

AS APPROVED JANUARY 31, 2006

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: January 04, 2006

**PLACE: Brookens Gymnasium
1776 East Washington Street**

TIME: 7:00 p.m.

Urbana, IL 61802

MEMBERS PRESENT: Doug Bluhm, Dennis Goldenstein, Debra Griest, Richard Steeves, Melvin Schroeder, Roger Miller

MEMBERS ABSENT : Joseph Irle

STAFF PRESENT : Connie Berry, Lori Busboom, Frank DiNovo, John Hall, Jamie Hitt, Leroy Holliday, Susan Monte

OTHERS PRESENT : Edith Carr, Esther Lindsey, Kenneth Carter, Mary Carter, Lavonne Brunner, Robert Brunner, John Sapp, Eric Thorsland, Tamara Mitchell, Patty Busboom, Lex Lane, Beverly Seyler, Jim Harper, Phillip Geil, Roger Armstrong, Arna Leavitt, Ross Brower, Bjorg Holte, Chris Doenitz, Herb Schildt, Madonna Bartell, Darla Isham, James Gannaway, Jonathan Schroeder, Gary Hentges, Catharine Ehler, Donna Kesler, Jerry Young, Ralph Langenheim, Steve Halfar, Steve Franke, Ben McCall, Russ Taylor, Rita Frerichs, Norman Stenzel, Louis Largent, Cheryl Mumm, Tom Mumm, John Blessent, Harold Scharlau, Marian OBryan, Margaret Pribble, Brad Pribble, Dora Ehmen, Hal Barnhart, Lowell Estes, Bud Parkhill, Larry Roberts, Beth Wiessing, Carl Corbin, Laurence Wells, Rodney Vanous, Cheryl Zindars, Bruce Busboom, Phylis Jarrett, Bruce Stickers, Jack Knott, Chris Hausman, Gary Hockersmith, Elizabeth Cameron, Susan Naughtin, Bradley Uken, Cecil VanEtten, Clark Bullard, Mark Murphy, Amy Hammack Gilbert, Roger Fredenhagen, John LaTour, Joan Lane, LaVerne Harper, Orval Jarrett, Mary L. Gannaway, Pamela Borowski, Fred Meek, John Moody, Mark Williams, Paul Messman, Aleta Holt, Sara Holt, John Taft, Rob Parker, Birgit McCall, Neil Richardson, Neil Malone, Lester Frerichs, Richard Menzer, Ken Mathis, David Birkey, Sharon Martin, Barbara Wysocki, Tom Fermanian, Nancy Fermanian, Vince Hock, Wanda Hock, Duane Goodwin, Margaret Goodwin, Robert Gilbert, Linda Ehmen, Greg Fairfield, Mitzie Fairfield, Steve Hinrichs, Nancy Hinrichs, Lou Wozniak, JoAnn Wozniak, Harry Querry, Jack Spitz

1. Call to Order

The meeting was called to order at 7:10 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

3. Correspondence

None

4. Approval of Minutes

None

5. Continued Public Hearing

None

6. New Public Hearing

Case 522-AT-05 TEXT AMENDMENTS PROPOSED AS PART OF PHASE ONE OF THE CHAMPAIGN COUNTY COMPREHENSIVE ZONING REVIEW (CZR) Part A-M.

Mr. Hall informed the audience that Cases 414-AT-03 and 415-AT-03, both text amendments and Cases 419-AM-04, 420-AM-03, 421-AM-03, 422-AM-03, and 428-AM-03, map amendments which were proposed in the fall of 2004, have been withdrawn and therefore no township hearings will be necessary. He said that Case 522-AT-05 is a totally new text amendment. He said that a lot of this case is not much different than what was discussed at previous hearings although there have been very significant changes. He noted that everyone should sign the attendance sheet and if anyone would like to speak they must indicate such in the appropriate column. He encouraged the audience to contact staff with any questions that they may have regarding their individual parcel.

Mr. Hall stated that during his discussions with many landowners it seems apparent that many people do not understand what kind of zoning the County already has for the rural areas. He said that because there was so much testimony received at the previous hearings staff will provide copies of the minutes for those hearings at the January 17, 2006 meeting. He noted that the minutes from the previous hearings will be included in the Documents of Record because there is so much testimony which is still relevant. He said that due to the size of the mailing list copies of the minutes will only be mailed to the ZBA for review and will not be included in the next public mailing although anyone who would like to obtain a copy may contact the office. He informed the audience that copies of the *Champaign County Zoning Ordinance Public Review Draft 3* are available for purchase at the office or it may be viewed on the County website.

Mr. Hall stated that the Environment and Land Use Committee has spent an enormous amount of time on Public Review Draft 3, and there will be no changes made prior to its recommendation to the full County Board. He said that the Chairman of ELUC has requested that the ZBA make a recommendation as soon as possible although it is up to the ZBA to determine when they are ready to make a determination. He said

that there are three meetings scheduled in the Brookens Gymnasium and if required other meetings can be scheduled. He noted that formal protests have been received from both Mahomet and Newcomb Townships.

Ms. Monte stated that the purpose of the Comprehensive Zoning Review is so that the County can take a comprehensive look at an ordinance which was initially adopted 32 years ago. She said that in the time since the Ordinance was adopted there have been significant social and demographic changes in economic conditions, business practices, increased population, increased auto traffic, increased development demands on farmland and impacts to drainage and increased concerns regarding impacts on existing riparian systems. She said that staff is utilizing the Champaign County Land Use Regulatory Policies as a guide in proposing these changes. She said that some of the proposed changes will apply to all districts, some will apply only to the CR district under certain conditions, and some will only apply to all Rural Districts. She gave a Power Point Presentation regarding the proposed text amendments.

Ms. Griest informed the audience that the Board desires to give anyone who wishes to speak the opportunity to be heard but requested that if the speaker concurs with previous testimony please indicate such and do not restate the same statements which have been entered in as evidence.

Mr. Robert Brunner, who resides at 4001 E. Washington, Urbana stated that this appears to be a wild and expensive bureaucracy forming. He said that he has spent his adult life being concerned with the environment and believes that most people should be concerned although it should be through the private sector and not be dictated by government. He said that over the last 30 years he has taken approximately 21 acres out of crop production and planted trees, native flowers and wild grasses and constructed a pond. He said that he has a legal agreement with the Forest Preserve and the Department of Environmental Sciences at the University of Illinois that the property will be protected after their death and will not be developed. He said that the County Board has directed staff to prepare these changes to the Zoning Ordinance therefore a lot of the responsibility must be directed to the County Board itself. He encouraged everyone in the private sector to take a little acreage out of production and to get involved with the environment. He said that he has yet to see a list of serious abuses that private sector people have done to warrant such intrusive government. He said that these kind of bureaucratic, intrusive invasions into the private sector are normally done for power and money and he wondered how much money had already been spent on this effort. He said that he is concerned with the new Wal-Mart which the County has allowed to be constructed adjacent from his 80 acres. He said that he and his wife were the folks which obstructed Wal-Mart for approximately one year although they had no opportunity to obstruct it totally. He said that they were concerned with the flooding issue and how it will affect their adjacent 80 acre parcel. He said that it is interesting that the County wants to protect his 80 acres from development, which he has no interest in doing but would like to have the right to develop it if desired, and asked why the County should have the right to tell him what he should do with his private property.

Ms. Griest clarified that the new Wal-Mart and proposed Menards which Mr. Brunner has mentioned is within the jurisdiction of the City of Urbana and an operating drainage district and not within the authority of the County.

Mr. Brunner said that whoever made the decision for Wal-Mart and Menards and will probably take out a total of 1000 acres down that corridor and destroy it forever. He said that the County appears to be concerned with field tiles although there was no apparent concern when Wal-Mart placed their new tile field which by the way enters into his 80 year tile field. He said that his tile field runs across his 80 acres, across US 130 up to the Saline. He said that one could argue that contaminants can come from the Wal-Mart to the Saline but he does not believe that there was any concern mentioned. He said that this is his land and his castle and he should be the one to determine the fate and destiny of the property. He said that we are concerned with the agricultural community but the bottom line is that we all have worked hard for our homes and property and they do not want to be told what they can do with their property when they have earned the right to call it their property.

Ms. Griest stated Mr. Brunner brought up a good point regarding the jurisdiction of the municipalities as they expand out into the County and the Zoning Ordinance does not have any authority over the municipalities. She said that if anyone has any concerns regarding such matters this is not the forum in which those concerns should be expressed and encouraged the audience to attend the municipal board meetings.

Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet stated that he is the Chairman of the Newcomb Township Plan Commission and is also a member of the Farm Bureau Land Use Committee however he is not speaking in either of those capacities tonight. He said that tonight he is only speaking for his wife and himself. He read a prepared statement to the Board and submitted the statement as a Document of Record.

Mr. Kenneth Carter, who resides at 2067 CR 1100N, Sidney stated that he supports the previous speakers testimony and concurs 100%. He said that he purchased his property and maintains his property and he should have the right to do with it whatever he pleases.

Mr. John Sapp, who resides at 392E CR 2500N, Mahomet stated that he is a property owner in Newcomb Township and concurs with Mr. Schildt. He said that there are many other people who agree with Mr. Schildt and they believe that this is an invasion of privacy and the County is attempting to take away their private property. He said that it would be no different if the County was trying to take away part of his bank account or retirement plan or maybe his truck. He said that people purchase property which is determined to be a buildable lot and if at some point they need to develop the property due to health, shelter, income they should be able to do so. He asked if he lived in the city limits of Urbana or Champaign and had a tree in the middle of his back yard would he be able to cut down because if he can then that same tree is his if it is located in the his yard in the country.

Mr. Eric Thorsland, who resides at 480 E CR 2500N, Mahomet stated that he is an organic vegetable farmer in Newcomb Township and believes that something must be done. He said that a lot of people will come forward and claim that they are good stewards of the land and if this is so then they should not have any problem with the proposed text amendments other than some of the technical aspects. He said that what he does see happening is a bigger and brighter orange glow illuminating the sky. He said that everyone sees it and described it as "The Creep". He said that the rural communities are turning into Downer's Grove and

becoming suburbs. He said that you should ask the Board not to vote for the proposed text amendments if you like that big orange glow. He said that you should not ask the Board to vote for the proposed text amendments if you like rural subdivisions planted in the middle of a corn field or if you like construction trucks driving up and down the rural roads or if you enjoy mud on the rural roads. He said that there are two kinds of people who are against this Ordinance. He said that property owners like Mr. Sapp and Mr. Schildt have valid issues regarding personal property rights although the other people who probably will not speak as much tonight are the people who make the money. He said that there is a lot of money to be made in building homes and subdivisions. He said that he uses dirt for what he does and he calls it soil when he is farming but it is just dirt although he cannot buy enough of it to grow enough vegetables so that he does not have to work off the farm. He said that the dirt around him costs about \$8000 per acre and he is surrounded by people who own 10 acres and have two horses and call their property a farm. He said that he knows what a farm is and 10 acres with two horses is not a farm. He said that one of the biggest owners of farmland in this County is a developer and sometimes in attending the ZBA meetings he finds that there are warehouses being placed on 20 acres of farmland when he can count four or five single buildings which could be utilized as warehouses which sit vacant within the city limits. He said that development must be pushed back into the municipalities and if the real estate people desire to make money then their attention must be refocused on where buildings sit empty or can be torn down and rebuilt. He said that more money can be made on someone desiring to build a mini-mansion on ten acres of farm ground than could ever be made on building four affordable homes for people who have no home at all. He said that there may be some people who will get up and inform the Board why this Ordinance is bad but really what needs to happen is that we need to take control of Champaign County. He said that if you look at the Seal of Champaign County there are three ears of corn which are part of the foundation of this County but we are working our way down to one ear of corn and eventually we can take that corn off of the seal and replace it with a mini-mansion with two horses. He urged the Board to move this on to the County Board level and find a way to get it to pass in some form which will protect us from that big orange glow, "The Creep". He said that if you like it that is fine but if you don't then we need to help stop it.

Ms. Tamara Mitchell, who resides at 2072 CR 1100N, Sidney stated that she concurs with most of the testimony which has been presented. She said that the Board has a difficult job in trying to prevent the big orange glow and a much over zealous micro-management of personal property rights to which many of us do legitimately object.

Mr. Lex Lane, who resides at 1207 CR 2500E, St. Joseph read a prepared statement to the Board and submitted the statement as a Document of Record.

Ms. Beverly Seyler, who resides at 2060A CR 125E, Mahomet stated that she opposes the proposed text amendments. She said that the amendments are far too exclusionary. She said that they own approximately 10 acres much of which is along the Sangamon River and are directly adjacent to the new River Bend Preserve. She said that they also own 1/3 of a two acre pond that abuts the Sangamon River and the dam requires maintenance on which she counted approximately 70 mature trees. She said that they have been informed that if they want to keep the dam intact and maintain the pond that drains into the Sangamon River that they will be required to remove many of the mature trees. She said that they are faced with the choice if

this Zoning Ordinance if approved by the County Board of whether to let their pond fill in and become a mosquito haven increasing the risk of West Nile Virus or to become fugitives of the law and go ahead and remove the trees. She said that she does not believe that the proposal has been very well thought out and how it will impact individual landowners and believes that it is excessive and is going to exclude many people who desire to live in the rural area. She said that this appears to be unconstitutional.

Mr. Phillip Geil, who resides at 2060B CR 125E, Mahomet stated that he supports Mr. Schildt's comments and finds the problems with the definition of the intermittent drainageways unacceptable. He said that on his property there are drainageways during a heavy rain essentially every 100 feet or so which would leave no place to build. He said that in terms of the Stream Protection Buffer he could not put a garden in within 150 feet of the Sangamon although there are already several existing gardens located in this area. He said that about ten years ago some government agency came through and cut down all of the trees on the opposite side of the river therefore perhaps these amendments do not affect his property. He said that the letter from the Environment and Land Use Committee has requested that this Ordinance be sent to the County Board because time is of the essence for this amendment because there is a primary election this spring and there is little chance of achieving the necessary votes once the primary is underway. He asked if this would be because perhaps the people who are running for election at that time will be responsive to those of us who are concerned with this amendment. He asked Mr. Langenheim if this is the reason for the rush. He asked if the public has the right to request township hearings on this subject.

Mr. Hall stated that the County position is that this is a text amendment and the County is not obligated to have township hearings.

Mr. Ralph Langenheim, Chairman of the Environment and Land Use Committee stated that the statement with regard to receiving enough votes to get anything through the County Board reflects the fact that the constituency of this County is so divided into small interest groups which have very little consideration for each other and also the fact that if there is a formal objection from any organized Plan Commission a 3/4 majority vote is required to pass anything and this is almost an impossibility. He said that currently we have legally imposed paralysis.

Ms. Griest called Mr. Roger Armstrong but he was no longer in attendance.

Ms. Griest called Ms. Arna Leavitt but she was no longer in attendance.

Mr. Ross Brower, who resides at 1535 CR 2200E, St. Joseph stated that his property is along the banks of the Salt Fork River. He said that he does concur with the comments which have been made by many of the speakers this evening and would like to make comment regarding the micro-management of activities on private property. He said that this is a very important issue and it must be addressed.

Mr. Russ Taylor, who resides at 1304 Woodland Ct, Mahomet stated that he has attended all of the hearings. He said that he owns farmland in Mahomet Township along the Sangamon River. He said that his family has owned approximately 100 acres for 100 years in this County. He said that he is a real estate broker and

developer and agrees with several people although he disagrees with others. He said that Mr. Schildt has stated the fact that this infringes upon personal property rights. He asked who will enforce the tree provision in the rural areas, will it be adjacent property owners calling staff to indicate that their neighbor is cutting down a tree without permission. He said that the County's ordinances which are in place appear to be serving the purpose that they were intended. He said that there are a lot of responsible landowners in this County and when they purchase their land they are not purchasing it to destroy it but to improve it. He said that the landowners work hard in this community and are proud of their properties. He said that from a realtor's viewpoint if the County continues to restrict the land the way that this is proposed it will artificially inflate the property that is already there therefore giving those landowners a free ride for higher priced land yet penalizing the people who have not developed already and may just want to sell their ground. He said that this proposal will take money right out of the people's pockets that have not decided to develop their land and may require to do so at a later date. He said that if the philosophy is to have the government have more control the County had better remember that most countries in this world are moving away from that type of control therefore the County is moving in the wrong direction. He said that the County had better remember what this country was founded on in that individuals have the right to control their own property and make their own decisions and not placing the control back into the County as to who cuts what size tree. He requested that the Board defeat the proposed text amendments.

Mr. Norman Stenzel, who resides at 545A CR 1900N, Champaign stated that he is a resident of Mahomet Township and is curious as to the content of the Mahomet Township Protest to the zoning proposals. He said that he wrote a letter to the Mahomet Township Plan Commission and has not received a reply. He said that a public process of township planning would be a rational basis to challenge zoning and if the township people as a politic body agree on a plan or idea of what their future would be like they could use that to reply to the County that they have a different vision for their township. He said that if that plan does not exist then the challenge that the township commission provides does not have the rational basis that it needs to be legitimate. He said that he agrees with the intent of the County Board in providing direction as part of the basis for zoning as to preserve farmland. He said that he does not believe that farmland is raw material for urban expansion for extensive development on prime farmland. He said that those people who do support that are short- sided because the future of not only Champaign County but the nation may very well depend on the productivity of soils in Champaign County and other like counties. He said that our soils are special soils and we cannot give them up easily to sprawl. He said that unfortunately the County does not have much leverage in regard to the extension of Champaign, Urbana or Mahomet and perhaps we should reconsider our efforts and protest the planning activities of those municipalities rather than Champaign County. He said that Ms. Monte presented a rational process in regard to the zoning proposals and is not arbitrary. He said that this process began with meetings throughout the County and he does not remember seeing this many faces at these meetings and when staff asked the public what should be included or considered in zoning. He noted that the protests that are being voice now are a little late in the game and should have been voiced before tonight's hearing. He said that this is a democratic process and it has not been sprung on the County's residents and many opportunities have been provided for public input and if anyone has paid attention they could see how that input has changed the current draft and has not been ignored. He said that this will result in a compact or agreement between people which will provide rules for the games and the basis for expectations for the landowners and their neighbors. He said that with this a

landowner will not be surprised by the activity of your neighbor and you will not have to result to the court system because there is a process which addresses individual activities. He suggested that the County consult with its attorney and provide a reasonable explanation to the public how zoning is not a “taking” and not considered a “taking” in many courts of the land. He said that he would approve of these regulations probably more than anyone else if there were changes but since he does not believe that it is time for any additional changes he would approve the proposed text amendment as it exists currently.

Mr. Bruce Busboom, who resides at 2521 CR 600E, Dewey stated that he concurs with the previous speakers and requested that someone demonstrate the process of democracy that exists where a group of people in Urbana can tell him how many trees he can cut down 22 miles away. He said that some of the proposed text appears to be ridiculous.

Mr. Clark Bullard, who resides at 509 W. Washington, Urbana stated that the Stream Protection Buffer is too small and its protections are too weak. He said that he does agree with several speakers who are pointing out the technical difficulties in implementing it and the need for more flexibility. He said that one of the previous speakers indicated that we need to take control of Champaign County and this is an important role of county government. He said that zoning is virtually the only tool that we have to protect a lot of aspects of our quality of life and our economic destiny in the County and how we distinguish ourselves with other counties when we try to attract industries and create jobs for people who may be looking for home sites which may include forests. He said that we need to focus on the big picture and recognize that agriculture is part of our County’s economy and as very strong concerns are addressed by this proposal about keeping the big orange glow contained and it is widely shared. He said that there is also an interest in having forested stream corridors in our county and it is because they produce public benefits. He said that 80% of the original stream corridor forest in this County is gone and that deforestation causes loss of public benefits. He said that it is not just soil which makes it impossible for a lot of fish to lay eggs and nest it is pollutants and nutrients that get drawn up and kept out of the stream. He said with 80% being gone and public benefits being lost such as nesting for birds and their mere existence in this County and should not be destroyed just because individual landowners believe that when they purchase a piece of land that they also bought the right to kill every living thing on it if so desired. He said that we should recognize that 35 years ago was the last time when the issue of zoning was debated and there is no guarantee that the 20% of forest will be here 35 years from now. He said that under this Ordinance you could cut down every tree less than six inches and 35 years from now there will be few trees left and if the publically funded research comes through we could have another culture of bamboo type crops in our bottom lands but this is the time to address this. He said that those research dollars might increase the value of that land and for the forest preserve to come along to buy it at that time would be terribly expensive and that addition in value produced by your tax dollars right now is going to be a windfall to those land values. He said that we cannot think of this as a “taking”. He said that most everyone lives with zoning because it prevents our neighbors from taking away public benefits such as peace and quiet, clean air and clean water. He said that a previous speaker indicated that there are state laws and state agencies in charge of protecting these environmental aspects of our quality of life but frankly he would rather trust the Zoning Board to protect Champaign County’s quality of life rather than someone in Springfield. He said that other areas have worked out more flexible mechanisms for protecting the environmental and ecological quality of their environment such as if

you desire to cut down on acre of trees on your property you are required to plant three acres of trees somewhere else and not necessarily on your land but contract onto someone else's land and contiguous to the same stream corridor that the one acre of trees was removed from. He said that this allows for flexibility and protects the overall amount forested area in the County.

Ms. Amy Hammack-Gilbert, who resides at 468 CR 2425N, Mahomet stated that she and her brothers own a land trust which they inherited from their father of 236 acres in Section 35 of Newcomb Township. She asked how many acres are involved in the Stream Protection Buffer District.

Ms. Monte stated that there is an estimate of 5000 acres. She said that in comparison to the previous proposal it is 18% less.

Ms. Gilbert asked how she would discover how many acres of her parcel would be included.

Ms. Monte stated that she should come to the office so that staff can investigate her individual parcel.

Ms. Griest suggested that Ms. Gilbert call Ms. Monte and request an appointment so that her questions regarding her parcel can be addressed individually.

Ms. Gilbert stated that they lost 8 trees on their property last year due to storms and asked if storms count in the removal of existing mature trees.

Ms. Monte stated that dead trees are exempt.

Ms. Gilbert stated that her trees were uprooted and in the previous version she would not have been allowed to cut them up unless they were over a driveway. She asked if the trees were down on the river bottom over the canopy would she be able to remove the dead trees if they are located within the 150 foot buffer area.

Ms. Monte stated that there are exclusions that allow for removal of naturally fallen trees after such an event as a storm. She said that Ms. Gilbert would be allowed to remove trees and request a permit. She said that if there is confusion in the language then perhaps the language can be improved to make it more clear, but that there are proposed provisions for leaning trees, diseased trees and dead trees.

Ms. Griest stated that the earlier comment from staff was that there would be no changes made to this version of the Ordinance before forwarding it on to the County Board.

Ms. Monte stated that Ms. Griest is correct.

Ms. Gilbert asked if it would be a case by case situation. She said that she owns the mortgage on home which is less than 150 feet from one of streams or ditches and asked if the owner's could repair their property if it were damaged.

Ms. Monte stated that there are exemptions for existing structures and buildings that are on a lot.

Ms. Griest called Mr. Roger Fredenhagen.

Mr. Fredenhagen stated that he did not have any additional comments at this time.

Ms. Griest called Ms. Pamela Borowski but she was not longer in attendance.

Mr. Neil Malone, Governmental Affairs Director for the Illinois Association of Realtors representing members within the Champaign County Association as well as six other realtor associations in Central Illinois stated that Ms. Borowski had to leave the meeting and asked him to indicate her agreement with many of the previous speakers. He said that his association is portrayed as land grabbing in the rural areas. He said that they fill a need based on whatever the housing market is in any particular community. He said that what they do is affected by what the County Board, State and Federal entities do in regard to land use decisions. He said that since his members are so dependent on the market place for their livelihood he will try to assess this as to what would be gained by this Ordinance and what would be loss if this Ordinance was recommended. He said that the purchase of a home is for most people the biggest investment that they will make in their lifetime in one single asset. He said that watching the market forces for that one single asset is a big concern not only to realtors in their role of helping with that but to the folks who live in this community and those people who make those big buying decisions. He said that what will be gained by this entire exercise is a monstrous bureaucracy which will be needed to administer this public policy which will include huge investments in time by planning staff and enforcement officials. He said that having been around government for a number of years this all leads to higher taxes or higher fees to be able to fund a program of this size. He said that the landowner is going to lose their rightful ability to enjoy your private property as you deem appropriate and based on the statistics there are approximately 5,000 acres out of production for future homes, schools, hospitals, etc. He said that with restrictions of development on best prime farmland there will also be a loss of future residents to the County due to lack of housing location choices. He said that as the County continues to limit where development can occur housing costs will be driven up elsewhere because as demand increases and supply is limited the price goes up. He said that the community as a larger entity also loses because when Champaign and Urbana go out and try to compete for additional businesses to relocate to the area they will find that the County has restricted what housing choices are available in the area and that may be enough to sway them elsewhere. He said that a noted statesman once said that, "A government big enough to give you everything you want is big enough to take everything you've got."

Mr. John Taft, who resides at 1 North St, Sidney stated that it is important to realize some of the facts that we are dealing with tonight. He said that Mr. Bullard pointed out that we have lost about 80% of the forest cover in the County but he did not point out that we have lost approximately 99.999% of the prairie which was located in the County. He said that the loss of the prairie is for good reason because it is some of the best farmland in the world but what we seem to be fighting about is approximately the 1% of the County that falls within 150 feet of a stream. He said that if we were to put this in perspective we have eliminated approximately 78% of the forest cover in this County and 100 years from now will it be 92% which will

leave 8% left. He said that it is a diminishing amount of the eco-system service which will be provided and it seems that what the ZBA is proposing is whether or not the public wants to see this eco-system continue to be diminished. He reminded everyone that the services of the eco-system benefit all people whether they recognize it or not as well as less articulate organisms on the planet which are not able to get on a soapbox. He said that he has sympathy for the ZBA's duties in trying to address these issues yet he does recognize that there are technical issues which do appear that would benefit some "tweaking," such as the tree removal provision. He said that the notion that it is bad that a school or hospital would not be allowed within 150 feet of a stream is rather extreme perspective. He suggested that the public back off a little bit and be more rational with their comments.

Mr. Vince Hock, who resides at 2638 CR 600E, Mahomet in Condit Township stated that he does not believe that this process has been a fair and open proceeding because he did not know that on November 14, 2005, ELUC met and discussed the Comprehensive Zoning Review and he had spoken at most of the meetings last year. He said that one of the leading environmentalists works at the same lab and did not even consult Mr. Hock and he knows that Mr. Hock farms south of Fisher. He said that if the public does not believe that Champaign County is being developed they should visit the area between CR 600E and 2600N because there have been 20 homes constructed in the last few years. He said that the three homes were granted by the previous Board allowing construction of those homes on some of the poorest drained ground you could ever want. He said that development is going on in Champaign County and there is a net loss of farm ground and will not affect the agricultural community in the United States because frankly we will buy soybeans and corn in South America. He said that the County should not restrict landowners from developing on their property especially if they are required to do so for financial reasons and it can be done in a manner that will not increase erosion. He said that this has been going on at a very rapid pace because every landowner of 40 acres or less is selling off one to five acres under the current zoning. He said that he never goes to the ZBA to determine what an allowable setback on drainage is because that is the jurisdiction of the USDA and the Soil and Water Conservation District. He said that the USDA has the maps and the engineering expertise to indicate the drainage areas. He said that the listing of wildlife and endangered plant species should be revised to be applicable to the area. He asked if a drainage ditch which empties into a river considered a tributary. He said that any other concerns or questions that he has regarding the proposed amendment will be submitted to staff.

Mr. Duane Goodwin, who resides at 1374 CR 2125E, St. Joseph asked how many Board members have walked one mile of any river within the County. He said that he is continuously offended by the County implying that he is a poor steward of his land. He said that 14 years ago he moved onto his 23 acres of ground and can guarantee that there are twice as many trees, pheasants and switch grass located on his property than there was prior to his residency. He said that for someone who lives in Urbana to tell him that he is a very poor steward of his land is offensive.

Ms. Griest clarified that none of the members of the ZBA are permitted to live within the municipalities of Champaign or Urbana.

Mr. Goodwin stated that he is not speaking about the Board but the people who sit in the audience and talk about how many meetings they have attended in the last two years. He said that he is on the drainage

district and they walk the ditch bank once a year before they even approach a farmer regarding what they are planning to do. He said that he has been to a lot of drainage meetings and he hasn't had one meeting pay his taxes or make a payment on anything he owns therefore he takes it very personal when someone who lives 10 or 20 miles away starts telling him what he can and cannot do on his land when they don't know. He said that when they take a general, across the board view that everybody who lives on five acres of ground is out here hurting our property then he will tell them that they are wrong. He said that it would make more sense to make a law that if you are messing up your property then we have a law to do something about it not a law that covers everyone. He said that the County should deal with individuals and not lump everybody as if they were not a good steward of their land because he is proud of what he has and he has worked to have it that way. He said again that he is very offended when people who have never been to his property tell him that he is ruining the environment and he is not going to run scared.

Ms. Linda Ehmen, who resides at 2752 CR 2000E, St. Joseph stated that she supports the previous speakers and emphasized that we do need to protect our farmland from developers and we need to hold on to our agricultural industry in this County. She said that we also need to protect the wildlife in and along the streams or it will be gone for future generations.

Mr. Harry Querry, who resides at 2913 Rutherford Dr, Urbana stated that he only has one question after setting through this meeting tonight and that question is: If all of the property owners are killing all of the birds, fish and trees on their properties I don't know where we are going to get intelligent people to sit on the Board which is going to be detrimental to the program. He said that if all of us are so dumb that we cannot take care of our own property and in the best interests as citizens then he does not know who will sit in judgement. He said that he believes that the County has approached this issue from the wrong angle and the comments that have been made to take the problems and solve those is wonderful but you don't put everyone in jail just because somebody might break the law. He said that we have more government now than this County can afford and these provisions will add a great deal of cost and cause a lot of problems because it is far too restrictive. He said that he hopes and prays that the County Board has the wisdom to reject the proposal as submitted.

Ms. Elizabeth Cameron, who resides at 2038 CR 125E, Mahomet stated that she agrees with some of the previous speakers. She said that with all due respect this is a "taking" without compensation when landowner's rights are restricted and their use on their land which could affect their real estate values. She said that the private landowners that she knows do not kill everything on their land and they do not cut down all of their trees. She said that many of the landowners that she knows plants trees and ironically have created the very areas which are now being proposed to be restricted. She said to consider to regulate these landowners more because they are probably going to endanger the environment is ludicrous. She said that when laws and regulations become excessive and oppressive people will become selective on which ones they will obey therefore you have the situation as to whether you should fund staff for enforcement or you have a bunch of regulations that don't mean anything. She said that neither of those situations is tenable. She said that she does not believe that this proposal would impede the kind of sprawl that is caused by annexation. She said that what concerns her the most is that the fundamental premise underlying this issue seems to be that, "government knows best," and is the party where you have planners that their concerns are

senior to the individual rights of the citizen and this is absolutely counter to what this country was founded upon.

Mr. Neil Richardson, who resides at 2612 Brownfield Rd, Urbana stated that this is not the zoning for Champaign County but for rural Champaign County. He said that if this applied for the properties located in the cities this gymnasium would be full and overloaded. He said if you had people who had a lot and the County indicated that they were going to take 35 feet of their lot and they could not do anything with it other than what the County allows them to do it would not be tolerated. He said that he too does not like to see trees cut down but he should not have to pay to have 75 or 150 feet of land set aside so that nothing is done because somebody else wants to see it set there. He said that if the County wants it to set there then the public should pay for it then it should be a park. He said that he can understand regulating lot size but the County is getting into an entirely different area when they want to tell people what they can and cannot do with their own land. He said that if it is going to apply to everybody in Champaign County then it should apply to everyone in Champaign County and not just rural landowners.

Mr. Schildt stated that he wanted to respond to Ms. Gilbert's question regarding whether a dead tree could be removed and it goes to the confusing nature of this Ordinance. He read verbatim from the text of the Ordinance regarding tree removal as follows: A mature tree is defined as a tree which meets the following criteria: the tree has a trunk diameter of six inches or more as measured four and one-half feet above the ground or from the base of the trunk; and the tree is alive, healthy, diseased, damaged, dead, up-right, or leaning.

7. Staff Report

None

8. Other Business

None

9. Audience Participation with respect to matters other than cases pending before the Board

None

10. Adjournment

The meeting adjourned at 10:00 p.m.

Respectfully submitted

ZBA 1/4/06

AS APPROVED JANUARY 31, 2006

Secretary of Zoning Board of Appeals

AS APPROVED JANUARY 31, 2006

ZBA 1/04/06