

MINUTES OF REGULAR MEETING

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

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

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

**OTHER COUNTY
BOARD MEMBERS
PRESENT:**

Alan Nudo, Michael Richards, Pius Weibel

MEMBERS ABSENT:

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

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

I. Call to Order

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

II. Roll Call

The roll was called and a quorum declared present

III. Approval of Agenda/Addendum

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

IV. Approval of Minutes
A. August 10, 2009

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

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

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

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

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

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

The motion failed by voice vote.

V. Public Participation

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

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

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

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

Mr. Barnhart said that with respect to the revisions being proposed, Goal 3 states that Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base. He said that this Goal really talks about two things, preserving agriculture and preserving the resource base. Mr. Barnhart said that the question is how can both of these be accomplished. He said that there is an objective in the LRMP that Champaign County will strive to minimize the fragmentation of Champaign County's agricultural land base and conserve farmland, generally applying more stringent development standards on best prime farmland.

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

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

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

Mr. Barnhart said that in reference to Revisions A and B and Objective 3.1, he said that he did

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

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

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

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

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

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

Mr. Norman Stenzel pointed out some of the areas of the LRMP that he had concerns with. He said that the LRMP will provide the basis of regulations for those towns and villages that are unincorporated in Champaign County. He said that attention should be given to the urban sections, specifically what the LRMP will mean to those communities that do not have a comprehensive plan. He said that attention needs to be paid to the rural character of Champaign County with respect to transportation. Mr. Stenzel said the transportation development plan needs to take into account the transportation needs of agriculture in respect to the whole County. He said that he did not see this in the current Goals and Objectives. Mr. Stenzel stated that the rural transportation within the County as well as between counties should be included in the text in some way.

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

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

VI. Correspondence

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

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

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

VII. Chair's Report

There was none.

VIII. Updates

A. House Bill 466 (Regarding Chatham Decision)

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

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

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

meeting)

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

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

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

Mr. Kurtz stated that Items 3.10 and 3.10.1 are very important for the future of the development of wind farms. He said that he has received an email from Invenergy regarding the first application for a Special Use Permit to be submitted in approximately six weeks. He said that some of Invenergy's concerns have been cleared up by Mr. Hall's response to that email. Mr. Kurtz added that it is important to approve the changes to grease the skids to begin reaping the benefits of what clean air energy can do for the County.

The motion carried by voice vote.

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

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

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

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

are advantageous to everyone involved.

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

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

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

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

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

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

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

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

The motion carried by voice vote.

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

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

Ms. Ammons asked Mr. Moser to explain why this Policy should be deleted. Mr. Moser said that this objective would apply to any dredged ditch that takes water out of any town in the county. He said that

all of the development occurring is supposed to hold back stormwater. Mr. Moser said that the last time a two inch rain fell, the ditch on his property went up six feet in three hours. He said that now the ditch is dry and there is no way that a fish can survive in that ditch. He said you cannot control the flow out of the smaller ditches. He said that the State has employees who monitor the ditches in the area.

Mr. Hall said that there are five subsidiary policies under Policy 7.3. He asked whether Mr. Moser also wanted those eliminated. Mr. Moser said that he wanted to delete the item on Page 36 of the agenda. Mr. Hall said that on Page 23 of the July 24, 2009, memo there are five policies that were proposed by the Steering Committee as necessary to achieve Policy 7.3.

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

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

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

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

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

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

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

He said that that is a variation of Item 7.3, however, the language is not as strong.

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

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

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

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

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

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

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

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

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

Mr. Hall said that the RPC staff has taken a lot of criticism from municipal staff because the language is so precise, however, in the LRMP Steering Committee meetings, staff has taken a lot of criticism for not having precise goals and policies. He said that the saying of 'all kinds of

mischief could be stirred up in the future' might pertain here. He said that people want to know what the County is talking about and being specific is the only way to get the point across.

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

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

Mr. Langenheim asked for the question to be called.

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

The motion failed by voice vote.

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

The motion passed on a show of hands.

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

The motion carried by voice vote.

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

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

The motion carried by show of hands.

Mr. Schroeder moved, seconded by Mr. Jones to amend the language of Objective 5.1 to remove 'rural development' to say 'unincorporated areas of Champaign County.'

The motion carried by voice vote.

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

Ms. Ammons stated that this is just a statement without any point, similar to the creation of a panel in Objective 3.8. Mr. Schroeder said that when looking at the entirety of the LRMP, there were regulations and rules of what not to do in particular situations. These are goals and policies and not an ordinance. This provision may enhance Objectives 3.8 and 3.9.

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

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

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

The motion carried by voice vote.

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

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

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

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

The motion carried by voice vote.

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

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

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

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

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

The motion carried by voice vote.

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

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

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

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

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

X. Hiring Professional Consultants for Review of Certain Technical Studies for Wind Fam County Board Special Use Permits

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

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

XI. Resolution to Retain Jurisdiction on Properties Subject to Municipal Annexation Agreements

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

Mr. Hall said that the staff members from Champaign and Urbana had some concerns that the proposed resolution that went out with the agenda has some ambiguities. He said that after reviewing the proposed resolution he agreed with the city staff members. Mr. Hall said that the revised draft that he submitted at the meeting has changes in the resolved numbered clauses

1, 2 and 3 which makes it clear that this resolution is only talking about annexation agreements that are more than a mile and one-half from the corporate boundary.

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

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

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

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

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

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

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

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

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

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

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

The motion carried by voice vote.

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

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

Mr. Kurtz said that the maps clearly show where the proposed area is, however, the transmission lines are not clearly defined. Mr. Hall said that the software used doesn't transfer the map to the key well. He said the alternative routes start at approximately Curtis Road and go about one-half mile south of Monticello Road. The alternatives also take advantage of every east-west road in between. He noted a few of the alternatives do not even follow roads. Mr. Kurtz asked how much of the project would take place in the unincorporated area of the County and how much would be within University of Illinois property. Mr. Hall said the entire project could be in the unincorporated area of the County, except where it passes in incorporated areas.

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

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

XIII. Monthly Reports

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

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

XIV. Semi-annual Review of Closed Session Minutes

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

XV. Other Business

Mr. Schroeder requested all of the County Board members receive the entire LRMP notebook and information. Ms. Wysocki noted that all of the information is on the website and would be quite costly to copy all of the information.

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

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

ELUC 09/14/09

AS APPROVED OCTOBER 13, 2009

XVII. Adjournment

Mr. Kurtz moved, seconded by Mr. Langenheim for adjournment. The motion carried by voice vote.

The meeting adjourned at 9:40 p.m.

Respectfully submitted,

Secretary to the Environment and Land Use Committee

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