 on. She said that the draft will be mailed next week to the steering committee and also to ELUC members so
14 that they have two to three weeks time to submit comments to staff. She said that staff anticipates sign-off
15 on the draft at the November 15th meeting so that it can go before ELUC and the County Board in January.
16

17 Ms. Wysocki stated that the Committee shall return to Agenda Item #6.
18

19 **12. Update on Enforcement Cases**
20

21 Mr. Hall stated that the property at 1101-A Perkins Road, Urbana has been torn down although he did not get
22 a chance to visit the site today to verify that it was all cleaned up. He said that it appeared that they were
23 using reasonable care in tearing it down and controlling the dust. He said that this will be one less dangerous
24 structure in the county.
25

26 Ms. McGrath stated that an offer has been received on the Mefford property from the Housing Authority.
27

28 Mr. Moser asked if staff has received any information regarding a house fire which occurred west of
29 Champaign.
30

31 Mr. Hall stated no.
32

33 Ms. Busboom stated that someone from the EPA has been discussing this property with Jamie Hitt, Zoning
34 Officer. She said that the EPA only wanted to know who owned the property and no information was given
35 regarding the cause of the fire.
36

37 **13. Monthly Report**
38

39 Mr. Hall distributed the September, 2007 Monthly Report. He said that he does not have a real good
40 summary overview but he is happy to report that our zoning cases are still much behind what they would
41 normally be and staff is currently working on the pipeline amendment. He said that staff is tackling some the
42 more difficult backlog of enforcement cases and those cases are taking a lot of time but we are also dealing

10-09-07

DRAFT SUBJECT TO APPROVAL DRAFT

ELUC

1 with new complaints as they are reported. He said that there appears to be a new truck terminal operating in
2 Urbana Township and this case will be forwarded to Ms. McGrath's office tomorrow.

3
4 Mr. Moser stated that the truck terminal should be moved to Vermilion or Douglas County because they do
5 not have zoning.

6
7 **14. Other Business**

8
9 None

10
11 **15. Determination of Items to be placed on the County Board Consent Agenda**

12
13 None

14
15 **16. Adjournment**

16
17 The meeting adjourned at 8:17 p.m.

18
19
20
21
Respectfully submitted,

Secretary to the Environment and Land Use Committee

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**PERFORMANCE APPRAISAL SUBCOMMITTEE
Environment & Land Use
Meeting Room 2, Brookens Administrative Center**

August 17, 2007

MEMBERS PRESENT: Knott, Weibel, Wysocki

MEMBERS ABSENT: None

OTHERS PRESENT: John Hall

Ms. Wysocki called the meeting to order.

MOTION by Knott to approve the agenda; seconded by Weibel. **Motion carried.**

MOTION by Knott to enter into closed session pursuant to 5ILCS 120/2 (c) 1 to consider the employment, compensation, discipline, performance or dismissal of any employee; seconded by Weibel. **Motion carried** with a 3/0 roll call vote. Voting yes were Knott, Weibel and Wysocki.

Ms. Wysocki declared the meeting in closed session.

Ms. Wysocki declared the meeting in open session. There was no other business.

Ms. Wysocki declared the meeting adjourned.

Respectfully Submitted,

Tiffany Talbott
Administrative Secretary

Mahomet Aquifer Consortium
Member Meeting No. 54
June 6, 2007
Minutes

1. A meeting of the members of the Mahomet Aquifer Consortium (MAC) was held on June 6, 2007 at the offices of Illinois State Water Survey (ISWS) in Champaign, IL. Chairman Mel Pleines called the meeting to order at 10:10 a.m. Twenty-three people were in attendance.
2. Writing of the Minutes – Motion to approve that Nancy Erickson take the minutes of the meeting was made by Susan Adams and seconded by Sharon Martin. Motion carried.
3. Roll Call was accomplished by signing the MAC mailing list but introductions were also made.
4. Approval of Agenda – Motion to approve the agenda was made by Ted Jeurisson and seconded by Sharon Martin. Motion carried.
5. Minutes of the April 13, 2007 meeting (Meeting No. 53) were e-mailed and distributed to all in attendance. Members were asked to look them over for a few minutes. Motion to accept and approve the minutes of the previous meeting was made by Ralph Langenheim and seconded by Susan Adams. Motion carried.
6. Treasurer's Report made by Mel Pleines for the period ending June 6, 2007 was distributed showing a balance in the amount of \$696.22. He also reported on the IDNR grant which has a balance of \$91,157.89. Motion to approve the Treasurer's Report was made by Paul Dumontelle and seconded by William Smith. Motion carried.
7. Committee Reports
 - a) Funding – Nothing to report.
 - b) Education and Public Relations – Ed discussed the RWSPC web site that will soon be up and running. Ed also reported that on August 15 there will be a meeting/field trip of the Natural Resources and Conservation Board. It was suggested that we could possibly have the next MAC meeting the morning of August 15 so that the MAC could also attend the field trip to Bondville in the afternoon.
 - c) Data & Scientific Assessment – There was nothing new to report.
 - d) Progress of the RWSPC – The last meeting of the RWSPC was held on June 1 in Bloomington at the Illinois Farm Bureau office. Whitman and Associates is the contractor for the project and a more detailed Statement of Work is being written for the Northeast Group and for the East Central Committee. The Statement of Work for Northeast Illinois will be finalized June 7 and the Statement of Work for East Central Illinois will be finalized next week. Paul Berg, Chairman of the RWSPC, resigned from the Committee since he will be taking a new job in Florida. The RWSPC elected Brent O'Neill as its new Chairman and Brad Uken as its Vice-Chair. The new representative for the RWSPC will be selected by the MAC Board of Directors.
8. Presentation – Bill Day (ISGS) then gave a presentation on the geologic mapping process. A data base is being built, a literature review will be done, a new well will be installed, and other areas for research will be completed.
9. Old Business - There was no old business to come before the meeting.

10. New Business – There was no new business to come before the meeting.
11. The next meeting will be held on August 15 in the morning with a field trip offered in the afternoon.
12. Sharon Martin moved that the meeting adjourn and Susan Adams seconded the motion. Meeting adjourned at 10:50 a.m..

Respectfully submitted,

Nancy Erickson for
Dorland W. Smith
Secretary-Treasurer

Mahomet Aquifer Consortium
Meeting No. 56
October 22, 2007, 10:00 a.m.

Illinois State Water Survey, Champaign, IL

Proposed AGENDA

1. Call to Order – Mel Pleines
2. Approval of Agenda
3. Roll Call – (Initial Attendance Sheet or sign in)
4. Minutes of – June 6, 2007 meeting (Meeting No.54)
Minutes or Comments of August 15, 2007 Field Trip (Meeting No. 55)
5. Treasurer’s Report – Dorland W. Smith, Sec-Treas
6. Committee Reports
 - a) Funding – Mel Pleines
 - b) Education & Public Relations – Ed Mehnert, Chairman
 - c) Data & Scientific Assessment – George Roadcap, Chairman
 - d) Progress of RWSPC (Web Site, Multi County Meetings & etc.) – Dorland W. Smith
7. Presentation – Community Water System Update – Cities Needs??
8. Old Business
9. New Business
10. Next Meeting Date – Meeting No. 56 - December ?? , 2007 (?)
11. Adjourn -

TO:	Environment and Land Use Committee
FROM:	Susan Monte
DATE:	November 6, 2007
RE:	Pre-Disaster Mitigation Planning Funds awarded by Illinois Emergency Management Agency (IEMA)
REQUESTED ACTION:	Approve Resolution Regarding County Board Acceptance of IEMA State-Local Pre-Disaster Mitigation Program Grant Agreement for Planning
RECOMMENDATION:	Champaign County should utilize presently available federal funds to develop a Local Mitigation Plan that meets FEMA standards

BACKGROUND. Local governments must have a FEMA-approved local mitigation plan in place in order to receive federal *pre-* and *post-*disaster mitigation funds. During 2007, staff re-applied for a planning grant from the Illinois Emergency Management Agency (IEMA) for the development of a local mitigation plan that meets current FEMA planning criteria. The IEMA notified the RPC that Champaign County is eligible to receive IEMA funds beginning Fiscal Year 2008.

Attachment A is a proposed workplan for the planning project. The local mitigation plan to be prepared will follow the FEMA planning process and cover the County and interested communities. RPC planning staff would manage the planning project providing coordination, administrative services, research, document preparation, public involvement and mapping. The plan will be prepared by a task force consisting of representatives from participating communities and other interested parties. The plan and the planning process will meet the criteria for qualifying Champaign County and interested municipalities to receive hazard mitigation funds under the *Disaster Mitigation Act of 2000* and for receiving credit under the Community Rating System (CRS).

BUDGET / STAFFING IMPACT. No additional County staffing or County funds are required. PDM funds will cover 75% of the total costs of local mitigation plan development. The 25% matching fund requirement could be met under the County contract for planning services from the Champaign County RPC.

The PDM grant funds awarded must be utilized within a three-year period. An estimated timetable for completion of the FEMA planning process to develop a Local Mitigation Plan is approximately 24 months.

STAFF RECOMMENDATION: Recommend approval of the Resolution Regarding County Board Acceptance of IEMA State-Local Pre-Disaster Mitigation Program Grant Agreement for Planning

ATTACHMENTS:

- A Proposed Workplan with Timeline: Champaign County Pre-Disaster Mitigation Plan
- B Financial Impact Statement
- C Draft Resolution

**Estimated Expenditures
Pre-Disaster Mitigation Plan**

Elements/Tasks	Project Manager	Planner	GIS Manager	GIS Data Admin	GIS Tech	TOTAL	Staff Cost Allocated	Supplies Allocated	TOTAL
1 Organize Resources (12/07 - 5/08)	20	110	0	0	0	130	\$6,499.30	\$250.00	\$6,749.30
Hourly billable rate FY08	\$56.73	\$48.77	\$78.59	\$51.26	\$33.93				
Charges FY08	\$1,134.60	\$5,364.70	\$0.00	\$0.00	\$0.00	\$6,499.30			
2 Assess Risks (06/08 - 10/08)	25	150	10	10	300	495	\$20,211.25	\$2,200.00	\$22,411.25
Hourly billable rate FY08	\$56.73	\$48.77	\$78.59	\$51.26	\$33.93				
Charges FY08	\$1,418.25	\$7,315.50	\$785.90	\$512.60	\$10,179.00	\$20,211.25			
3 Develop Mitigation Plan (10/08 - 3/09)	25	150	5	5	40	225	\$11,005.00		\$11,005.00
Hourly billable rate FY08	\$56.73	\$48.77	\$78.59	\$51.26	\$33.93				
Hourly billable rate FY09	\$59.62	\$50.47	\$81.34	\$53.06	\$35.11				
Charges FY09	\$1,466.42	\$7,485.50	\$402.12	\$262.30	\$1,388.67	\$11,005.00			
4 Implement & Monitor Progress (5/09 - 10/09)	10	78	0	0	0	88	\$4,523.76		\$4,523.76
Hourly billable rate FY09	\$58.71	\$50.47	\$81.34	\$53.06	\$35.11				
Charges FY09	\$587.10	\$3,936.66	\$0.00	\$0.00	\$0.00	\$4,523.76			
P Public Input 1	10	40	0	0	0	50	\$2,526.80	\$2,125.00	\$4,651.80
Hourly billable rate FY08	\$57.60	\$48.77	\$78.59	\$51.26	\$33.93				
Charges FY08	\$576.00	\$1,950.80	\$0.00	\$0.00	\$0.00	\$2,526.80			
P Public Input 2	10	35	0	0	0	45	\$2,353.55	\$3,193.42	\$5,546.97
Hourly billable rate FY09	\$58.71	\$50.47	\$81.34	\$53.06	\$35.11				
Charges FY09	\$587.10	\$1,766.45	\$0.00	\$0.00	\$0.00	\$2,353.55			
TOTAL HOURS	100	563	15	15	340	1033	\$47,119.66	\$7,768.42	\$54,888.08
TOTAL CHARGES	\$769.47	\$27819.61	\$1188.02	\$774.90	\$1567.67	\$47,119.66			
Hours FY08	63	350	12	12	313	750			
Hourly billable rate FY08	\$56.73	\$48.77	\$78.59	\$51.26	\$33.93				
Charges FY08	\$3,592.90	\$17,069.50	\$916.88	\$598.03	\$10,631.40	\$32,808.72			
FY08 FT Employees (100% DL)	\$1,871.89	\$8,890.35	\$477.54	\$311.46	\$5,537.19	\$17,067.87			
FY08 Fringe @ 47%	\$679.81	\$4,178.47	\$224.46	\$145.39	\$2,602.48	\$8,031.16			
FY08 Indirect @ 45%	\$642.20	\$4,000.68	\$214.88	\$140.16	\$2,491.73	\$7,560.54			
Hours FY09	37	213	3	3	27	283			
Hourly billable rate FY09	\$58.71	\$50.47	\$81.34	\$53.06	\$35.11				
Charges FY09	\$2,152.70	\$10,750.11	\$271.13	\$176.87	\$936.27	\$14,287.08			
FY09 FT Employees (100% DL)	\$1,124.20	\$6,599.02	\$141.22	\$92.12	\$497.64	\$7,441.19			
FY09 Fringe @ 47%	\$526.98	\$2,631.64	\$66.37	\$43.50	\$225.19	\$3,447.06			
FY09 Indirect @ 45%	\$501.52	\$2,519.45	\$63.54	\$41.25	\$213.44	\$3,346.22			

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COUNTY OF CHAMPAIGN
FINANCIAL IMPACT STATEMENT

Resolution _____

FY Year 2008 Annual Expenditure Estimate:

Number of Positions	<u>5 PT employees</u>	Personnel	<u>\$32,808.72</u>
Commodities:	<u>\$4,575</u>		
Contractual:	<u>\$0</u>		
Capital:	<u>\$0</u>		

Long Term Expenditure Estimate:

By the end of FY09, we anticipate spending \$54,888.08, which is the full amount of the grant from IEMA plus the required local cash match.

Current Year Annual Revenue Estimate:

For FY08, we anticipate billing a total of \$37,383.72 for personnel and commodities.

Long Term Revenue Estimate:

By the end of FY09, we anticipate taking in \$54,888.08, which is the full amount of the grant from IEMA plus the required local cash match.

Parent Committee Approval/Recommendation to County Board

Champaign County Environment and Land Use Committee
Name of Parent Committee

Date

**CHAMPAIGN COUNTY
APPLICATION FORM FOR
GRANT CONSIDERATION, ACCEPTANCE, RENEWAL/EXTENSION**

Department: 727 County Planning Contract- Champaign County Regional Planning Commission

Grant Funding Agency: Illinois Emergency Management Agency, State of Illinois

Amount of Grant: \$41,165.95 share from State/Federal, \$13,822.13 required local cash match

Begin/End Dates for Grant Period: December 1, 2007 through November 30, 2009

Additional Staffing to be Provided by Grant: no new employees are required; will help staff 5 employees

Application Deadline: NA

Parent Committee Approval of Application: ELUC

Is this a new grant, or renewal or extension of an existing grant? This is a new grant

If renewal of existing grant, date grant was first obtained: _____

Will the implementation of this grant have an effect of increased work loads for other departments? (i.e. increased caseloads, filings, etc.) X yes no

If yes, please summarize the anticipated impact: Five CCRPC staff persons will have increased workloads.

Does the implementation of this grant require additional office space for your department that is not provided by the grant? yes X no

If yes, please summarize the anticipated space need: _____

Please check the following condition which applies to this grant application:

X The activity or service provided can be terminated in the event the grant revenues are discontinued.

The activity should, or could be, assumed by County (or specific fund) general and recurring operating funds. Departments are encouraged to seek additional sources or revenue to support the services prior to expiration of grant funding.

This Grant Application Form must be accompanied by a Financial Impact Statement. (See back of form)

All staff positions supported by these grant funds will exist only for the term award of grant, unless specific action is taken by the County Board to extend the position.

DATE: _____

SIGNED: _____
Department Head

Notice of Award of Grant Received on

Approved by Parent Committee: _____

Approved by County Board: _____

Approved by Grant Executive Committee: _____

RESOLUTION NO. _____

RESOLUTION REGARDING CHAMPAIGN COUNTY BOARD ACCEPTANCE OF ILLINOIS EMERGENCY MANAGEMENT AGENCY STATE-LOCAL PRE-DISASTER MITIGATION PROGRAM GRANT AGREEMENT FOR PLANNING

WHEREAS, the Pre-Disaster Mitigation (PDM) program funds available through the Illinois Emergency Management Agency can be used toward the planning and development of a local hazard mitigation plan; and

WHEREAS, Champaign County is eligible to apply for and receive PDM program funds; and

WHEREAS, Champaign County ESDA Coordinator Bill Keller requested that the Champaign County Regional Planning Commission (CCRPC) provide planning assistance in developing a Local Mitigation Plan that meets FEMA requirements; and

WHEREAS, in the event of a natural disaster, the County and all but one municipality within the County are not in a position to receive the full amount of FEMA mitigation funds otherwise available with a FEMA-approved local mitigation plan in place; and

WHEREAS, the proposed plan would cover Champaign County and interested communities within Champaign County; and

WHEREAS, the Champaign County Regional Planning Commission has agreed to manage the planning project to include: coordination, administrative services, research, document preparation, public involvement and mapping; and

WHEREAS, the plan and the planning process will meet the criteria for qualifying Champaign County and interested municipalities to receive hazard mitigation funds under the *Disaster Mitigation Act of 2000* and for receiving credit under the Community Rating System (CRS).

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board, Champaign County, Illinois, as follows:

1. That the Champaign County Board accepts the Illinois Emergency Management Agency State-Local Pre-Disaster Mitigation Program Grant Agreement for Planning.
2. That the Champaign County Board intends to provide 25% matching funds to support the development of a Champaign County Pre-Disaster Mitigation Plan to be prepared by the Champaign County Regional Planning Commission over the next two years. The County's 25% share of the matching funds will be drawn from the County's technical services planning contract with the Champaign County Regional Planning Commission, in the form of County Planner hours equivalent to the amount of 13,722.13 over the fiscal years 2008-2009.

PRESENTED, ADOPTED, APPROVED, AND RECORDED this 21st day of November, 2007.

SIGNED:

C. Pius Weibel, Chair
Champaign County Board

ATTEST:

Mark Shelden, County Clerk and *Ex Officio* Clerk
of the Champaign County Board

John Hall

From: Matt Varble [mattvarble@hotmail.com]
Sent: Monday, November 05, 2007 1:09 PM
To: John Hall
Cc: mattvarble@hotmail.com
Subject: FW: DeWitt County Ballot Resolution PDF

Attachments: DCBoardLandfillResolutionOct2007.pdf



DCBoardLandfillRes
olutionOct20...

Hello,

See attached .pdf file for DeWitt County Resolution.

We recommend the language for Champaign County's referendum to be worded something like this:

Do you support the U.S. EPA permitting a Chemical Waste Landfill to be located above the Mahomet Aquifer in DeWitt County Illinois?

Thanks,

Matt Varble

Matt



FILED

OCT 19 2007

Jayne Likier
County Clerk, DeWitt County

RESOLUTION 07-16
**OF THE DEWITT COUNTY BOARD CERTIFYING AN ADVISORY QUESTION
REGARDING CLINTON LANDFILL, INC.'S APPLICATION TO THE UNITED STATE'S
ENVIRONMENTAL PROTECTION AGENCY TO PERMIT A PORTION OF THE
CLINTON LANDFILL AS A CHEMICAL WASTE LANDFILL ON THE
FEBRUARY 5, 2008 PRIMARY BALLOT**

WHEREAS, Clinton Landfill, Inc., an Illinois corporation, ("CLI") operates the Clinton Landfill in DeWitt County, State of Illinois (the "Landfill"); and

WHEREAS, CLI and the County of DeWitt, State of Illinois (the "County") entered into a Host County Agreement on April, 20, 2001, (the "Agreement") setting forth certain terms and conditions of the operation of the Landfill; and

WHEREAS, the County and CLI executed an Amendment to the Host County Agreement on August 23, 2007 (the "Amendment") modifying certain terms and conditions of the original Agreement; and

WHEREAS, in the Amendment the County voted unanimously to support CLI's business expansion, which included seeking approval to operate a Chemical Waste Landfill from the United State's Environmental Protection Agency (the "USEPA"), the agency with sole jurisdiction in the permit approval process; and

WHEREAS, the DeWitt County Board wishes to certify an advisory question regarding CLI's efforts to convert a portion of the Clinton Landfill into a Chemical Waste Landfill so that the DeWitt County Electorate may be heard prior to public hearings on CLI's application before the USEPA ; and

WHEREAS, the DeWitt County Board encourages the Electorate to educate themselves on the issue before them, and also encourages those in support of and in opposition of CLI's efforts to use the time between adoption of this resolution and February 5, 2008 to provide factually accurate, unbiased and useful information to the Electorate to aid them in making their decision.

NOW THEREFORE, BE IT RESOLVED by the DeWitt County Board, on behalf of the citizens of DeWitt County, that

Section 1. This matter shall be certified to the DeWitt County Clerk for submission to the Electorate of DeWitt County in accordance with the general election law on February 5, 2008.

Section 2. The public question shall be in substantially the following form:

Are you in favor of the United State's Environmental Protection Agency approving Clinton Landfill, Inc.'s application to site a Chemical Waste Landfill in DeWitt County?	YES
	NO

Adopted by roll call vote this 18 day of Oct., 2007.

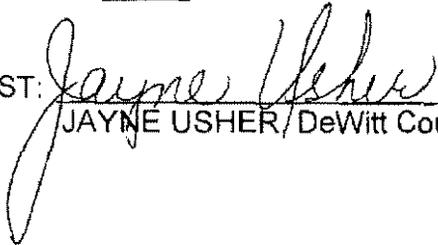
AYES 6

NAYS 5

PRESENT 0



STEVE LOBB, Chairman
DeWitt County Board

ATTEST: 

JAYNE USHER, DeWitt County Clerk

Champaign
County
Department of

**PLANNING &
ZONING**

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

(217) 384-3708
FAX (217) 328-2426

TO: **Environment and Land Use Committee**
FROM: **November 7, 2007**
DATE: **John Hall, Zoning Administrator**
RE: **Zoning Ordinance amendment adding conditions under which
Township Highway Maintenance Garages may be authorized
by right rather than as a Special Use Permit**

REQUEST: **Staff seeks guidance in regards to a proposed Zoning
Ordinance text amendment to change the type of zoning
approval required for township highway maintenance garages**

BACKGROUND

Two townships will be building highway maintenance garages in the coming year in the AG-1 and AG-2 Zoning Districts and both garages require a Special Use Permit. A Special Use Permit requires a public hearing at the Zoning Board of Appeals. Compared to a "by right" use which only requires a Zoning Use Permit, the need for a Special Use Permit necessarily results in a delay to the applicant of at least one month or more depending upon how many zoning cases are docketed at the ZBA. Also, even simple Special Use Permit cases require intensive staff hours to process so there are good reasons to eliminate the need for a Special Use Permit when possible.

One of the amendments proposed in Case 522-AT-05 (the Comprehensive Zoning Review) was to make township highway maintenance garages conditional uses rather than Special Use Permits under certain conditions but Case 522-AT-05 was rejected by the County Board on November 21, 2006.

This memorandum proposes a text amendment to make township highway maintenance garages a conditional use as proposed in Case 522-AT-05 but with different conditions.

GENERAL CHARACTER OF TOWNSHIP HIGHWAY MAINTENANCE GARAGES

State law requires that all township highway maintenance equipment be kept under shelter when not in use. In most townships the unincorporated area consists entirely of the AG-1 and AG-2 zoning districts. Thus, township road districts must build garages to house highway maintenance equipment and those garages must generally be in either the AG-1 or AG-2 Districts.

Township highway maintenance garages typically have outdoor stockpiles of road paving materials, road culverts, and other road construction materials. Loading and unloading of stockpile materials can result in windblown dust. Most of the property is also generally paved with all-weather material such as gravel paving. The buildings generally otherwise appear to be large machine sheds.

CURRENT ORDINANCE REQUIREMENTS

The Zoning Ordinance Table of Authorized Principal Uses does not contain the specific use “township highway garage” and in the past township highway garages have been authorized as either “contractor facilities” or “government buildings” depending upon whether the use was simply highway maintenance (most similar to a contractor facility) or involved multiple uses (as a township meeting hall with highway maintenance). The Zoning Ordinance requires either of those uses to be authorized by a Special Use Permit in the rural districts (AG-1, AG-2, and CR) but are authorized “by right” in the Business and Industrial zoning districts.

Section 6.1 of the Zoning Ordinance requires certain standard conditions for some types of Special Use Permits. The Zoning Ordinance does not require any standard conditions for contractor facilities, government buildings, or township highway maintenance garages.

RECENT APPROVALS FOR TOWNSHIP HIGHWAY MAINTENANCE GARAGES

The Zoning Board of Appeals can also require special conditions for any Special Use Permit if necessary to meet the purpose and intent of the Zoning Ordinance. A review of recent Special Use Permit approvals for township highway maintenance garages can reveal if the ZBA has in fact been requiring any special conditions.

Three township highway maintenance garages have been approved as Special Use Permits within the last 10 years. All cases were in proximity to existing residences. The Summaries of Evidence for the cases were reviewed to identify any particular concerns or special conditions that the ZBA required.

The Scott Township highway maintenance garage (Case 163-S-98) bordered a proposed residential subdivision. The Zoning Board of Appeals did not require any additional screening other than what is otherwise required by the Zoning Ordinance. The only special conditions imposed by the ZBA simply documented the requirements for compliance with the Interim Stormwater Management Policy and the Illinois Plat Act. At the time only Special Use Permits and subdivisions were required to prepare Stormwater Drainage Plans. Stormwater Drainage Plans are now required for any use with a sufficient amount of impervious area.

The expansion of the Hensley Township Hall and Highway Maintenance Garage (Case 181-S-99) was across the street from a Residential Zoning District and was adjacent to the Hensley Country Estates residential development of approximately 14 homes on 80 acres and two rural subdivisions. No special conditions were required by the ZBA other than compliance with the requirements of the Interim Stormwater Management Policy.

The expansion of the Rantoul Township highway maintenance garage (Case 290-S-01) was somewhat more remotely located but was still adjacent to one residence. The proposed expansion did not require a Stormwater Drainage Plan and no unusual screening was required. The ZBA did require that exterior lighting not produce glare onto adjacent properties or the roadway.

CONDITIONS PROPOSED IN PART B OF CASE 522-AT-05

Part B of Case 522-AT-05 proposed to make certain uses that currently require a Special Use Permit into conditional uses that would be authorized by right and did not require a Special Use Permit when the particular conditions are met. Case 522-AT-05 proposed to make township highway maintenance garage authorized by right when the following conditions were met:

1. This use may not be located within 500 feet of an existing dwelling or residential district.
2. No paved areas may be located within a Stream Protection Buffer.
3. No stockpiles may be located within a Stream Protection Buffer or Drainageway Setback.

PROPOSED AMENDMENT

No conditions appear to be necessary based on the review of recent Special Use Permits for township highway maintenance garages. Two of the conditions proposed in Case 522-AT-05 are also not relevant as there are no Stream Protection Buffers or Drainageway Setbacks. The separation from an adjacent Residential District or residence is reasonable simply because this is a non-residential use but 500 feet seems extreme based on the review of recent approvals.

The following conditions are proposed for township highway maintenance garage to be authorized by right:

1. **This use may not be located within 150 feet of an existing dwelling or residential district except when separated by a street right of way.** The determination of an adequate minimum separation between a non-residential use and an adjacent residential use is somewhat arbitrary especially in the rural zoning districts. Note that Case 522-AT-05 proposed a separation of 200 feet as a condition for reuse of an existing rural structure as a self-storage warehouse. However, both of the subject garages are less than 200 feet from existing residences so a required separation of 200 feet would provide no benefit for either garage. A requirement of a 150 feet separation would still ensure some minimum separation in all instances and still allow both garages to go ahead without requiring a Special Use Permit. If necessary the ZBA can also increase the minimum separation as part of the public hearing for the text amendment.
2. **This use must be authorized as a Special Use if located within the one and one-half mile extraterritorial jurisdiction of a municipality that has adopted a comprehensive plan.**

(Note: In a separate request, Committee direction will also be sought regarding standard requirements for exterior lighting for Special Use Permits. This amendment needs to be coordinated accordingly.)

