

1 **MINUTES OF REGULAR MEETING**
2
3 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**
4 **1776 E. Washington Street**
5 **Urbana, IL 61801**
6

7 **DATE:** January 31, 2006 **PLACE:** Brookens Gymnasium
8 **TIME:** 7:00 p.m. **1776 East Washington Street**
9 **Urbana, IL 61802**

10 **MEMBERS PRESENT:** Doug Bluhm, Dennis Goldenstein, Debra Griest, Joseph L. Irle, Richard
11 Steeves, Melvin Schroeder, Roger Miller
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14 **MEMBERS ABSENT :** None
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16 **STAFF PRESENT :** Connie Berry, Lori Busboom, John Hall, Jamie Hitt, Leroy Holliday, Susan
17 Monte
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19 **OTHERS PRESENT :** James Schwartz, JoAnn Wozniak, Lou Wozniak, Sue Naughtin, Jerry Young,
20 Megan Anderson, Jack Knott, David Stalter, Eric Thorsland, Chris Hausman,
21 Elizabeth Cameron, Bradley Uken, Andy Busch, Edith Carr, Esther Lindsey,
22 Robert Brunner, Bruce Stickers, Larry Rishel, Jim Roberts, Mark Thompson,
23 Chris Doenitz, James Yarnell, Sandra Yarnell, Frank Kamerer, Herb Stauffer,
24 Russ Taylor, Guy Christopher, Dale Rapp, Sally Duchow, Amy Gilbert,
25 Steve Stierwalt, Gary Baker, John LaTour, Duke Goodwin, Margaret
26 Goodwin, Sherry Schildt, Herb Schildt, John Sapp, Yvonne Sjoken, Daniel
27 Sjoken, Beverly Seyler, Gary Hentges, Jessica Herberts, Margaret Pribble,
28 Linni McDade, Hal Barnhart, Don Wauthier, Laurence Wells, David Litman,
29 Brad Pribble, David Barcus, Louis Largent, Lloyde Bohlen, Amy Murray,
30 Terry Reid, Phillip Geil, Tammar Geil, Dorinda Sides, Kay Horsch, Jim
31 Rector, Andy Sperling, Debbie Sperling, Clyde Trotter, Jim Corbin, Barbara
32 Wysocki, Norman Stenzel, Nancy Moser, Bill Stierwalt, Steve Burdin, Bob
33 Mitsdarfer, Aaron Cohen, Nancy Fermanian, April D. Getchius, Greg
34 Fairfield, Mitzie Fairfield, Don Fairfield, Steven Franke, Cliff Shipley, Ron
35 Cook, Lloyde Esry, Michelle Hentges, Bill Craig, Neil Malone, Dennis
36 Ohnstan, Rob Parker, Les Olson, Terry McLaren, Carolyn Faucett-Knox,
37 Dora Ehmen, John Alexander, Ralph Langenheim, Aleta Holt, Jon Schroeder
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40 **1. Call to Order**
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42 The meeting was called to order at 7:06 p.m.
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44 **2. Roll Call and Declaration of Quorum**
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46 The roll was called and a quorum declared present.

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3. Correspondence

None

4. Approval of Minutes (July 29, 2004; January 04, 2006; and January 17, 2006)

Ms. Monte stated that Mr. Clark Bullard’s testimony in the January 04, 2006, minutes required a minor correction. She said that the following sentence should read as follows: 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.

Mr. Irle moved, seconded by Mr. Bluhm to approve the July 29, 2004; January 04, 2006, as amended; and January 17, 2006, minutes. The motion carried by voice vote.

5. Continued 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 distributed the Champaign County Comprehensive Zoning Ordinance Revision Ordinance Objectives to the Board for review. He informed the audience that copies of the Ordinance Objectives were available at the information table. He said that the ZBA will make a recommendation for Case 522-AT-05, based on how well the amendment conforms with the Land Use Regulatory Policies and how well they achieve the Ordinance Objectives. He said that in some cases there may be an amendment that conforms with the Land Use Regulatory Policies but when the Ordinance Objectives are reviewed there may be parts that do not achieve those objectives very well. He said that draft minutes for the August 26, 2004, public hearing have been distributed to the Board for review. He said that the minutes relate to the previous zoning cases which have been withdrawn but a lot of the testimony could be of some use to the Board. He said that

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1 the August 26, 2004, minutes will be available for approval at a later meeting. He distributed a Revised
2 Draft Finding of Fact for Part I. He said that Part I relates to the Stream Protection Buffer and seems to be a
3 part of the amendment where the Board has a lot of work to do in documenting the public testimony and its
4 own concerns. He said that staff requests direction from the Board as to whether the format is as useful as it
5 could be when it comes to the point when the Board is ready to make a final determination. He said that if
6 the Board concurs with the draft format then this will be the format that will be used for the Finding of Facts
7 on parts of the amendment which will be more controversial. He said that Draft Finding of Facts for the
8 other parts of the amendments are not completed therefore the Board cannot take final action at tonight's
9 meeting. He said that the Board also received a handout which explains which Land Use Regulatory
10 Policies are relevant for each part of the case. He said that a special meeting will be required and the Board
11 will need to discuss a specific date. He said that the State's Attorney's office has indicated that special
12 hearings for this case must be held in a space which is large enough to accommodate a large group of
13 attendees and it must be located in a County facility therefore the Brookens Gymnasium is the only location
14 that is suitable for a special meeting for this case. He said that the County has encroached on the Urbana
15 Park District's schedule a lot within the past month and the next available date for a special meeting of the
16 ZBA would be March 2, 2006 at 7:00 P.M. He said that the Board will need to approve the March 2, 2006,
17 meeting date.

18
19 Ms. Griest asked the Board members if they would be available for the proposed March 2, 2006, special
20 meeting.

21
22 The Board concurred that a quorum would be available for the proposed March 2, 2006, special meeting.

23
24 Ms. Griest informed the audience that testimony for tonight's meeting will begin with the attendees who
25 have not presented testimony at a previous meeting. She said that there has been testimony submitted in
26 writing and there are attendees present who represent organizations and the Board would like to have their
27 testimony placed on record. She said that once the new testimony has been presented the Board will move to
28 a discussion session in response to the public's requests and then conclude the meeting by opening up the
29 floor for attendees who have had the opportunity to speak at previous meetings. She requested that the
30 testimony not include information that has already been presented. She said that if someone would like to

1 signify their concurrence with a previous speaker, please indicate such and that concurrence will be placed
2 on record.

3
4 Mr. Chris Hausman, who resides 948 CR 100N, Pesotum read a prepared statement to the Board and
5 submitted the statement as a Document of Record.

6
7 Mr. Andy Busch, who resides at 2397 CR 675E, Champaign submitted a prepared statement to the Board as
8 a Document of Record. He said that he read an editorial in a November issue of the *News Gazette*, which
9 discussed property rights and the general idea that this is a society based on ownership. He said that one of
10 the points which were brought up in the article was the at one time Champaign County was owned by the
11 Federal government. He said that the Federal government had the foresight and wisdom to allow private
12 ownership of the land and to allow those individuals who had that private ownership the opportunity to
13 make their own decision about what was best for their property. He said that this County is funded to a
14 large degree by real estate taxes and those taxes are based on the use and value of the property. He said that
15 the higher the assessment the higher the tax revenue which comes to the County government but now the
16 County government is considering to make decisions that will take away some of the potential value of that
17 property. He said that because his family moved to this area in 1830 and settled in the area where he resides
18 now he has a long history with his property. He said that in the early 1960's his parents fenced off
19 approximately 100 acres of what is now considered a beautiful natural area. He said that his parents did this
20 at their own expense and did not do it because the County or University of Illinois told them to but because
21 they wanted to see what would happen. He said that since that time at his own expense he has paid taxes,
22 maintained and protected that property and it is an absolutely wonderful place and as far as he is concerned
23 he will never get rid of it unless down the road something very detrimental would happen to one of his
24 family members and he would need to sell it. He said that he was approached by an unfamiliar gentleman who
25 offered him an enormous amount of money for the property but he told him that the property was not for
26 sale. He said that his intent is to keep this property in his family just like his parents did but if his wife or
27 daughter were to become ill and the property was no longer allowed to be sold or used in the best way he
28 might be forced to sell the whole property to get what perhaps ten acres would bring otherwise. He said that
29 part of the reason that the Federal government believed in it's infancy in private property rights is because
30 they knew that individuals, for economic reasons, were the best decision maker's on what should be done on

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1 their property. He said that today there are people who do not believe that farmland should be drained and
2 that borders on the same kinds of things that are being considered here tonight about taking away the rights
3 of individuals to own and use their property in the highest economic means. He said that he doesn't want
4 someone living next to him and there are people living next to him now that he wishes were not there but he
5 does absolutely support the right of the people that owned that property to make that use. He encouraged
6 the Board to read the three proposals included in his written statement and requested that the Board forward
7 a recommendation to ELUC and the County Board to reject all of these proposed changes.

8
9 Mr. Jim Roberts, who resides at 1806 E. Lakeshore Dr, Mahomet stated that he is a resident of the Twin
10 Oaks Subdivision which is located in the County. He said that his is concerned with Part I of the proposed
11 changes. He requested that the Board include all components of a watershed and not just streams and
12 drainageways and not just in wooded areas specifically he is requesting that the Board include lakes and
13 ponds because they are components of a watershed. He said large scale disturbance of vegetation will
14 impact water quality of these water bodies just like streams and drainageways. He said that if the County
15 proposes to use buffer strips as a best management practice to protect against soil erosion, nutrient transport
16 in streams and drainageways then please add lakes and ponds. He said that he is not aware of how many
17 lakes and ponds are located in Champaign County but he does know that the lake in Twin Oaks Subdivision
18 is in the County. He submitted the following documents to the Board as evidence: 1. Excerpt from *Lake*
19 *County, Illinois Watershed Development Ordinance*; 2. *Lake Notes* by the Illinois Environmental Protection
20 Agency; 3. *A Guide to Illinois Lake Management* by the Northeastern Illinois Planning Commission; and 4.
21 Photocopies of time series of photographs of a portion of the shoreline at Twin Oaks Lake, Mahomet.

22
23 Mr. Mark Thompson, who resides at 564B CR 2400N, Dewey stated that as an American he is appalled that
24 the Champaign government would consider throwing these changes in the faces of property owners. He said
25 that when he reads what the County has already passed scares him even more because it is so contradictory.
26 He said Land Use Regulatory Policy 1.3.1 indicates that all landowners are guaranteed an as-of-right
27 allowance to establish a non-agricultural use. He said that 1.3.2 indicates that Champaign County finds that
28 continued agriculture use alone constitutes a reasonable economic use of the best prime farmland and
29 fairness to landowners does not require accommodating non-farm development of such land therefore the
30 County allows non-agricultural use and then does not allow it, how insane is that. He said that many people

1 do not know about the proposed changes and the Board is only receiving a very small sample of the people
2 who are aware of the situation and most of the people who do know cannot believe that it is happening. He
3 said that he is a private property owner and he has been burned because of the rules have been changed
4 along the way. He said that it is his understanding that if someone has a platted five acre lot they maybe
5 able to do something with it but now the County is considering to 40 acres which is a 85% reduction in
6 possible value. He said that if he was a farmer and he is a member of the Champaign County Farm Bureau
7 and Mr. Hausman did not represent his vote but the institution's vote. He said that the Champaign County
8 Farm Bureau makes it's living because of farmers and they need farmers. He said that he does understand
9 that farming is a wonderful thing but it is just dirt, granted it is some of the best dirt there is, but currently
10 we do not need any more crops because there is a 38% surplus every year in crop. He said that other
11 countries are strongly producing crops and the idea that Champaign County has decided that the property
12 owners have to retain this ground because it is part of their heritage is insane. He said that this ground is not
13 Gettysburg because places like that the County would want to preserve. He said that he does understand the
14 issue of infrastructure because it is an issue but taxes will cover those improvements in time. He said that he
15 believes in conservation and desires to have habitat but there are ways that people can develop properties
16 with habitat in mind. He said that LURP 1.1.1 indicates the following: The unincorporated areas of
17 Champaign County fall into two broad classes: urban land which is served by a sanitary sewer system and
18 rural land which is not. He said that there are septic flow systems available to the average property owner
19 which will successfully work on a one acre lot. He said that LURP 1.1.2 indicates that commercial
20 agriculture is the highest and best use of land in the areas of Champaign County. He said that the world is
21 changing and evolving right before our eyes. He said that we live in Champaign County with the University
22 of Illinois and just to keep some people happy perhaps Greenpeace will move into town and they will all
23 want to move into the country but the Board won't let them.

24
25 Ms. Griest clarified that the Zoning Board of Appeals is not the Board that developed neither the Land Use
26 Regulatory Policies nor the Ordinance Objectives. She said that the Zoning Board of Appeal's job is to
27 evaluate the Draft Ordinance against those policies and objectives and to try to make the most objective
28 comparison possible on a very emotional issue.

29
30 Mr. Thompson stated that he realizes that the ZBA is not the enemy. He asked if any of the County Board

1 members attended the public hearings.

2

3 Ms. Griest stated that several County Board members have been regularly attending the Comprehensive
4 Zoning Review public hearings.

5

6 Mr. Thompson stated that the idea that a 3/4 majority vote by the County Board could adopt these changes
7 scares him tremendously. He said that he hopes the Board recognizes the flaws in the entire package. He
8 said that he would hate to think that he owns a piece of ground that has been in his family for years that he
9 or his father cannot do anything with. He said that an individual has the right to do whatever they desire
10 with their property and they should be the ones to make the decisions on their property. He requested that
11 the ZBA recommends denial of the proposed changes. He noted that the ZBA does a good, thorough job in
12 their review and he has witnessed the bureaucracy that they have to go through when reviewing cases
13 therefore he could understand why they would want to cut down the work. He said that he does not feel that
14 the current system is broken and the proposed Ordinance will only make it too hard on the individual
15 landowners and it is not fair.

16

17 Mr. Frank Kamerer, who resides at 2648 CR 350E, Mahomet stated that he resides in Newcomb Township
18 and has been there for 54 years. He said that when he first moved to Newcomb Township the nearest
19 neighbor was 1/4 mile away but now they are across the street. He said that text is very difficult to read in the
20 Draft Proposal. He said that as far as he can tell the County wants to protect the rivers and the streams but it
21 is too late. He said that he owns cattle and is not interested in owning a subdivision but his children might
22 be interested. He said that the County has allowed people to build homes all around his property but the
23 County believes that it is going to tell him what to do with his ground after he stops running his cattle
24 business. He said that the ground that he owns between the buffer and the river would be a good place to
25 build homes so that they stay off of the prime farm ground and truthfully they want to be next to the river
26 and trees and not out in the middle of a field. He said that he can either keep running his cattle business or
27 rush and sell off his land before this Draft Ordinance is adopted. He said that he is approached every week
28 by someone wanting to purchase ground from him and his son keeps telling him that perhaps he should take
29 advantage of it. He said that he has had neighbors who have built homes around him that would like to run
30 him out of the cattle business and some have already tried. He said that when someone new builds a home

1 around his cattle farm he tells them that they know where he is located and what type of business that he
2 runs and if they have any complaints he doesn't want to hear it. He said that he has a feed lot and people are
3 building homes north of it which is the worst place in the world to build a home because at times he even
4 believes that it smells bad.

5
6 Ms. Sally Duchow, who resides at 201 W. Castle LN, St. Joseph declined to speak at this time.

7
8 Mr. Steve Stierwalt, Chairman of Champaign County Soil and Water Conservation District read a prepared
9 statement to the Board and submitted the statement as a Document of Record.

10
11 Ms. Griest asked Mr. Stierwalt how much of the drainage tile system is mapped or available for owners to
12 access information about the drainage tile systems in Champaign County.

13
14 Mr. Stierwalt stated that very little of the drainage tile systems for the County is mapped currently. He said
15 that the Champaign County Soil and Water Conservation District has a service where they can identify a lot
16 of underground tile drainage from aerial photography at the cost of \$2 per acre. He said that if someone
17 who is going to be developing an area would trench the perimeter of their area they could actually identify
18 any tile that is coming into that area and once you find that tile you can follow it and discover where that tile
19 runs. He said that this would take some effort but it would be to everyone's advantage to find where those
20 tile are located and if they desire to build where the tile is located they would have to re-route the tile.

21
22 Ms. Griest asked Mr. Stierwalt if it is his opinion that if someone re-routed drainage tile would they be able
23 to circumvent the 25 foot proposed setback.

24
25 Mr. Stierwalt stated that in the Ordinance there is a proposal for re-routing the tile and that would be more
26 than adequate. He said that their concern is to know that the tile is there so that people can take care of it.
27 He said that anyone who would happen to build over a tile and the tile was cut their property would flood
28 because the water would come onto the their property with no where to go therefore it is to the builder's
29 advantage to located the existing tile and re-route it prior to construction.

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1 Mr. Terry McLaren, who resides at 3192 CR 2725E, Penfield stated currently there are many streams and
2 waterways protected by grass filter systems sponsored by CRP. He asked Mr. Stierwalt what the percentage
3 of streams and waterways were already protected.

4
5 Mr. Stierwalt stated that Champaign County is very fortunate in that it has one of the highest percentages in
6 the state of streams and rivers that are protected by either a grass waterway that is actually a paid program
7 through CRP. He said that approximately 75% of the water course protected by these stream buffers.

8
9 Mr. Gary Hentges, who resides at 1903 N Willow Rd, Urbana read a prepared statement to the Board and
10 submitted the statement as a Document of Record.

11
12 Mr. Don Wauthier, Village of Mahomet Engineer stated that the Zoning Ordinance does need revision. He
13 said that many of the comments that he has listened to have often focused on certain aspects of the proposed
14 Zoning Ordinance Revisions. He said that some of the changes are an improvement to the Ordinance
15 although there are others that he also has concerns about. He said that in general the changes proposed in
16 Part A. are good changes. He said that one thing that everyone should be cautious about is that as the AG-2,
17 zoning district intent changes it will have an impact on existing properties. He said that for an example
18 there are large areas around the Village of Mahomet that are zoned AG-2 but are developed for single family
19 homes therefore if the Table of Authorized Principal Uses is changed in the AG-2 district someone could
20 tear down a couple of homes and “by-right” build a Commercial Greenhouse. He said that if the land was
21 vacant and re-zoned to AG-2 then the commercial greenhouse may work but with the existing uses that are
22 already there becoming non-conforming there could be some trouble in the long term. He said that in regard
23 to Part B. there are favorable changes in the Table of Authorized Principal Uses such as identifying
24 additional uses and scaling back the allowable uses that are allowed in the various agricultural districts and
25 B-1 district. He suggested that prior to adoption of these changes that the Board and staff review the Table
26 of Authorized Principal Uses and determine if all of the uses are within the right location in the “by-right”
27 elements of things. He said that as an example, a park without athletic facilities requires a Special Use in
28 the B-1 district yet a Contractor’s facility with outdoor storage or a sawmill is “by-right”. He said that these
29 two examples does not seem to measure up to the impact that they may have on the neighborhood because a
30 park must go through the Special Use process but a sawmill is permitted “by-right”.

1
2 Mr. Wauthier stated that Part C of the proposed changes is also a favorable change in setting up standard
3 conditions for Special Uses. He said that the only conditions for Coring and Mining Special Use is that it
4 cannot be located within a Stream Protection zone or Drainageway setback buffer area and no conditions
5 about traffic, noise, buffering, site restoration therefore the impression of an applicant reading the Ordinance
6 would be that the SUP process is pretty straight forward. He said that Part D relates to the single family
7 residential restrictions and he is generally favorable with its concepts although he is concerned about what
8 has been proposed particularly as it relates to the first person to use the development rights uses them for
9 everyone else. He said that if there is 160 acres of ground today and it has a certain amount of development
10 rights and tomorrow the land is divided into four 40 acre parcels and the person who owns the northwest 40
11 acres uses up all of the development rights the owners of the other three 40 acres parcels lose their
12 development rights. He said that just because someone is the fastest out of the gate to get the development
13 rights means that everyone else is barred forever and it does not seem fair and he doubts that a judge would
14 suggest that it was also fair.

15
16 Mr. Wauthier stated that in general Part E is a good idea and likes the increased minimum lot areas and
17 setbacks for non-surveyed lots because it will save the Board and staff a tremendous amount of time. He
18 said that he has attended many meetings where someone has discovered that their existing structures did not
19 meet the minimum setbacks when their land was surveyed and sold. He said that he agrees with the
20 SWCD's suggestion in regard to Part F. He said that he is not sure that a 50 foot drainage tile setback is
21 necessarily needed in all instances and something smaller may serve the purpose just fine. He said that the
22 setback for drainageways depends on whether it is by a smaller stream or grass waterway. He said that he is
23 concerned with Part G because as it reads the 250 foot buffer area is virtually a complete "taking". He said
24 that currently the Urbana-Champaign Sanitary District and the Champaign Park District are involved in a
25 new park area by the southwest treatment plant. He said that if the park is going to have baseball and soccer
26 fields is a 250 foot setback really necessary as compared to all of the other parks in Champaign-Urbana. He
27 asked if West Side Park is really affected by the buildings across the street whether it those buildings have a
28 law office, funeral home or apartments located within them. He said that it is one thing to have a setback
29 provision to provide some legitimate protection but he is not sure that this does in many instances.

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1 Mr. Wauthier stated that Part H is a relatively good improvement to the Ordinance. He said that he has been
2 involved in situations where a lot is created but a home can verily be placed on the lot due to flood plain or
3 other problems. He said that Part I is not workable as it is written. He said that he does not believe that it is
4 a provision which staff can enforce. He said that once ordinance provisions are written that cannot be
5 enforced there is trouble and no one will comply therefore who the County will decide to prosecute and not
6 prosecute. He said that in regard to Part J, the RRO provisions have continued to gain higher standards for
7 development. He said that he is not sure that once the LE provisions of 85 and some of the other aspects of
8 Part J there is probably not very much land in the County that could successfully pass all of the basic hurdles
9 to even be considered. He said that if this is the goal then Part J will work because it will totally preclude
10 what is intended however he suggested that there are some very smart people out there and the first thing
11 that they may decide is that they do not want an RRO at all and request R-1 zoning. He said that this may
12 preclude someone who wants to divide a 20 acre tract but it doesn't preclude someone who wants to rezone
13 an 80 acre tract because the County is going to have a hard time in suggesting to those people that it will not
14 be appropriate. He said the applicant could claim that there are approximately 10 communities in the
15 County which are 100 acres or less in size they could request rezoning, call it a town and the County would
16 be hard pressed to call it "spot zoning" and prevent consideration of such a request.

17
18 Mr. Wauthier stated that the Natural Area Assessment included in Park K is very burdensome for any
19 applicant and will be very difficult for anyone to comply with those provisions. He said that once it
20 becomes impossible for someone to do anything with their land the County opens itself up to a "taking". He
21 said that the procedural changes in Part L are okay but encouraged the Board to be careful with conditional
22 uses. He said that he does like the format changes proposed in Part M. He said that the format of the
23 Ordinance is more user friendly. He said that any Ordinance is very difficult for the common person to read
24 therefore anything that can be done to make it more friendly is a good change to the Ordinance overall.

25
26 Mr. Terry Reid, who resides at 509 CR 3475N, Foosland declined to speak at this time.

27
28 Mr. Jim Rector, who resides at 9 Dunlap Woods, Sidney read a prepared statement and submitted the
29 statement and photographs as a Document of Record.

30

1 Mr. Ron Cook, who resides at 2799 CR 600, stated that he owns a quarter of a section which is located on
2 the Sangamon River. He said that his ground is the poorest 160 acres in Champaign County therefore it is
3 not prime farmland however according to the County's maps it is included in the CR district. He said that a
4 number of years ago he planted 18,000 trees as a Riparian Buffer along the Sangamon River and to date the
5 deer have destroyed approximately 98% of those trees. He said that he does encourage and promotes
6 hunting on his land. He said that he would like to know who is going to instruct the beavers which live
7 along the Sangamon informing them that they are not suppose to be taking out any trees along the Riparian
8 Buffer because they are killing some of the most beautiful, old green ash trees you have ever seen. He said
9 that he concurs with Mr. Rector in that the areas designated as CR should be the areas which should be
10 developed because this is where people want to build. He said that he has had people approach him to
11 purchase small and large parcels of his land and one gentleman calls him occasionally to remind him of the
12 amount of money that he is willing to spend in order to purchase a piece of land. He said that his land does
13 not produce very much money nor will it ever produce very much money because a lot of it is located within
14 the flood plain. He said that the land which borders the flood plain should be available for a person to
15 develop or sell off if we are going to encourage development within Champaign County. He said that it
16 does make him sick to see what has happened to the prime farmland on North Prospect Avenue. He said
17 that the big developers were able to purchase and develop upon that prime farmland because they had the
18 money and connections to do so but the small person out in the County who has 40 acres or more is not able
19 to develop. He said that this practice appears to be favorable only to those prime movers in our community
20 which is not what we want to happen in our County. He said that if we want to preserve farm ground and
21 the rural aspects of our County then the reasonable thing to do would be to encourage development in the
22 CR district because conservation and development can go hand in hand and has been proven in many places.

23
24 Mr. Bill Craig, who resides at 1205 Sharon Ct, Mahomet read a prepared statement and submitted the
25 statement as a Document of Record.

26
27 Mr. Aaron Cohen, who resides at 2526 Homer Lake Rd, Homer stated that he is a resident of Champaign
28 County and live in the proposed CR district around Homer Lake. He said that on June 30, 2005, he and his
29 wife purchased their first home along the ditch or creek that feeds Homer Lake. He said that since their
30 purchase they have built onto their property as well as landscaped by planted trees and bushes. He said that

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1 when they first heard of the proposal they spent a good portion of their life's savings to build an outbuilding
2 just so they were assured that their dreams were not shattered by the proposed amendments. He said that
3 they moved to their home because of the location and he respects the conservation of the area. He said that
4 the proposed amendments are not the answers to maintaining the natural areas because what is proposed
5 takes away his right as a landowner and as far as he knows we do not live in a communistic country. He
6 said that the proposed amendments will affect his many aspects of his property. He said that the
7 amendments if adopted will ruin the property value because 33% of it will be deemed unbuildable. He said
8 that if he tried to sell his property the prospective owners would be concerned about the government
9 controlling their property which even though they almost do anyway by collecting real estate taxes. He
10 asked if air and mineral amendments would be next which would not allow him to have a bonfire or garden.
11 He said that the County receives plenty of his money every year through his property taxes but the way that
12 he figures it the way the property value will drop the County may have to make another proposal to raise
13 everyone's real estate taxes in the CR district. He said that this is the first time that he has had to deal with
14 this type of a situation and it is really hard for him to understand everything that is going on in these
15 meetings but it appears that the main thing is that this is a proposed amendment to take away his rights and
16 to control his property. He said that if the County has \$250 thousand dollars to spend then they can
17 purchase his property and he will move to a different county but do not tell him what to do with his property
18 and he emphasized "HIS PROPERTY."

19
20 Mr. Terry McLaren, who resides at 3192 CR 2725E, Penfield stated that he lives in the northeast corner of
21 the County and along the Middle Fork River. He said that there is approximately five acres of pasture that
22 he uses as a large back yard. He said that in this pasture he has planted wildflowers, trees and mows the
23 grass. He said that the field which is south of his home was taken out of production and he planted trees
24 with the intent, through CRP, that in 50 years those trees would be harvested for revenue for the next
25 generation. He said that the 150 foot buffer which is proposed would take 1/2 of the south field out of its
26 intended purpose and negate a contract that was signed prior to the proposed amendments. He said that
27 there maybe some sort of grandfather clause written into the amendments but he could imagine that there
28 will be some legal challenges involved. He said that when the land with the trees is harvested he is sure that
29 it will then be planted again with more trees or CRP grasslands. He said that he is concerned about how
30 overly restrictive the County is getting in the CR district and is also concerned with the focus of trying to

1 improve out waterways and the quality of the streams. He said that since he lives along the river he sees a
2 lot of beavers and deer but there are also a lot of log jams along the river. He said that many years ago the
3 farmers took upon themselves to pull out the log jams but currently there is a log jam which is
4 approximately 20 years old and it would take some massive explosives and equipment to remove it. He said
5 that if we are really concerned about the health of our rivers then we need to be willing to spend the
6 resources on maintaining the rivers to make sure that they do not become a catch all for whatever people
7 throw in to the river or naturally falls in to the river. He said that he has barns on his property which borders
8 within 150 feet of the river which he would eventually like to get rid of and replace with another building
9 and is concerned if he will be able to do so if the proposed amendments are adopted. He said that he
10 opposes and is disappointed with the proposed amendments and their effects on the CR district. He said that
11 he concurs with Mr. Rector. He said that he grew up in Chicago and moved to Champaign after he got out
12 of the Air Force and decided that even Champaign was too big for him so he moved to his current residence
13 in the rural area. He said that as the present curator of his property he is doing his best in protecting and
14 maintaining it and so are the people who live around him. He said that if the County will leave the decisions
15 regarding a property owner's land up to the property owner most of them will do the right thing and
16 maintain their properties. He said that previously it was discussed that 75% of the area is being protected by
17 CRP anyway. He said that the adoption of the proposed amendments will not cause people to do the right
18 thing with their properties and will only cause resentment against the County. He asked the Board how
19 much money had already been spent on this 2-1/2 year process.

20
21 Ms. Griest stated that no quantitative data has been given to the Board regarding the amount of money
22 which has been expended for this project.

23
24 Mr. Hall stated that it has actually been more than a 2-1/2 year process. He said that staff started working on
25 this in 1999. He said that since 1990 the County Board has had employed one planner dedicated full-time
26 for Special Projects and no one is happy about how long this project has taken but the County Board has not
27 told staff to slack off yet.

28
29 Ms. Griest stated that she has received additional prepared statements from other audience members whom
30 have spoken to the Board before and these statements will be distributed to the Board for review. She stated

1 that at this point in the meeting she is going to open up discussion for Board comment.

2

3 Mr. Hall stated that he would like to have the Board's impression on the Draft Finding of Fact for Part I. He
4 said that the Draft Finding of Fact illustrates how staff intends to format the findings for the Board's
5 ultimate recommendation. He asked if the Board agrees with the formatting on Page 19 of the Draft Finding
6 of Fact for Part I. He asked the Board if they agreed with the way that staff is trying to handle all of the
7 testimony that has been received at the public hearings. He said that it has been his decision to include all of
8 the testimony as part of the Finding of Fact even though some of the testimony, in his opinion, is incorrect in
9 its assertions staff left the testimony in the Finding of Fact. He said that in addition to preparing the minutes
10 for the Board's approval staff also copies the testimony in the Finding of Fact. He said that this is a lot of
11 work for staff but it assures the public that when they take the time to come and give comments it is in an
12 accessible form for the County Board's review. He asked the Board if they approved this procedure. He
13 stated that if the Board has specific concerns or additional information that they want staff to work on then
14 that is what staff will do so that the Board can be as informed as possible and final action can be determined.
15 He said that the public hearing is the only chance that staff gets to talk to Board members therefore the
16 Board must indicate what they want to see included in the Finding of Fact.

17

18 Ms. Griest informed the audience that copies of the Draft Finding of Fact for Part are available at the back
19 table for the public's review. She stated that Mr. Hall is asking the Board if the organization and design of
20 the Finding of Fact in the manner in which it is put together. She said that the Finding of Fact discusses the
21 general principals regarding the Zoning Ordinance and then breaks it down into more specific categories.
22 She asked staff is ready for the Board to state their opinions in relation to Item #25 of the Finding of Fact or
23 is it premature.

24

25 Mr. Hall stated that he would like the Board to provide as many specific comments as possible. He said that
26 if the Board is already aware of concerns that it has regarding Part I as to whether it does or does not
27 conform to LURP 1.7.1, then he would like to hear those concerns. He said that if the Board's concerns are
28 not so much as to whether it conforms to the policy but whether it achieves the Ordinance Objectives which
29 really gets in to the quantitative aspects of how difficult this is to administer, what kind of a burden it puts
30 on citizens, etc. He said that although he has a good idea from the public as to whether Part I meets the

1 Ordinance Objectives it is hard for staff to draft a Finding of Fact without any specific guidance from the
2 Board.

3
4 Ms. Monte stated that Mr. Hall would like the Board to gauge the Draft Finding of Fact for Part I as a model
5 and determine if it will assist the Board in making its final recommendation. She said that this is the format
6 that staff would propose to use in drafting the Finding of Facts for each Part of the proposed amendment.

7
8 Mr. Steeves stated that this is almost too big of a package for the Board to discuss tonight. He said that
9 there are so many points which must be taken into consideration and he would much rather take a format
10 like this home so that he can review each item individually. He said that there are areas in Part I which he
11 does believe conforms yet there are areas which he does not believe that they conform but if he only has a
12 Does Conform or Does Not Conform he has no where to go with his thoughts.

13
14 Mr. Hall stated that if the Board has any questions regarding the amendments staff and the Board has not
15 been chiming in. He asked the Board if they understood the proposed amendments.

16
17 Mr. Steeves stated that the Ordinance must be easy for staff to administer and enforce but when he considers
18 the three tree removal issue there is no way staff can enforce this. He said that this is the kind of concern
19 that he has when he considers all of the objectives and asked how he considers one over the other when
20 there is only a decision of entirely does or entirely doesn't conform.

21
22 Mr. Hall stated that maybe the difficulty in identifying as to how many trees have been removed is just so
23 difficult that this particular requirement is not feasible in any way, shape or form but there are a lot of other
24 requirements which are proposed in this amendment.

25
26 Mr. Steeves stated that he understands this but he only has one choice and that is either up or down.

27
28 Mr. Hall stated that it is difficult to tailor this as to how the Board believes the whole package should be but
29 the question arises if we cannot keep track of three trees should Part I be entirely eliminated.

30

1/31/06

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 Mr. Steeves stated that this is exactly his question and how does he get around this with just the choice that
2 he has been given. He said that a little bit of better guidance would help him prepare a statement which
3 indicates his personal thoughts when reviewing the objectives.

4
5 Mr. Hall stated that staff can try to provide a little better guidance but it may be that it gets too complicated
6 and maybe as some people have suggested the entirety of Part I is either recommended or not based on
7 perhaps this one thing because it is so critical and we don't have time to develop another alternative. He
8 said that as the Board goes through this Finding if it seems that Part I could stand without a tree removal
9 permit aspect then staff will provide that option. He said that staff will not revise the Draft Ordinance but
10 the Board's recommendation to the County Board might be: Have a Stream Protection Buffer with no Tree
11 Removal Permit.

12
13 Ms. Griest stated that the example that has been given to the Board does not provide any alternatives such as
14 the one proposed. She said that with the document provided the Board is to evaluate Part I on whether it
15 achieves or conforms to the policies or objectives. She said that the Board can discuss special conditions
16 but there are no guarantees on special conditions and ultimately it is all yeh or ney on each individual part.
17 She said that the Board cannot pick and chose elements of any single part to indicate that the Board
18 recommends approval of one but opposes approval of another.

19
20 Mr. Hall stated that the Board could recommend different recommendations for each part.

21
22 Ms. Griest stated that within any specific part it is either a recommendation of approval for the entire part or
23 denial of the part.

24
25 Mr. Hall stated that this is the option of the Board. He said that if the Board feels that it could work with
26 some changes then the Board is free to recommend those changes but if the Board feels that it is too
27 intertwined and the Board cannot recommend any specific condition then they would make that
28 recommendation.

29
30 Ms. Griest stated that the Board has no guarantees that if those changes are recommended that they will be

1 made.

2

3 Mr. Hall stated that there are no guarantees but to the extent that something might be workable the Board
4 should not rule out a recommendation along those lines.

5

6 Ms. Griest stated that in previous cases the Board has seen where the conformity or non-conformity may be
7 split therefore causing a dilemma for approval or denial. She cautioned the Board members to formulate
8 their thoughts to be very specific as to not only which objective or policy it may not comply with but as to
9 why they do not believe that it meets that compliance. She said that these specific thoughts would add
10 strength and validity to the finding.

11

12 Mr. Hall stated that if the Board desires to comment to the County Board on the appropriateness of the
13 Policies he would recommend that the ZBA not include those comments in the finding but in a separate letter
14 to the County Board.

15

16 Ms. Griest asked if the ZBA felt that there was a flaw in the Policies the ZBA could indicate that the
17 individual part does conform to the current Policy even though the ZBA feels that the policy is flawed.

18

19 Mr. Hall stated that a good analogy would be if a citizen, the County Board, came with a map amendment
20 and the ZBA did not agree with the request although the Zoning Ordinance requires the Board to evaluate
21 the proposed map amendment. He said that any comments the Board would have regarding the Policies
22 should be outside of the Finding of Fact even though the testimony from the citizens does criticize the
23 Policies.

24

25 Mr. Steeves asked if he was to answer as a private citizen or as a ZBA member.

26

27 Mr. Hall stated that as a Board member Mr. Steeves has the responsibility to evaluate the amendment against
28 the Policies but he also has the responsibility that if he feels that the adopted Policy is a bad policy then he is
29 also responsible for communicating those comments in a different form than the Finding of Fact.

30

1/31/06

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 Ms. Griest asked if there should be a separate preliminary discussion prior to reviewing the Finding of Fact
2 on each part to assess the Board's position on the Policies.

3
4 Mr. Hall stated that the Board has a large enough job in just evaluating the amendment against the adopted
5 policies. He said that after the evaluation is complete the Board can go back and document the Board's
6 position on the Policies. He said that if the Board desires to comment on the Policies then those comments
7 should precede the recommendation.

8
9 Ms. Monte stated that she agrees with Mr. Hall but she recommended that the Board's comments regarding
10 the Policies be performed under Item #8: Other Business.

11
12 Mr. Bluhm asked Mr. Hall how intertwined are some of the portions in the amendment if the Board denies
13 certain portions.

14
15 Mr. Hall stated that he would not encourage the Board to spend a lot of time worrying about this issue. He
16 said that if it seems that a part cannot be rewritten then the recommendation should not be favorable for that
17 part of the amendment.

18
19 Mr. McLaren stated that it appears that there is a time table to actually present the amendment to the County
20 Board for final action. He said that from everything that he has heard tonight it appears that the proposed
21 amendment is not ready for a recommendation from the ZBA. He said that it is an improvement in
22 comparison to the prior meetings that were held but there are still a lot of open issues which must be refined
23 before the ZBA could even consider taking it to the County Board for final action. He said that since there
24 is no provision to rewrite the text it seems that the Board members should be allowed the time to review
25 each part individually to make sure what is acceptable and what is not acceptable and as Board members
26 they are representing the public.

27
28 Ms. Griest stated that during the earlier hearings it was discussed that the text will not be modified or
29 changed before it moves on to the Environment and Land Use Committee and then subsequently the County
30 Board. She said that the Board's roll to say that the text needs to be perfected and refined is somewhat

1 limited. She said that the Board will assess the text that they presently have and identify areas that are
2 inadequate, weak or completely flawed and base their recommendation in that fashion. She said that the
3 Board does not have the option to make any changes or amendments to the text in its existing form unless
4 the Board denies it completely. She said that the Board is discussing the mechanics in a denial or approval
5 so that the decision is clearly conveyed to the Environment and Land Use Committee and the County Board.
6 She asked the Board members if the Draft Finding of Fact is a format that will provide them with the most
7 efficient and effective way to digest this material and convey it on to ELUC.

8
9 Mr. Steeves stated that he will be more able to answer Ms. Griest's questions regarding the format when he
10 has had an adequate opportunity to review it. He said that in this format the Board will end up in the same
11 place that they always end up coming to the final say of yes or no because those are really the only two
12 choices that the Board has. He said that he does not believe that the Board has been given enough time to
13 discuss each of the elements so that the Board can come to an agreement for approval or denial.

14
15 Mr. Irle stated that the question is: Is this a workable format. He said that this is a format that the Board has
16 worked with before and at this point he would say that it is a format that he can work with in making a final
17 determination. He said that the finding will work with a much broader spectrum than anything that the
18 Board has had to work with before and the Board should stick with it and work through it.

19
20 Ms. Monte stated that there will not be finding for each individual part. She said that some of the parts will
21 be combined so that in total there will only be 8 Finding of Facts. She said that each Finding of Fact will
22 not consider every single LURP because staff has singled out the most relevant to streamline the process.

23
24 Ms. Griest asked Ms. Monte if staff will exclude any LURP that is substantive to any of the parts.

25
26 Ms. Monte stated correct. She said that the Draft Finding of Fact that was distributed for the Board's review
27 will be the format that will be used for the final determination. She said that Part A, B, C and M will be
28 combined into one finding and five relevant LURP have been included. She said that Part E and H will be
29 combined and two LURP are relevant to those parts. She said that the Ordinance Objectives are relevant to
30 all parts and the Board will discuss and review those objectives to see if the proposed amendment achieves

1 any of those objectives.

2

3 Ms. Griest asked the Board if they agreed with the presented format or do they want a different format. She
4 said that she likes the format. She said that the only addition that she would like to see are yes/no boxes
5 next to each of the objectives so that during her review she can keep track of whether it conforms or does
6 not conform.

7

8 Mr. Hall stated that staff could provide worksheets for the Board's use to assist them during their review of
9 each part.

10

11 Mr. Irle stated that he agrees with the worksheets. He said that the worksheets would not only assist the
12 ZBA but also the public, ELUC and the County Board.

13

14 Mr. Steeves asked what the Ordinance means when it discusses a two foot pool.

15

16 Mr. Hall stated that the two foot pool is the depth beyond the County's vertical barrier requirement is
17 triggered.

18

19 Ms. Monte stated that the text regarding the two foot pool existed in the current Ordinance and is not new
20 text.

21

22 Mr. Goldenstein stated that it is often difficult for the Board to recognize what text exists and what text is
23 new. He suggested that the new text be highlighted, italicized, or bolded for easy recognition.

24

25 Mr. Hall stated the Item #9 of the Finding of Fact for Part I is the only text which exists in the current
26 Ordinance.

27

28 Ms. Griest stated that in order to save the Board evaluation time and to ensure accuracy it would be
29 beneficial if the new text is differentiated.

30

1 Mr. Hall stated that for example, everything on the Stream Protection Buffer is new text. He said that
2 everything on the Drainageway Protection Buffer is new.

3
4 Ms. Griest stated that just a general statement at the top of the document would clarify this issue with the
5 Board during their review.

6
7 Mr. Herb Schildt stated that the version of the Draft Ordinance which is available on line indicates the
8 proposed changes in red.

9
10 Ms. Monte stated that Part B, Proposed Changes to the Table of Authorized Uses may be tricky in
11 differentiating the new and existing text.

12
13 Ms. Griest stated that perhaps staff could differentiate the part that can be done most efficiently and
14 effectively first and if the Board can get it narrowed down to a part that they must sort through individually
15 that should make it more efficient for everyone. She encouraged everyone to view the online version. She
16 requested that the worksheet allows space for written comments from the Board.

17
18 Mr. Bluhm requested that the worksheet not be mailed to the Board with the regular meeting packet and
19 mailed as soon as it is completed.

20
21 Mr. Hall asked Mr. Bluhm if he would like the worksheet sent out before the rest of the draft findings are
22 completed.

23
24 Mr. Bluhm stated yes.

25
26 Mr. Hall stated that not only will the Board receive the worksheet but also everyone which is included on
27 the mailing list.

28
29 Ms. Monte asked the Board if they would like staff to formulate any conditions that may be considered for
30 any of the parts.

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Mr. Bluhm stated that staff could bring alternatives to the meeting but at this point staff does not have any idea what each individual Board member is thinking.

Mr. Hall stated that writing conditions for this case will be very treacherous. He said that perhaps the March 2nd meeting will allow for a final action but it is a possibility that the findings will not be ready for final action.

Ms. Schroeder asked if the Board could have a Study Session. He said that a Study Session would assist him with his decision.

Ms. Griest stated that she does not believe that there is a prohibition under the Open Meetings Act which would prevent a study session.

Mr. Hall stated that a Study Session would be fine. He said that such a session would be held at the Brookens Gymnasium and the public will be invited.

Ms. Griest stated that the meeting would be advertised as a Study Session and no public testimony would be accepted. She said that the Study Session must be held as a public forum, located in a County building and the room must be adequate to house the number of expected attendees.

Mr. Schroeder stated that he feels that such a session is necessary for the Board.

Mr. Steeves stated that he concurs with Mr. Schroeder's recommendation for a Study Session. He said that at some point the Board must have an opportunity to hash over the Board's concerns.

Mr. Hall stated that the Board has 30 minutes left for tonight's meeting to hash out those concerns.

Mr. Steeves stated that 30 minutes would only give him enough time to maybe list his concerns.

1 Ms. Griest stated that she would not encourage the Board to proceed with voting on any single part without
2 thoroughly understanding the implications and what the Board is voting on. She stated that there is some
3 feeling about the inter-relation of some of the parts although it may be very limited.

4
5 Mr. Hall stated that Parts A, B, C and M are all inter-related. He said that Part M. being the overall format
6 is not a substantive change but is integral in to how staff is doing a lot of this. He said that this format could
7 be with no conditional uses and conditional uses are part of Part B. He said that staff lists the specific parts
8 of the Draft Ordinance that are relevant to Part I, therefore if the County Board directs staff to do so Part I
9 could be pulled out of the Draft Ordinance. He said that staff knows what part of the Draft Ordinance needs
10 to be removed if the County Board does not want any the parts included.

11
12 Ms. Griest stated that the Board must be provided a quality of comfort and reassurance that they completely
13 understood all of the ramifications of all of the parts before they started to commit themselves on a vote or
14 position on any specific item. She said that she senses a level of discomfort from the Board on the voting on
15 separate packages rather than individually.

16
17 Mr. Hall stated that packaging into the 8 packages is the best that staff can do to give the Board the most
18 freedom that can be given in minimizing their effort. He said that working through the Board's questions is
19 the only way to get the Board to that comfort level. He said that to a certain degree the Board will not have
20 some questions until they are given a draft finding for each of these packages.

21
22 Ms. Monte stated that it might be possible to consider providing a finding for each part.

23
24 Ms. Griest stated that she is not proposing a finding for each individual part but not voting on any individual
25 part until the Board has worked through each and every one of them.

26
27 Mr. Irle stated that some of the issues with each individual part stands out like a sore thumb and it is going
28 to take a lot of effort from staff and the Board in trying to decide if these issues can be worked out or if the
29 entire part needs to be pitched. He said that perhaps the Board should identify each of the parts which gives
30 them great concern. He said that it appears that Part F, G, I, K.2, are the parts which has the most rigorous

1 testimony from the public.

2

3 Ms. Monte indicated that Part F applies to all districts.

4

5 Mr. Irle stated that if there are certain parts of the proposed amendment that the Board has no concerns with
6 then those are the parts which should be moved forward and then hash out the issues with the remaining
7 parts prior to final approval.

8

9 Mr. Hall asked the Board if they would like the next meeting agenda to indicate Study Session.

10

11 Ms. Griest stated that such an indication would be helpful.

12

13 Ms. Monte asked the Board if they would like to focus on any certain parts during the Study Session.

14

15 Mr. Goldenstein stated that Part F, G, I, K.2 should be targeted for the Study Session.

16

17 Mr. Bluhm stated that the Board received a lot of testimony regarding Part D.

18

19 Ms. Griest stated that a brief overview of each of the parts during the Study Session would be most helpful
20 to the Board. She said that after the brief overview she would like staff to focus on the parts which the
21 Board have the greatest concern.

22

23 Mr. Schroeder stated that the Board has over 175 pages before them to review and the average person in the
24 audience has only three parts of the amendment which they are concerned. He said that he must be sure that
25 he understands each individual part so that when he issues his final vote he is sure that it is the vote that he
26 is comfortable with. He said that he would like the audience to know that each of the Board members are
27 trying to be fair or they would not be on the Board. He said that the Board members do not only spend a lot
28 of hours at these meetings but also at home reading and reviewing the documentation that is mailed to them.

29

30 Mr. James Schwartz, who resides at 391 CR 1900E, Longview asked how many of the Board members

1 could say “yes” to this amendment and then leave this meeting with a clear conscious knowing that they
2 have served the public well.

3
4 Ms. Griest stated that the Board cannot answer such a question at tonight’s meeting.

5
6 Ms. Griest asked if anyone from the audience had any written statements that they wished to submit as a
7 Document of Record. The following people submitted written statements as Documents of Record: Beverly
8 Seyler; Hal Barnhart; James and Sandra Yarnell; Norman Stenzel; Phillip H. Geil; James Schwartz; Tammar
9 Geil; John Sapp; Lou and JoAnn Wozniak.

10
11 Mr. Duane Goodwin, who resides at 1374 CR 2125E, St. Joseph stated that he is a member of the
12 Champaign County Farm Bureau and he received no information indicating that the CCFB was going to
13 vote in his behalf on a matter that he is strongly against. He said that when the Board receives confirmation
14 from Mr. Hausman indicating that he is speaking for everyone involved in the CCFB he is only speaking
15 about the leaders and not the lay people.

16
17 Ms. Griest encouraged Mr. Goodwin to contact the Champaign County Farm Bureau and to share his
18 concerns with them directly.

19
20 Mr. Goodwin stated that he will contact them. He said that the Board should be allowed to use common
21 sense. He said that the Board is interested and they should not let a small group give them the resources to
22 vote yes or no tonight. He said that the Board should use common sense and slow the process down and do
23 whatever the Board thinks the people want and not just what the squeaking wheel wants.

24
25 Dr. Robert Brunner, who resides at 4001 E. Washington, Urbana stated that as he observes the behavior of
26 the Board members they appear to be very interested but they do not indicate any great conviction that great
27 decisions need to be made. He said that perhaps this is because the greatest decision which the Board can
28 come up with is that no proposal be given to the County Board about changing the current Zoning
29 Ordinance. He said that he has a copy of the United States Constitution and it indicates that our founding
30 fathers were very concerned about our rights. He said that he has empathy for Mr. Cohen and his situation.

1/31/06

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

1 He said that the proposed changes are certainly not going to be a great advertisement to draw future
2 residents to Champaign County. He said that *Amendment IV of the Bill of Rights*, gives the people the right
3 to be secure in their persons, houses, papers, effects, and prevents seizures. He said that *Amendment V of the*
4 *Bill of Rights*, indicates that no person shall be deprived of life, liberty or property without due process of
5 the law nor shall private property be taken for public use without just compensation. He said that he is not
6 sure if the County is willing to pay for the right to use this property but according to the Constitution the
7 landowners should be compensated if the County is going to institute such abusive mandates. He said that
8 perhaps when the Board is able to go home and digest all of the information and ask themselves why this
9 process has taken so long they will be able to recognize that it doesn't need to be done in the first place. He
10 said that perhaps there is nothing that stands out in the existing Ordinance that needs immediate attention.
11 He said that something is wrong here because when something must be done good people get together and
12 they get them done. He said that one of greatest statements that was given in this auditorium is as follows:
13 Government should protect the people from themselves. He said that Thomas Jefferson would say that this
14 is bad business and it is time to revolt against a government that is going to protect the people from
15 themselves. He requested that the Board should listen to the people because most of them are against it. He
16 said that the Board should stand up and vote against this and side with the people.

17
18 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet asked if this will be the last meeting for public
19 input.

20
21 Ms. Griest stated that this is not the last meeting for public input.

22
23 Mr. Schildt read a prepared statement and indicated that he would e-mail a printed copy to staff as a
24 Document of Record.

25
26 **Mr. Bluhm moved, seconded by Mr. Goldenstein to continue Case 522-AT-05, to March 2, 2006. as a**
27 **Study Session. The motion carried by voice vote.**

28
29 **6. New Public Hearings**

30

1 None

2

3 **7. Staff Report**

4

5 None

6

7 **8. Other Business**

8

9 **Mr. Schroeder moved, seconded by Mr. Irle to hear Case 530-AM-05: Fisher Farmer's Grain and**
10 **Coal at the February 16, 2006, meeting. The motion carried by voice vote.**

11

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

13

14 None

15

16 **10. Adjournment**

17

18 The meeting adjourned at 10:03 p.m.

19

20

21

22

23 Respectfully submitted

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28 Secretary of Zoning Board of Appeals

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1/31/06

DRAFT SUBJECT TO APPROVAL DRAFT

ZBA

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DRAFT SUBJECT TO APPROVAL DRAFT

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