

MINUTES OF REGULAR MEETING

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

**DATE: November 14, 2005
TIME: 7:00 p.m.
PLACE: Meeting Room 1
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

MEMBERS PRESENT: Jan Anderson, Patricia Busboom, Chris Doenitz, Tony Fabri, Nancy Greenwalt (VC), Ralph Langenheim (C), Brendan McGinty, Steve Moser, Jon Schroeder

MEMBERS ABSENT: None

STAFF PRESENT: John Hall, Connie Berry, Susan Monte, Jamie Hitt, Joel Fletcher, Susan McGrath

OTHERS PRESENT: Debra Griest, Pam Wilken, Mark Dixon, Norman Stenzel, Dorothy Shiley, Richard Shiley, Eric Thorsland, David Borchers, Neil Malone, Hal Barnhart, Herb Schildt, Bill Sheridan, Andy Busch, Christine Des Garennes

1. Call to Order, Roll Call

The meeting was called to order at 7:04 p.m.

2. Approval of Agenda

Ms. Greenwalt moved, seconded by Mr. Schroeder to approve the agenda. The motion carried by voice vote.

3. Minutes of Previous Meeting (October 11, 2005)

Ms. Greenwalt moved, seconded by Mr. Doenitz to approve the October 11, 2005, minutes as submitted. The motion carried by voice vote.

4. Public Participation

Mr. Neil Malone, Government Affairs Director for the Champaign County Association of Realtors stated that he would like to address agenda item #7. He said that the Champaign County Association of Realtors represents over 500 Realtors in the area and are involved in nearly every land transaction in the County. He said that if the recommendations are approved they would

severely limit land uses in the County. He said that the housing industry contributes approximately 2.5 trillion dollars to the U.S. Economy on an annual basis and based on the limitations that are proposed Champaign County would miss out on almost their entirety of their portion of that economic boost. He said that the prohibition of development on Best Prime Farmland would take approximately 80% of the land in Champaign County out of the equation for homes or businesses. He said that they believe that this process has proceeded with very little input from the development community and the average Champaign County homeowner or home buyer. He said that in many cases the purchase of a home is the single biggest investment anyone makes in their lifetime and by restricting the use of land that may have already been purchased for the purpose of being developed takes away the property rights of the landowner. He said that in many cases this recommendation causes implications on everything from simply environmental and land use reasons to economic decisions to housing affordability issues therefore they ask that the Committee not forward this proposal to the County Board for ultimate approval. He noted that the 40 acre minimum provision per residential lot restricts many people who have come to this area for the rural life style and will increase the value of a home substantially.

Ms. Busboom stated that the municipalities have jurisdiction within one and one-half miles of their city limits therefore how much further out will this provision affect the association.

Mr. Malone stated that in some cases people have purchased land in bands around the municipal limits thereby controlling any growth.

Mr. Moser asked Mr. Malone if he understood the infrastructure which is in place in these small townships as far as farmers are concerned. He said that the problems which are created by people going out and building a home in the middle of no where severely affects the farming community. He suggested that if people do not like zoning that they move to a county which does not have it.

Mr. Malone stated that he is not opposed to zoning but the recommendations do appear to be very restrictive.

Mr. Andy Busch, who resides at 2397 CR 675E, Champaign, stated that he lives in the northwest corner of Hensley Township on property that his mother's family settled in the 1830's. He said that his family purchased their ground from the federal government and since that time they have lived there and paid taxes on the property. He said that some of things that are proposed are extremely troubling because he believes in private property rights and that they are one of the most critical things that our nation has right now. He said that this government would not function if it were not for private enterprise and private enterprise is based on the ability of individuals to own property and use it in the best economic interest available. He said that Mr. Moser speaks about the problems that farmers deal with out in the rural areas but he would contend that as soon as the landowners are restricted with what they can do with their land it will affect what farmers can do with their land. He said that he does not intend to sell any of his property but no one knows what tomorrow will bring. He said that he owns a piece of timber which is probably the largest privately owned timber in Champaign County and in the 1960's his parents fenced it off from livestock. He said that he does pay taxes on this timber and the only thing that gets off of this ground is an occasional stick of deer sausage or a cord of wood. He said that he enjoys these woods and they belong to him and he is opposed to having his rights taken away to do whatever he desires to do

with this land and this is not an issue that the County should even be considering at this time.

Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet, IL stated that he agrees with Mr. Busch. He said that he and his wife own approximately 38 acres of timber which they enjoy and they will never surrender their property rights to their land.

5. Correspondence

None

6 County Board Chair's Report

None

7. *Comprehensive Zoning Review*

- A. ELUC Review of Zoning Ordinance Public Review Draft 3
- B. Direct to staff regarding public hearings for Zoning Ordinance Public Review Draft 3
- C. Solicitation of scientific testimony regarding certain elements of Zoning Ordinance Public Review Draft 3

Mr. Langenheim stated that Part A and C are included in the packet for ELUC review.

Ms. Greenwalt moved, seconded by Ms. Anderson to approve Part B: Direct staff to proceed with public hearings at the ZBA for review of *Zoning Ordinance Public Review Draft 3*.

Mr. Moser moved, seconded by Ms. Busboom to amend the motion and make the proposed Stream Protection Buffer a separate zoning case from the rest of the proposed amendment.

Mr. McGinty requested a definition of "moving forward." He asked what would move forward and what would be delayed.

Mr. Fletcher noted that if the Stream Protection Buffer is separated from the rest of the proposed amendment then there would be two separate cases which would be required to be published separately.

Mr. Hall stated that if the Committee moves forward with one case it is staff's intent is to advertise in parts so that the ZBA can make recommendations in separate parts and when this comes back to the Committee you can make recommendations in parts.

Mr. McGinty stated that he would rather move the entire amendment in one case with parts. He said that this is still all a process and it is best served moving everything together.

Mr. Schroeder asked if there were issues which were referenced to the Attorney General's Office and don't those issues pertain to the buffer areas and whether or not they are actual text

amendments or map amendments.

Mr. Fletcher stated that Mr. Schroeder was correct.

The amended motion failed.

Mr. Moser stated that he does not believe that this entire package will pass the County Board with a 3/4 majority vote. He said that he has four farmers in his district that own land along the Salt Fork River from where the drainage district ends down to the Sidney cemetery. He said that these four individuals have contracted with the Federal Government for 120 foot conservation reserve strips along the river in addition to all of the timber. He said that the Supervisor of Assessments has indicated that he is going to implement the Farmland 810 bill differently with timber yet he has the same problem that this Committee has because there is no definition for "a farm." He said that we are going to buffer these timber areas and the Supervisor of Assessments wants to go in and assess it as something other than farmland and raise the assessment on it and yet we are informing people that they can't even cut a tree down on it without a permit then who are they going to listen to. He said that all of the drainage districts are supposed to be exempt from buffers and every one of them that he is aware of in the southeast corner of the County runs within 200 feet of the Salt Fork River and then stops. He said that it is no man's land and all of those outlets could be in the buffer zone therefore how will the districts be able to go in and clean out brush. He said that he knows on three different occasions since he has served on the Board where there have been brush piles located in the Salt Fork which have been cleaned out either by the County or private property owners.

Mr. Hall stated that Section 21.20.400.D in the 9/30/05 version; (21.20.300E. In the 11/14/05 version) provides Actions Allowed Subject to Restrictions within a Stream Protection Buffer and one thing that is allowed is stabilization or repair of a drainageway to preserve its function or prevent erosion. He said that maybe we do not have the language there that would satisfy Mr. Moser's concern but it is the intent to provide for anything related to maintaining drainage function.

Mr. Moser stated that it will not satisfy him and he will not vote for this as long as it is included.

The original motion failed.

Mr. Fabri asked if this complete packet moves forward will it go to the ZBA for review and recommendation.

Mr. Langenheim stated that it will go to the ZBA by which public hearings will be held for public input.

Mr. Fabri moved, seconded by Ms. Greenwalt to reconsider the vote for the original motion.

Ms. Greenwalt requested a roll call vote.

**Anderson-yes
Fabri-yes**

**Busboom-no
Greenwalt-yes**

**Doenitz-no
McGinty-yes**

Moser-no

Schroeder-no

Langenheim-yes

The motion to reconsider carried.

Ms. Greenwalt requested a roll call vote for the reconsidered motion which is as follows:

Ms. Greenwalt moved, seconded by Ms. Anderson to approve Part B: Direct staff to proceed with public hearings at the ZBA for review of *Zoning Ordinance Public Review Draft 3*.

Busboom-no

Doenitz-no

Fabri-yes

Greenwalt-yes

McGinty-yes

Moser-no

Schroeder-no

Anderson-yes

Langenheim-yes

Mr. Langenheim requested authorization to forward a letter from ELUC to the ZBA Chairperson authorizing the ZBA to forward a recommendation on the *Zoning Ordinance Public Review Draft 3* within two meetings of the public hearing opens, provided that the ZBA has received all the information it has requested.

The consensus of the Committee was to forward the letter.

8. Case 519-AM-05 Petitioner: Clinton C. Atkins d.b.a. The Atkins Group and David and Lynn Borchers. Request to amend the Zoning Map to change the zoning district designation from AG-2, Agriculture to I-1, Light Industry. Location: Part A: The north approximately 21 acres of land in the NE 1/4 of the SE 1/4 of Section 8 of Champaign Township and that is commonly known as the farm ground south of Interstate 72 and west of Staley Road and that is adjacent to and north of the house at 203 South Staley Road, Champaign. Part B: Lot 3 of the James W. Townley Subdivision that is commonly known as the house at 203 South Staley Road, Champaign.

Mr. Schroeder moved, seconded by Ms. Anderson to recommend approval of Case 519-AM-05: Clinton C. Atkins d.b.a. The Atkins Group and David and Lynn Borchers. The motion carried by voice vote.

9. Enterprise Zone Expansion

Mr. Schroeder moved, seconded by Mr. Fabri to recommend approval of the Enterprise Zone Expansion. The motion carried by voice vote.

10. *Resolution Amending Regional Pollution Control Facility Siting Procedures*

Mr. Fabri moved, seconded by Ms. Anderson to recommend approval of the Resolution Amending Regional Pollution Control Facility Siting Procedures. The motion carried by voice vote.

11. Recreation and Entertainment License: Honey Bee Productions, Inc. d.b.a. Malibu Bay Lounge, 3106 N. Cunningham Av, Urbana, IL January 1, 2006 through December 31, 2006.

Ms. Anderson moved, seconded by Ms. Greenwalt to approve the Recreation and Entertainment License for Honey Bee Productions, Inc. d.b.a. Malibu Bay Lounge. The motion carried by voice vote.

12. Recreation and Entertainment License: Elmer's Club 45 Inc, d.b.a. Club 45 Banquet Hall, 3515 N. Cunningham Av, January 1, 2006 through December 31, 2006.

Ms. Greenwalt moved, seconded by Ms. Anderson to approve the Recreation and Entertainment License for Elmer's Club 45 Inc, d.b.a. Club 45 Banquet Hall. The motion carried by voice vote.

13. Recreation and Entertainment License: Kams of Illinois LLC, d.b.a. Fat Daddy's, 2698 CR 1600N, Ogden, IL, January 1, 2006 through December 31, 2006.

Ms. Greenwalt moved, seconded by Mr. McGinty to approve the Recreation and Entertainment License for Kams of Illinois LLC, d.b.a. Fat Daddy's. The motion carried by voice vote.

14. Recreation and Entertainment License: Tincup RV Park, Inc, 1715 E. Tincup Rd, Mahomet, IL, January 01, 2006 through December 31, 2006.

Mr. Doenitz moved, seconded by Ms. Greenwalt to approve the Recreation and Entertainment License for Tincup RV Park, Inc. The motion carried by voice vote.

15. Recreation and Entertainment License: Curtis Orchard, 3902 S. Duncan Rd, Champaign, IL January 01, 2006 through December 31, 2006.

Mr. Schroeder moved, seconded by Ms. Busboom to approve the Recreation and Entertainment License for Curtis Orchard. The motion carried by voice vote.

16. Recreation and Entertainment License: Hideaway of the Woods Grill and Bar, 809 S. Prairieview Rd, Mahomet, IL, January 01, 2006 through December 31, 2006.

Mr. Doenitz moved, seconded by Mr. McGinty to approve the Recreation and Entertainment License for Hideaway of the Woods Grill and Bar.

Mr. Fletcher stated this property is subject to a pre-annexation agreement therefore this license may be back before this Committee within a few months to determine that this license is invalid.

Mr. Doenitz asked if this was an issue because Mahomet is dry.

Mr. Fletcher stated no, it is only due to the pre-annexation agreement and a new interpretation of state law.

The motion carried by voice vote.

17. Recreation and Entertainment License: The Oasis of Penfield, Inc, 2705 CR 3000N, Penfield, IL, January 01, 2006 through December 31, 2006.

Ms. Anderson moved, seconded by Ms. Greenwalt to approve the Recreation and Entertainment License for The Oasis of Penfield, Inc. The motion carried by voice vote.

18. Recreation and Entertainment License: Uncle Buck's Sports Bar, Inc, 215 S. Lake of the Woods Rd, Mahomet, IL, January 01, 2006 through December 31, 2006.

Mr. Doenitz moved, seconded by Mr. McGinty to approve the Recreation and Entertainment License for Uncle Buck's Sports Bar, Inc. The motion carried by voice vote.

19. Recreation and Entertainment License: ABSP, Inc, d.b.a. Longview Tavern, 206-210 Logan St, Longview, IL, January 01, 2006 through December 31, 2006.

Ms. Greenwalt moved, seconded by Ms. Anderson to approve the Recreation and Entertainment License for ABSP, Inc, d.b.a. Longview Tavern. The motion carried by voice vote.

20. Hotel/Motel License Renewal: Ravi-Yash, Inc, d.b.a. Travelers Stay Inn, 1906 N. Cunningham Av, Urbana, IL , January 01, 2006 through December 31, 2006.

Ms. Busboom moved, seconded by Mr. Doenitz to deny the Recreation and Entertainment License Renewal for Ravi-Yash, Inc, d.b.a. Travelers Stay Inn.

Mr. Fletcher stated that the Recreation and Entertainment License Ordinance is close to 30 years old and is not very well written. He said that without further review he would advise that there could be legal risk if this license were denied.

The motion failed.

Ms. Greenwalt moved, seconded by Mr. Fabri to approve the Hotel/Motel License Renewal for Ravi-Yash, Inc, d.b.a Travelers Stay Inn.

Mr. Schroeder asked if the Champaign County Department of Health has inspected this property.

Ms. McGrath stated that the issues which are shown in the submitted letters and photographs would not be under the jurisdiction of the Champaign County Department of Health. She said that

the Department of Health can look at sanitation issues in regard to food preparation but there is nothing in the County's Health Ordinance that involves the issues within these complaints.

Mr. Langenheim informed the Committee that if they object to licensing businesses under these conditions then the Ordinance governing these matters must be amended.

Mr. Fabri asked if the Attorney General's office has taken any further action on this issue.

Mr. Hall stated that staff can investigate but to date it is unknown.

The motion carried by voice vote.

21. Staff Report

A. Monthly Report

Mr. Hall stated that he distributed copies of the Monthly Report for ELUC's review.

B. IEPA enforcement on property in Section 30, Condit Township

Ms. Hitt, Zoning Officer informed the Committee that the IEPA has filed an Administrative Citation on the Malloch property. She said that a hearing has been held and Mr. Malloch has been requested to clean up the property along the Big Ditch and to accumulate less materials. She said that the IEPA does not want to close down Mr. Malloch's business because if they do his customers will haul their stuff to other places in the County. She said that Mr. Malloch represented himself at the November 2, 2005, hearing and to date there are \$5,000 in accumulated fines. She noted that no action is required on this matter by this Committee.

22. Other Business

None

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

The Consensus of the Committee was place Items #8, 9 and 10 on the County Board Consent Agenda.

24. Adjournment

The meeting adjourned at 7:50 P.M.

Respectfully submitted,

Secretary to the Environment and Land Use Committee

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