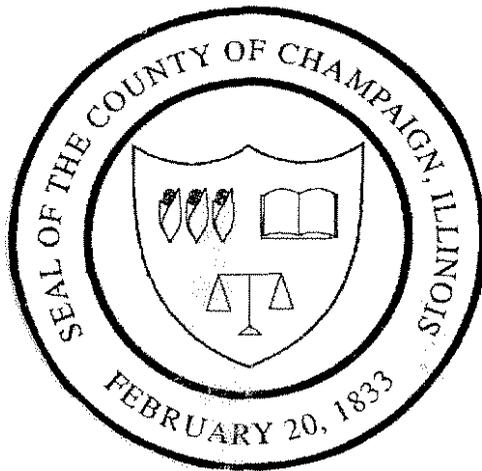


*Environment  
& Land Use Committee  
Agenda*

*August 13, 2007*



*7:00 p.m.*

*Lyle Shields Meeting Room  
(Meeting Room 1)  
Brookens Administrative Center  
1776 East Washington, Urbana, Il 61802  
(217) 384-3708*

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# AGENDA

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## ***Champaign County Environment & Land Use Committee***

### ***Members:***

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

**Date:** *August 13, 2007*

**Time:** *7:00 p.m.*

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

**Phone:** *(217) 384-3708*

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## **AGENDA**

***Old Business shown in Italics***

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1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (June, 2007) 1 thru 22
4. Public Participation
5. Correspondence
  - A. Mahomet Aquifer Consortium e-mail dated August 4, 2007, regarding field trip reservations for August 15, 2007, 9:00 to 11:30 A.M. 23
6. Recreation and Entertainment License: Lake of the Woods Bar and Grill, 204 S. Prairie View Rd, Mahomet, IL, August 13, 2007 thru December 31, 2007. 24 thru 33
7. Zoning Case 555-AM-06: Petitioner: James T. Battle 34 thru 59

Request: Amend the Zoning Map to change the zoning district designation from the B-3, Highway Business Zoning District to the B-4, General Business Zoning District.

Location: A 5.0 acre tract located in the Northeast ¼ of the Northeast ¼ of Section 24 of Hensley Township and commonly known as the field north of the I-57 interchange in Section 24 of Hensley Township.
8. Revisions to County's Nuisance Ordinance:
  - a. Proposal to require marking of telephone pedestals in rural areas (information to be distributed at meeting)
  - b. County obligation to enforce burning regulations in unincorporated areas 60 thru 72
  - c. other potential changes (information to be distributed at meeting)

CHAMPAIGN COUNTY  
ENVIRONMENT AND LAND USE COMMITTEE AGENDA  
AUGUST 13, 2007  
PAGE 2

9. City of Champaign annexation agreement with Illinois-American Water Company for a proposed water treatment plant in Section 1 of Scott Township and potential role of Champaign County in litigation involving annexation agreement *(information to be distributed at meeting)*
10. Proposed Intergovernmental Agreement regarding development pursuant to municipal annexation agreement that is more than one-and-one half miles from the municipality 73 thru 75
11. City of Champaign Request for increased County Contribution to Offset Cost of Drop-Off Recycling Site 76 thru 79
12. Resolution Adopting the Champaign County Solid Waste Management Plan 5-Year Update 80 thru 96
13. Champaign County Land Resource Management Plan Update *(information to be distributed at meeting)*
14. Update on Enforcement Cases *(information to be distributed at meeting)*
15. Monthly Report (May, June and July, 2007) *(information to be distributed at meeting)*
16. Other Business
17. Determination of Items to be placed on the County Board Consent Agenda
18. Adjournment

**SUBJECT TO APPROVAL**

**MINUTES OF REGULAR MEETING**

<b>Champaign County Environment &amp; Land Use Committee</b>	<b>DATE:</b>	<b>June 11, 2007</b>
<b>Champaign County Brookens Administrative Center</b>	<b>TIME:</b>	<b>7:00 p.m.</b>
<b>Urbana, IL 61802</b>	<b>PLACE:</b>	<b>Lyle Shields Meeting Room Brookens Administrative Center 1776 E. Washington Street Urbana, IL 61802</b>

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

**OTHER COUNTY BOARD MEMBERS**

**PRESENT:** C. Pius Weibel (County Board Chair)

**DRAFT**

**MEMBERS ABSENT:** None

**STAFF PRESENT:** John Hall, Leroy Holliday, Susan Monte (Regional Planning Commission), Bren Rose (Regional Planning Commission), Susan McGrath (Senior Assistant State's Attorney)

**OTHERS PRESENT:** Hal Barnhart, Tanna Fruhling

**1. Call to Order, Roll Call**

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

**2. Approval of Agenda**

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

**3. Approval of Minutes (May 14, 2007)**

Mr. Langenheim stated that he had a few minor corrections for the May 14, 2007, minutes and submitted those corrections to the clerk.

Mr. Langenheim moved, seconded by Mr. Schroeder to approve the May 14, 2007, minutes as amended. The motion carried by voice vote.

**4. Public Participation**

1  
2 Mr. Hal Barnhart, who resides at 469 CR 1500N, Champaign, IL, stated that he would like to address Item  
3 #10 of the agenda. He said that the June 5, 2007, memorandum indicates the following: To ensure the unity,  
4 paragraph 8 of the revised Resolution requires a 2/3 supermajority of the 18 Steering Committee members (a  
5 total of 12 members), with a minimum of four elected or former elected township officials for appointed  
6 township plan commissioners voting with the supermajority. He said that the total number of members  
7 should be corrected to indicate 12 members rather than 11 members. He said that this correction should be  
8 corrected in the memorandum as well as the Resolution.

9  
10 Mr. Barnhart said that there is list of 16 interests and perspectives which is being accommodated with the  
11 Steering Committee members. He said that there was an earlier list of interests which contained  
12 approximately 46 interests but of the current list of 16 he found three very important interests which have  
13 been deleted from the original list. He said that he does not know how in Champaign County it can be  
14 contemplated to adopt a Land Resource Management Plan without specifically listing farmland preservation  
15 as one of those perspectives that need to be on the panel. He said that the Resolution calls for representation  
16 by two highway commissioners but drainage district commissioners are not listed. He said that from  
17 attending many Zoning Board of Appeals meetings and County Board meetings that farmland preservation  
18 and drainage issues are almost always part of the decision making process. He said that if a future plan is  
19 being discussed then some sort of clear historical base should be created to indicate where the plan was  
20 started and where it is going in the future. He said that the original list included a representative for  
21 historical preservation and this representation should be included on the current list as well.

22  
23 Mr. Barnhart stated that Paragraph 8 of the Strikeout Version of the Resolution dated 6/07/07, indicates that  
24 a two-thirds majority of the 18-member Steering Committee, which equals 11 members (should be corrected  
25 to indicate 12), with a minimum of four elected or former township officials or appointed or former  
26 township plan commission members voting with the supermajority shall be required when deciding  
27 substantive issues or procedures. He said that aside from deciding what is a substantive issue or procedure it  
28 seems rather ham handed to prescribe to the members of the Steering Committee that it must vote with the  
29 supermajority. He said that this requirement is like instituting a super-supermajority and in effect sets up a  
30 two tiered Steering Committee membership regime in which certain member's vote carries more weight than  
31 others.

32  
33 Mr. Hall stated that the only list which ELUC has seen was distributed at the May meeting and had only 16  
34 interests. He said that the categories which are included in Item #4 of the Strikeout Version of the  
35 Resolution dated 6/07/07, is the same list that ELUC reviewed at their May meeting.

36  
37  
38 **5. Correspondence**

39 **A. Kane County Farm Bureau letter dated May 25, 2007**

40  
41 Ms. Wysocki stated that she assumes that the Kane County Farm Bureau is notifying Champaign County that  
42 they are pulling their support from HB3086. She said that no action is required.

**B. Mahomet Aquifer Consortium Member Meeting No. 53, April 13, 2007**

Mr. Langenheim stated that he attended the June 6, 2007, Mahomet Aquifer Consortium Member Meeting and there are two things which must be brought to ELUC's attention. He said that the RWSPC is concerned with setting the perimeters so that the two studies will work together. He said that the Illinois State Water Survey presented the geologic mapping process and they will prepare very detailed maps of that part of Champaign County which is occupied by the Mahomet Aquifer and it will incorporate all old and new information.

6. **CDAP Loan Request – Premier Printing of Illinois d/b/a Printec Press**

7. **CDAP Loan Request – Premier Printing of Illinois d/b/a Printec Press**

**Mr. Schroeder moved, seconded by Mr. Langenheim to recommend approval of CDAP Loan Request s–Premier Printing of Illinois d/b/a Printec Press.**

Mr. Doenitz asked why the County would give maximum loan approval in the amount of \$950,000 on a \$100,000 loan.

Mr. Rose stated that in regard to Rate and Term of CDAP loan there is a typographical error on Page 2 of both loan memorandums.

Ms. Anderson asked Mr. Rose why there were two separate loan requests for one business.

Mr. Rose stated that Premier Printing of Illinois d/b/a Printec Press is purchasing two separate businesses and the County is participating with Busey for \$100,000 for one of the loan requests and \$950,000 on the other. He apologized for the mistake on the rate and terms indicated on Page 2 of the loan memorandum. He said that the same exact terms of 15 year amortization will apply to both.

Ms. Anderson asked if the businesses will create new jobs.

Mr. Rose stated that the applicant is purchasing two separate businesses therefore the jobs will continue.

Mr. Moser asked if the \$950,000 is a set amount.

Mr. Rose stated that this will be a term loan.

Mr. Moser stated that he does not ever remember the County recommending approval of a CDAP loan of this size.

1  
2 Mr. Rose stated that this is the largest CDAP loan that has been requested through the County.

3  
4 Mr. Moser asked if the County will be listed behind Busey Bank on the mortgage document.

5  
6 Mr. Rose stated that there is no real estate involved on this loan because the real estate is a separate entity.  
7 He said that the owners of the business will be leasing the property from Scott Moore's father. He said that  
8 the County will have a lien on all of the equipment of the business.

9  
10 Mr. Doenitz asked Mr. Rose what type of assets were involved and how much is Busey Bank participating  
11 with the second loan.

12  
13 Mr. Rose stated that the participation from Busey Bank is over \$2 million. He said that the equipment,  
14 which is valued at over \$5 million, is being used for collateral.

15  
16 Mr. Doenitz stated that if the applicant has these kinds of assets why isn't Busey Bank totally financing this  
17 business.

18  
19 Mr. Rose stated that this is a highly leveraged deal and the reason that the County is involved is because of  
20 the jobs. He said that the applicant had an opportunity to leave the County and move to Coles County but  
21 they desired to stay in this area and expand.

22  
23 Mr. Hall asked if ELUC is normally informed which businesses are being purchased.

24  
25 Mr. Rose stated that the businesses being purchased are Custom Color Graphics and Crouse Printing and  
26 Mailing.

27  
28 Mr. Langenheim asked what type of products the printing business produces.

29  
30 Mr. Rose stated that their products vary from billboards to books and forms. He said that the applicant's  
31 personal assets are a lot more than the equipment is worth.

32  
33 Mr. Doenitz stated that he does not know that the applicant's personal assets are reliable. He said that when  
34 the County is participating in a \$1 million loan he would like to see some type of personal financial  
35 statement on the applicant.

36  
37 Mr. Rose stated that he is correct that \$1 million is a lot of money and personal financial statements have not  
38 be submitted for review in the past because it could become public information. He said that he would need  
39 to discuss this with the applicants to see if this would be a possibility. He said that the assets are there or he  
40 would not recommend that the County participate in a \$1 million CDAP loan.

41  
42 Mr. Moser asked what type of assets the applicants have to back up this loan.

1  
2 Mr. Rose stated that they have cash and securities as well as commercial and personal real estate.

3  
4 Mr. Moser stated that he does not understand why the applicants need to borrow this much money when they  
5 have so many assets.

6  
7 Mr. Rose stated that they are requesting the funds because the interest rates are at a historical low.

8  
9 Mr. Moser stated that he has seen a lot of people borrow in to bankruptcy.

10  
11 Ms. Anderson asked if there was an average loan amount that the County has done.

12  
13 Mr. Rose stated that the average is around \$75 thousand to \$150 thousand. He said that these loan requests  
14 are larger than most.

15  
16 Mr. Hall asked if the loan was an immediate necessity.

17  
18 Mr. Rose stated yes.

19  
20 Mr. Moser stated that he would like to see a financial statement on the applicants to see if what they are  
21 pledging is accurate.

22  
23 Mr. Rose stated that the debt service coverage is very high. He said that 1.0% in debt coverage is where the  
24 applicant can cover it and not make any money and the applicants are pushing 2.0% which is well above  
25 average.

26  
27 Mr. Moser stated that at one time the County approved a CDAP loan for Parkhill and he was pleased to vote  
28 no. He said that anyone with these types of assets should not be requesting these types of loans.

29  
30 Mr. Jones asked Mr. Hall to explain the point of the CDAP loans. He said that he was under the impression  
31 that the CDAP loans were for small businesses.

32  
33 Mr. Hall stated that he thought that the purpose for the CDAP loan was to provide some incentive for job  
34 creation. He said that if the loan is granted to someone who does not have a lot of debt service coverage then  
35 the money is being loaned at risk but with the debt service coverage that is involved in the two requests there  
36 is little or no risk unless things go extremely bad. He said that the main purpose of the loan is for job  
37 creation.

38  
39 Mr. Rose stated that there is no specific size restriction on the business. He said that this is something that  
40 could and still might leave Champaign County.

41  
42 Mr. Gladney asked Mr. Rose what the applicants are basing their decision upon in staying in Champaign

- 1 County. He asked if it was because of some sort of assumption that the availability of this loan is  
2 guaranteed.  
3
- 4 Mr. Rose stated no. He said that he does not know what the applicant has been offered elsewhere but they  
5 are relying on this because Busey has requested that the County participate. He said that he does not know  
6 but Busey may finance more but right now the County is filling the gap.  
7
- 8 Mr. Langenheim stated that he had the impression that the CDAP loan program was aimed at small rural  
9 communities.  
10
- 11 Mr. Rose stated that the CDAP loan can be loaned any where in Champaign County and can only be loaned  
12 to a business in Champaign County if there are enough jobs being filled from residents coming from outside  
13 of Champaign-Urbana.  
14
- 15 Mr. Moser asked how many jobs were filled by residents outside of Champaign-Urbana.  
16
- 17 Mr. Rose stated that around 40 jobs are filled by residents outside of Champaign-Urbana which is over one-  
18 half.  
19
- 20 Mr. Doenitz stated that he is all for retaining jobs but he is concerned about approving a CDAP loan for \$1  
21 million without documentation to review.  
22
- 23 Mr. Rose stated that he might be able to submit the requested documentation for the Committee's review.  
24 He asked if the Committee would consider scheduling a special meeting prior to the June 21, 2007, County  
25 Board meeting. He asked if the Committee would like to review personal cash flow and business cash flow  
26 or both.  
27
- 28 Mr. Doenitz stated that he would like to see both.  
29
- 30 Mr. Rose stated that there are actually four transactions taking place and the County is involved in two of  
31 those transactions.  
32
- 33 Mr. Moser asked if the applicants are individuals or are they part of an LLC.  
34
- 35 Mr. Rose stated that Premier Printing of Illinois is a newly formed LLC. He said that there are two owners  
36 with one owning 35% and the other owning 65% of the business.  
37
- 38 Ms. Anderson asked if a new packet would be mailed to the members so that they can review the requested  
39 information prior to the special meeting.  
40
- 41 Mr. Rose stated that he will either mail the packets out immediately or hand deliver the information so that  
42 the Committee has adequate time to review the documents.

1  
2 Mr. Hall asked the Committee if fifteen minutes would be adequate for the special meeting.

3  
4 Mr. Moser stated that he would like to have more than fifteen minutes to make a judgment on something like  
5 this.

6  
7 Mr. Doenitz stated that he understands that Mr. Rose would like to obtain permission from the applicants in  
8 regard to submitting their personal financial statements to the Committee for review. He asked Mr. Rose if  
9 this information isn't already public information.

10  
11 Mr. Rose stated yes, but wouldn't their information be available to the entire public if these documents are  
12 distributed to the Committee for review.

13  
14 Ms. McGrath stated yes by the terms of the *Freedom of Information Act*.

15  
16 **The consensus of the Committee was to schedule a Special ELUC meeting at 6:30 p.m. prior to the**  
17 **June 21, 2007, County Board meeting.**

18  
19 **Mr. Langenheim moved, seconded by Mr. Doenitz to defer agenda Items #6 and #7 to the June 21,**  
20 **2007, ELUC Special Meeting. The motion carried by voice vote.**

21  
22  
23 **8. Recreation and Entertainment License: Champaign County Fair Association, 902 North Coler**  
24 **Avenue, Urbana. County Fair and Carnival. July 20-28, 2007.**

25  
26 **Mr. Moser moved, seconded by Mr. Doenitz to approve the Recreation and Entertainment License for**  
27 **the Champaign County Fair Association, 902 North Coler Avenue, Urbana, Illinois. The motion**  
28 **carried by voice vote.**

29  
30  
31 **9. *Proposal to require marking of telephone pedestals in rural areas***

32  
33 Ms. Wysocki asked if this item is ready for discussion.

34  
35 Ms. McGrath stated that this item is not ready for discussion.

36  
37 Mr. Moser stated that he has a constituent who destroyed an unmarked telephone pedestal while he was  
38 mowing his roadside and the telephone company sent him a bill for over \$500. He said that he himself has  
39 destroyed a couple of telephone pedestals because they are unmarked and cannot be seen.

40  
41 Ms. Wysocki asked why the telephone company does not mark the pedestals.  
42

- 1 Mr. Doenitz stated they don't mark the pedestals because of cost.  
2
- 3 Ms. McGrath stated that since ELUC will not meet in July this agenda item could also be addressed at the  
4 Special ELUC meeting on June 21<sup>st</sup> meeting.  
5
- 6 Mr. Moser stated that this is the time to address this issue because this is the time of the year that the  
7 pedestals are destroyed.  
8
- 9 Mr. Hall asked Ms. McGrath if she anticipates an action from the ELUC special meeting to be forwarded to  
10 the County Board.  
11
- 12 Ms. McGrath stated no.  
13
- 14 Ms. Melin asked how someone would not know that these pedestals exist if they normally mow the areas.  
15
- 16 Mr. Moser stated that when you have seven miles of road ditches along fifteen farms it is hard to remember  
17 the exact location of all of these pedestals. He said that at times he will send someone else to go mow the  
18 road ditches and they are unaware of the pedestals location.  
19
- 20 Ms. Melin agreed that the pedestals need to be marked.  
21
- 22 Ms. McGrath stated that the telephone companies did use to mark the pedestals but for some reason they  
23 ceased doing so. She said that the State's Attorney's preliminary investigation into the FCC doesn't allow  
24 them to stop marking those pedestals. She said that the State's Attorney's office next step is to contact the  
25 telephone companies to find why the marking of the pedestals has not occurred and see if there is some way  
26 to enforce their marking. She said that the reason for the enforcement is not just because of the mowing  
27 issue but also because some of the pedestals are not marked and maintained properly and that should be the  
28 responsibility of the telephone company.  
29
- 30 Mr. Doenitz stated that one of the problems with the pedestals is that they are normally the same color as the  
31 tall grass that is allowed to grow around them.  
32
- 33 Mr. Schroeder stated that his road commissioner has had problems with this issue. He said that on a farm  
34 which is located north of his property there is a pedestal on the corner of the old farmstead and when the  
35 pedestal is hit by the snowplow it explodes into pieces. He said that such a regulation would not only be  
36 beneficial to the farmers who mow their roadsides but also to the township road commissioners.  
37
- 38 Mr. Langenheim asked if the pedestals were a road hazard or do they damage mowing equipment.  
39
- 40 Mr. Doenitz stated no.  
41
- 42 Mr. Moser stated that many pedestals have been hit and no one reports it and then there are honest folks who

1 do report the incident, without loss of phone service, and they receive a bill for \$500 for the pedestals repair.

2  
3 Ms. Anderson asked if the marked pedestals are marked with a flag.

4  
5 Mr. Moser stated no. He said that there is an orange fiberglass pole on both sides of the pedestal.

6  
7 Mr. Schroeder stated that in the past a 4" x 4" post would be used with an orange marker on the top. He said  
8 that when the pedestals are hit the mowing equipment is not damaged. He said that four years ago he hit an  
9 unmarked pedestal because he did not realize that it existed on the property and the only thing that the  
10 telephone company did was splice the wires.

11  
12 **The consensus of the Committee was to defer Item #8 to the June 21, 2007, ELUC Special Meeting.**

13  
14 **10. *Proposal to prepare a Champaign County Government Land Use Plan***

15  
16 Ms. Wysocki commended the Committee regarding the discussion that occurred last month about the  
17 Champaign County Government Land Use Plan. She said that the Committee used deliberation and care to  
18 talk about some very critical issues regarding this issue and she appreciates the respect and general purpose  
19 of what the Committee believes is in the best interest of the County. She noted that she hopes that the same  
20 spirit will exist tonight when some the items are revisited for recommendations to the County Board. She  
21 suggested that in the interest in making sure that the Committee addresses every one of the issues that are  
22 before them that they work on the resolutions in order. She said that by juggling the order of the resolutions  
23 it would be easy to lose track of some of the issues.

24  
25 Ms. Wysocki read Item #1. She said that this will be a nominating process where potential members of the  
26 Steering Committee will be nominated or recommended by a County Board member.

27  
28 **The consensus of the Committee was to recommend approval of Item #1.**

29  
30 Ms. Wysocki read Item #2.

31  
32 Mr. Doenitz stated that he agrees with Item #2.

33  
34 Mr. Hall stated that the provision of a super-majority vote is not absolutely necessary but it does raise the  
35 general question that since a tie is very unlikely should the Chair have any voting rights at all. He said that  
36 from staff's perspective the super-majority requirement is necessary in light of the fact that a tie cannot occur  
37 for anything that is substantive. He said that it can be left in the resolution, although it will not be necessary,  
38 but in the attempt to be comprehensive staff wanted to flag the general issue of having the Chair vote or not.  
39 He said that he received a call today from the President of the Champaign County Farm Bureau who was  
40 unhappy that the Chair and Vice-Chair were not voting members.

41  
42 Ms. Anderson stated that the Chair and Vice-Chair should be able to vote.

- 1  
2 Mr. Moser also stated that the Chair and Vice-Chair should be able to vote.  
3  
4 Mr. Langenheim asked Ms. Wysocki what the rationale for depriving the Chair and Vice-Chair the right to  
5 vote.  
6  
7 Ms. Wysocki stated that in last month's draft the Chair, Ms. Wysocki, was also going to be the Urbana  
8 representative to this group and therefore she would be casting a vote as representing Urbana's interests.  
9 She said that it is strictly by luck of the draw that she is a resident of Urbana and whether she is the person to  
10 represent Urbana's interests during this planning session is a daunting responsibility.  
11  
12 Mr. Moser stated that Ms. Wysocki could also represent Urbana Township.  
13  
14 Ms. Wysocki stated that she is aware of that fact.  
15  
16 Mr. Hall stated that the common practice for a plan commission is that there are no elected officials on it.  
17  
18 Mr. Langenheim stated that there are a large number of elected officials on this committee.  
19  
20 Mr. Hall stated that at a staff level the super-majority should be increased to 75% and drop the requirement  
21 for voting by the Chair and Vice Chair.  
22  
23 Mr. Langenheim stated that he agreed. He stated that the Chair person should not be deprived of the  
24 opportunity to vote.  
25  
26 Mr. Schroeder asked if he and Ms. Wysocki could jeopardize their potential voting as County Board  
27 members later on when this piece of legislation comes to the County Board in voting on the steering  
28 committee or having any kind of vote and giving opinions, collecting opinions, etc.  
29  
30 Ms. McGrath stated that this is not a zoning case so it is not a situation where the steering committee is  
31 holding a hearing in regard to a recommendation. She said that the steering committee is a citizens group  
32 that does not have any official authority in regard to what the County should and should not be doing  
33 therefore whether the Chair and Vice-Chair has the ability to vote does not jeopardize what authority they  
34 would have as County Board members.  
35  
36 Ms. Melin asked Ms. Wysocki if she was on the steering committee as the Chair would she not be the  
37 Urbana representative.  
38  
39 Ms. Wysocki stated that this is her understanding.  
40  
41 Ms. Wysocki asked Mr. Hall if Mr. Schroeder and herself became voting members wouldn't that increase the  
42 number of steering committee members to 19.

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Mr. Hall stated yes. He said that if the Chair and Vice-Chair will be allowed to vote then the number will increase and this number must be reflected in the super-majority requirement.

Ms. McGrath stated that there will actually be 20 steering committee members not 19.

Mr. Doenitz asked if Ms. Wysocki and Mr. Schroeder would be voting members of the steering committee all of the time.

Ms. Wysocki stated that she is assuming if they are to become voting members then they will vote on everything.

Mr. Doenitz stated that his only problem with this is that there will be two County Board members voting and he is not sure if he agrees with that.

Ms. Anderson stated that she assumes that the Vice-Chair would only vote in the absence of the Chair and in the extent of a tie.

Mr. Hall stated that assuming that the super-majority requirement is adopted there will be no ties that needed to be voted upon for substantive issues.

Mr. Doenitz stated that if Ms. Wysocki is going to be a voting member all of the time then she should be representing her area.

Mr. Hall reminded the Committee that all of ELUC is an *ex-officio* member which means that they will be treated just like a steering committee member although their presence at the meeting will not be required for a quorum and they will have no voting rights. He said that all ELUC members will receive the same information and will receive information for every steering committee meeting.

Ms. McGrath stated that if the ELUC members are to be *ex-officio* members of the steering committee then it should be included in the resolution.

Mr. Hall stated that this will be another issue for the Committee to consider.

Ms. Wysocki stated that it should be a point to include this in the resolution.

Mr. Gladney asked if there was a reason why the number could not be dropped back down to an uneven number so that the event of a tie would not occur therefore making this whole issue less complicated.

Mr. Hall stated that it was set up this way because this is the way that it was drafted by staff but had staff realized that with the super-majority there cannot possibly be a tie then the part in Item #2 of the Resolution regarding the Chair having a vote only in the event of a tie would not be necessary unless the Committee

1 wants the Chair to have the opportunity to vote. He said that from a staff level they are trying to give the  
2 Committee a structure which will guarantee that if the steering committee recommends something there is a  
3 high probability that it is something that ELUC can also recommend to the County Board because there is a  
4 high probability that the County Board will adopt it. He said that as we learned in the Zoning Ordinance  
5 revision there is only a small area where there is likely to be a super-majority agreement and that should be a  
6 base understanding to begin with but the greatest way to make that happen is to start off with a super-  
7 majority requirement at the steering committee.

8  
9 Mr. Moser stated that if everyone on ELUC is to be an *ex-officio* member of the steering committee then he  
10 will withdraw his recommendation that the Chair and Vice-Chair should have voting rights.

11  
12 Ms. Wysocki stated that currently it has been decided that there will be a total of eighteen steering committee  
13 members with no voting rights for the Chair or Vice-Chair.

14  
15 Mr. Hall stated that is correct.

16  
17 Mr. Doenitz asked if the Project Manager has been chosen to lead this endeavor.

18  
19 Ms. Wysocki stated that Ms. Susan Chavaria has been designated as the Project Manager. She said that she  
20 is currently a staff person at the Regional Planning Commission and has done a number of the highway  
21 corridor studies along with Rita Morocoima-Black. She said that Ms. Chavaria has been with the RPC for  
22 seven years.

23  
24 Mr. Doenitz stated that he wants to make it perfectly clear that he does not want Mr. DiNovo involved in the  
25 project.

26  
27 Ms. Wysocki stated that Mr. DiNovo has indicated that he does not want to be involved in this project.

28  
29 Mr. Hall asked if the Committee would like to be so specific to clarify in Item #2, that neither the Chair nor  
30 Vice-Chair shall have voting rights.

31  
32 Ms. McGrath stated that if the desire of the Committee is not to allow the Chair or Vice-Chair to vote then it  
33 must be included in the resolution.

34  
35 Ms. Wysocki read Item #3. She said that the issue had been raised about the possibility of not being able to  
36 identify the individuals to serve on this Committee based on the geographic restrictions and elected positions  
37 that were indicated. She said that the intent of Item #3 is to broaden that base so that individuals can be  
38 solicited to serve on the Committee.

39  
40 Mr. Doenitz asked why Hensley and Somer Townships were not included in Item #3, Paragraph 4. He said  
41 that he is the Mahomet Township Highway Commissioner and is automatically eliminated due to his County  
42 Board status therefore there are only two other people to draw from when theoretically there should be four

1 because of the metro township area.  
2

3 Ms. Monte responded the difference between “metropolitan” and “urban” townships is not clear.  
4

5 Mr. Hall stated that metro townships are those townships that lose geographic area when the municipalities  
6 expand but urban townships are the townships experiencing the most growth which is Champaign, Urbana,  
7 and Mahomet.  
8

9 Mr. Moser asked Mr. Hall what will happen if the Urbana Township Road Commissioner and the  
10 Champaign Township Road Commissioner refuse to do it.  
11

12 Mr. Hall asked Ms. McGrath if there is a reason why County Board members who hold these positions  
13 cannot be appointed to the Steering Committee.  
14

15 Ms. McGrath stated that it would be irrational to say that there are occurrences when the Chair and Vice-  
16 Chair cannot vote yet other County Board members can vote because they hold these positions. She said that  
17 for consistency sake it would make sense not to have a County Board member be a member of the  
18 Committee.  
19

20 Mr. Hall asked Ms. McGrath if the Resolution should also address this issue.  
21

22 Ms. McGrath stated yes.  
23

24 Mr. Gladney asked if the people who hold these positions have been approached in regard to becoming a  
25 member of the Steering Committee.  
26

27 Ms. Wysocki stated that she has a list of people that she would like to contact but has withheld contacting  
28 these people until the Resolution is complete.  
29

30 Mr. Gladney stated that all of the perimeters and criteria are being set assuming that these people would want  
31 to be on the Steering Committee.  
32

33 Mr. Langenheim read Item #3, Paragraph 1. He asked if Champaign and Urbana townships include the  
34 cities.  
35

36 Mr. Hall stated no. He said that Champaign and Urbana townships only include the unincorporated portions  
37 of these townships and not the incorporated portions. He noted that the township which includes the City of  
38 Champaign is called the City of Champaign Township and the township which includes the City of Urbana  
39 is called Cunningham Township.  
40

41 Mr. Doenitz stated that any township, such as Champaign, Hensley, Somer and Urbana that deals with the  
42 City of Champaign and Cunningham Townships should be included in the metro area because they lose

1 geographic ground. He said that he agrees with Mr. Moser in that he does not believe that the Urbana  
2 Township Road Commissioner will serve on the Steering Committee.

3  
4 Mr. Hall asked Mr. Doenitz if he is suggesting a change to the Resolution.

5  
6 Mr. Doenitz stated yes. He said that Item #3, Paragraph 4 should be consistent with Paragraph 1 with the  
7 inclusion of Hensley and Somer townships.

8  
9 Mr. Hall asked Mr. Doenitz if Mahomet should be included in Paragraph 1.

10  
11 Mr. Doenitz stated that this is a mute point because he is the Mahomet Township Road Commissioner.

12  
13 Mr. Hall stated that he is aware that Mr. Doenitz is the Mahomet Township Road Commissioner and he  
14 would like the Committee to consider that very topic.

15  
16 Mr. Moser stated that he could almost bet that the Urbana and Champaign Township Road Commissioners  
17 will not serve on the Steering Committee.

18  
19 Ms. McGrath stated that the Draft Resolution specifies elected or former.

20  
21 Mr. Doenitz stated that it will not do any good to have his predecessor included with Mahomet because he  
22 will not be interested.

23  
24 Mr. Moser stated that there are several drainage commissioners in the County which are elected and should  
25 be considered equal to a township official.

26  
27 Ms. Monte agreed and stated that this would widen the pool of candidates.

28  
29 Mr. Doenitz stated that he agrees. He asked why someone from the Soil Conservation District could not be  
30 included.

31  
32 Mr. Hall stated that the Soil Conservation District is just an interest and not an elected government position.

33  
34 Ms. McGrath stated that one way to resolve this issue is to revise the text as follows: 2 elected or former  
35 elected township officials or appointed or former township plan commission members, and elected or  
36 appointed drainage district commissioners from rural prairie townships (Brown; Ludlow; Harwood; Kerr;  
37 Condit; Rantoul; Compromise; Stanton; Ogden; Ayers; Raymond; Crittenden; Philo; Tolono; Pesotum;  
38 Sadorus; Colfax; and Scott).

39  
40 Mr. Langenheim asked if the drainage district commission member has to live in that district.

41  
42 Mr. Moser stated no, but they do have to own property in the district.

1  
2 Ms. Wysocki asked the Committee if they agreed with the revised text for Item #3.

3  
4 **The consensus of the Committee was yes.**

5  
6 Ms. Wysocki read Item #4. She said that Mr. Hal Barnhart suggested that the following three perspectives  
7 be added to Item #4: farmland preservationist; drainage district commissioner; and a representative  
8 involved in historical and cultural preservation.

9  
10 Ms. Monte stated that farmland preservation should replace soil conservation as an interest or perspective.

11  
12 Mr. Hall stated that Item #4(h);(i);and (j) have a residency requirement. He said that this seems to be  
13 contradictory to the intent of Item #4.

14  
15 Ms. Monte stated that Item #4(i) public school (rural) was placed there because those schools and their  
16 issues are different than schools in a metropolitan area.

17  
18 Mr. Hall stated that for clarity Item #4(i) should be revised to indicate rural public schools which is much  
19 different than Item #4(h) and (j) which indicates rural resident.

20  
21 Mr. Jones asked if each Steering Committee member should be representative of one or more of the  
22 following interests.

23  
24 Ms. Wysocki cautioned the Committee that when we go through the selection process and the backgrounds  
25 are reviewed on the candidates and it is discovered that no one is representing the fire/emergency services  
26 that this would not disqualify the Committee. She said that every attempt will be made to draw the remainder  
27 of the Committee from these categories but despite our efforts it may not be possible. She said that the spirit  
28 of the process is to tie in some diversity of opinions and perspectives but there is no guarantee that the  
29 Committee has every perspective that has a rural connection.

30  
31 Mr. Hall asked Mr. Jones if he is concerned that Item #4 reads more like a requirement.

32  
33 Mr. Jones stated yes.

34  
35 Mr. Hall suggested that Item #4 be revised to state as follows: Each Steering Committee member should be,  
36 as much as possible, be representative of one or more of the following interests or perspectives:

37  
38 Ms. Wysocki asked the Committee if they desired to replace Item #4(f) soil conservation with farmland  
39 preservation.

40  
41 **The consensus of the Committee was to replace Item #4(f) soil conservation with farmland**  
42 **preservation.**

1  
2 Ms. Wysocki asked the Committee if they desired to add historical and cultural preservation to the  
3 perspective list.

4  
5 Mr. Gladney stated that ELUC is spending a lot of time in trying include all of the different perspectives but  
6 what guarantee do we have that these perspectives will be appropriately represented.

7  
8 Ms. Wysocki stated that if she is making phone calls in trying to get people to serve on the committee she is  
9 going to make it clear to them that they are being called because they have an interest in a certain perspective  
10 and when it gets to the point in the discussion she is going to say to this person that they are the person that  
11 the Committee is going to look to in forming these statements.

12  
13 Mr. Doenitz stated that at the last meeting it was decided where all of the different perspectives would come  
14 from. He asked what is being used for structure on finding those people now.

15  
16 Mr. Hall stated it was the map of urban and rural areas. He said that instead of the very specific numerical  
17 requirement that was previously proposed, the general revised requirement is just keeping a two-to-one ratio  
18 of rural to urban. He said that with the new numbers 12 of the 18 members have to be from rural areas and  
19 only six can be from urban areas.

20  
21 Ms. Wysocki stated that since there is no argument for or against she is going to recommend that  
22 historical/cultural preservation; clergy; and farmland preservation be added to the list of perspectives.

23  
24 Ms. McGrath stated that there is problem with adding clergy to the list of perspectives and requested that it  
25 be stricken.

26  
27 Mr. Langenheim stated that the clergy is interested in the community and should not be excluded.

28  
29 Mr. Weibel stated that clergy are not being excluded because they may be an individual who is  
30 representative of one or more of the perspectives.

31  
32 Ms. Wysocki agreed.

33  
34 Mr. Gladney stated that eight of the twenty members or eighteen voting members will be acting or former  
35 officials leaving 12 members as members of the public sector.

36  
37 Ms. Wysocki stated that Mr. Gladney was correct.

38  
39 Mr. Gladney stated that it is beneficial to have the experience and knowledge of local leaders and officials  
40 but it is also beneficial to have the public included in this process.

41  
42 Mr. Schroeder questioned Item #4(q) which was University of Illinois Administrative.

1  
2 Ms. Monte stated that the University of Illinois has a landowner interest in the rural areas and has an interest  
3 in the welfare of the County. She said that the more vital and attractive the County is more benefit to the  
4 University of Illinois.

5  
6 Mr. Schroeder stated that the University of Illinois is a landowner but they can do *eminent domain* and do  
7 anything that it wants. He asked Mr. Hall if there is a zoning classification in the County that has zoning  
8 where a child care facility could be placed next to a hazardous storage waste facility.

9  
10 Mr. Hall stated in general, child care facilities are not allowed in Industrial Zoning Districts. He said that  
11 virtually all of the University of Illinois property in the County's zoning jurisdiction is zoned AG-2,  
12 Agriculture. He said that the University of Illinois is exempt from zoning.

13  
14 Mr. Schroeder stated that this is his point because the University of Illinois is exempt from zoning therefore  
15 they can do anything that they want to do on any property. He said that if the University of Illinois  
16 administration is to be included as one of the interest or perspectives he would rather that they not be a  
17 voting member and be *ex-officio member*.

18  
19 Mr. Doenitz agreed with Mr. Schroeder.

20  
21 Mr. Moser stated that he also agrees with Mr. Schroeder. He said that the University of Illinois has taken  
22 away all of the property rights of many landowners between Ridge Road to Willard Airport and has left a  
23 bitter taste in many people's mouth in the way that the new South Farms has been handled.

24  
25 Mr. Schroeder stated that an administrator of the University of Illinois cannot make any decision without  
26 having some sort of determined policy set by the Board.

27  
28 Ms. Anderson suggested that this interest category broadened to include higher education administration and  
29 that would allow Parkland College administration to be included in the pool.

30  
31 Mr. Weibel stated that perhaps we could substitute Item#4(q) with higher education rather than University of  
32 Illinois administration.

33  
34 Mr. Doenitz agreed with Mr. Weibel.

35  
36 Mr. Moser agreed with Mr. Weibel.

37  
38 **The consensus of the Committee was to substitute Item #4(q) with higher education administration.**

39  
40 Ms. Wysocki read Item #5.

41  
42 Mr. Langenheim asked what happens if a proposed committee member lives in a subdivision which is in the

1 County yet can step across the street and be in the city limits. He said that the population of an area like this  
2 probably exceeds the population of the rural part of the County.  
3

4 Ms. Monte stated that if their property is not within the corporate limits then they would be considered rural.  
5

6 Ms. Wysocki stated that she would like to see the current text in Item #5 stay as it is written because it  
7 appears to be very clear cut.  
8

9 Ms. Wysocki read Item #6.  
10

11 Mr. Langenheim suggested that Item #6 be revised to indicate the office of the person to be appointed as  
12 Chair of the Steering Committee and not the name of the person who will be appointed. He said that Item #6  
13 should read as follows: The Environment and Land Use Chair, in their personal capacity, shall be appointed  
14 as Chair of the Steering Committee.  
15

16 Mr. Hall stated that, as much as possible, from a staff perspective it would be advisable to have continuous  
17 leadership.  
18

19 Mr. Weibel stated that it could be the current Chair or former Chair of ELUC.  
20

21 Ms. Wysocki stated that this could go beyond the 2008 election.  
22

23 Mr. Moser stated the problem with indicating current Chair of former Chair of ELUC is that Ms. Wysocki  
24 may not be the only former Chair on the current Environment and Land Use Committee.  
25

26 Mr. Hall asked Mr. Langenheim if his recommendation would also apply to Item #7.  
27

28 Mr. Langenheim stated yes.  
29

30 **The consensus of the Committee was to revise Items #6 and #7 to indicate the office of the persons to**  
31 **be appointed as Chair and Vice-Chair of the Steering Committee and not the name of the persons to**  
32 **be appointed as Chair and Vice-Chair.**  
33

34 Ms. Wysocki read Item #8.  
35

36 Mr. Hall stated that staff recommends a three-quarter supermajority which equals 14 of 18 member Steering  
37 Committee. He said that revised Item #8 would read as follows: A  $\frac{3}{4}$  supermajority of the 18-member  
38 Steering Committee, which equals 14 members, shall be required in deciding substantive issues or  
39 procedures.  
40

41 Mr. Weibel asked what would be considered a substantive issue or procedure. He said that it should be  
42 indicated if the  $\frac{3}{4}$  supermajority requirement is for those present at the meeting or for the total 18 members.

1  
2 Mr. Doenitz stated that Mr. Weibel's statement is true but with ELUC if a supermajority vote is required it  
3 based on the total number of members not those members who are present at the time.  
4

5 Ms. McGrath stated different categories require different voting procedures.  
6

7 Mr. Weibel stated it should be indicated in the Resolution whether the  $\frac{3}{4}$  supermajority vote is for the 18-  
8 member Steering Committee or just those present at the meeting.  
9

10 Mr. Langenheim asked why a supermajority vote is required.  
11

12 Ms. Wysocki stated that when the Steering Committee makes a decision it is to be a loud sounding voice and  
13 is not squeaking through with a one vote majority.  
14

15 Mr. Hall stated that staff's direction is to make sure that another Zoning Ordinance revision doesn't happen  
16 therefore staff recommends a supermajority. He said that if ELUC chooses not to accept staff's  
17 recommendation then so be it but it is noted that staff did make the recommendation.  
18

19 Mr. Langenheim stated that the Steering Committee cannot speak with a soft voice.  
20

21 Ms. Wysocki stated that knowing that ultimately this comes back to the County, through ELUC and the  
22 County Board, every County Board member should be assured that the decisions that were made were  
23 careful, deliberate and in close to agreement as any body could come. She said that the recommendations  
24 will be heard with a loud voice and she would hope that ultimately the County Board will remember that  
25 when they pass judgment on that recommendation and not dismissed.  
26

27 Mr. Gladney asked how many times the Steering Committee is anticipated to meet.  
28

29 Mr. Hall stated that the Steering Committee is proposed to meet 18 times over a period of two and one-half  
30 years.  
31

32 Mr. Gladney asked if there will be agendas for each meeting.  
33

34 Mr. Hall stated yes. He said that the agendas will be driven by the schedule and the decisions which need to  
35 be made at that time. He said that ELUC will be approving the work of the Steering Committee on a regular  
36 basis, but at least four to six times.  
37

38 Ms. McGrath stated that there is a requirement in the County Board rules that people attend the meetings and  
39 that there is a certain number of meetings that they can be excused from. She said that it appears that ELUC  
40 is concerned about attendance and would like to have a similar condition but the problem with such a  
41 condition is that there are many times when not all 18 members of the Steering Committee, for one reason or  
42 another, will be able to attend a meeting. She said that this is a situation that can be controlled by this

1 Committee.

2  
3 Mr. Weibel recommended that Item #8 be revised as follows: A  $\frac{3}{4}$  supermajority vote be required of those  
4 present, of the 18 member Steering Committee. He said that the following text should be stricken: shall be  
5 required when deciding substantive issues or procedures.

6  
7 Ms. Wysocki asked the Committee if they agreed with Mr. Weibel's recommendation.

8  
9 **The consensus of the Committee was to revise Item #8 to indicate a  $\frac{3}{4}$  supermajority vote be required**  
10 **of those present, of the 18 member Steering Committee and strike the following text from Item #8:**  
11 **shall be required when deciding substantive issues or procedures.**

12  
13 Mr. Hall stated that earlier in the meeting there was concern regarding whether people who are currently  
14 County Board members and who hold township positions could not be nominated as a Steering Committee  
15 member. He said that there was also concern regarding if all ELUC members would be serving as *ex-officio*  
16 members of the Steering Committee and if so it needs to be stated in the Resolution. He said that from a  
17 staff perspective this is what was anticipated but the Committee must make that decision.

18  
19 Mr. Gladney requested clarification of the definition of an *ex-officio* member.

20  
21 Ms. McGrath stated that an *ex-officio* member cannot vote and do not count as a quorum but they do have  
22 the right to participate in discussions.

23  
24 Mr. Doenitz stated that ELUC should be included as *ex-officio* members.

25  
26 Mr. Hall stated that in including ELUC members as *ex-officio* members would allow the Committee to  
27 participate but without it being included in the Resolution and using the traditional Steering Committee  
28 model would not have ELUC as an *ex-officio* member. He said that there would be a formal plan  
29 commission formally established that planning commissioners would be appointed to on a regular basis. He  
30 said that this is why this is different than what happens in other forums. He said that he is sensitive getting  
31 criticism from people who are used to the traditional municipal approach and do not understand that the  
32 County is a much different thing.

33  
34 Mr. Doenitz stated that he would respond to any criticism that the County is running the show.

35  
36 Ms. Wysocki stated that these distinctions will be made very clear at the first meeting.

37  
38 **The consensus of the Committee was to add an Item #9 indicating that ELUC members will be *ex-***  
39 ***officio* members of the Steering Committee.**

40  
41 Mr. Hall stated that the only item left to determine is the eligibility of serving County Board members.

6-11-07

**DRAFT SUBJECT TO APPROVAL DRAFT**

**ELUC**

1 Mr. Hall stated that an Item #10 could be added indicating that serving County Board members are not  
2 eligible as Steering Committee members.

3  
4 **The consensus of the Committee was to add an Item #10 indicating that serving County Board**  
5 **members are not eligible as Steering Committee members.**

6  
7 **Mr. Schroeder moved, seconded by Mr. Doenitz to recommend approval the Resolution regarding**  
8 **Creation of Steering Committee to Guide Preparation of Champaign County Land Resource**  
9 **Management Plan, as amended.**

10  
11 Mr. Doenitz noted that this process is too expensive but it does need to be done.

12  
13 **The motion carried by voice vote.**

14  
15 **Mr. Doenitz moved, seconded by Ms. Melin to recommend approval of the Resolution regarding**  
16 **Development of a Champaign County Land Resource Management Plan. The motion carried by voice**  
17 **vote.**

18  
19 **11. *Regional Planning Commission County Planner FY 2007 Work Plan***

20  
21 Ms. Wysocki stated that the Land Resource Management Plan will apparently be the Regional Planning  
22 Commission County Planner FY 2007 Work Plan.

23  
24 **12. *Update on Enforcement Cases***

25 **A. *Sale of property at 2603 Campbell Drive, Champaign (ZN01-30/14)***

26  
27 Ms. McGrath stated that the Committee is being asked to approve the sale of Mr. Mefford's property.

28  
29 **Mr. Doenitz moved, seconded by Mr. Moser to approve the sale of property at 2603 Campbell Drive,**  
30 **Champaign, IL. The motion carried by voice vote.**

31  
32 **13. *Monthly Report (May 2007)***

33  
34 Mr. Hall stated that the May 2007, Monthly Report was not available for distribution but will be included in  
35 next month's packet.

36  
37 Ms. Wysocki asked if ELUC would meet in July.

38  
39 Mr. Hall stated that he is not aware of any license approvals which are required for July and he is not aware  
40 of any items which would require ELUC's input. He said that to date there is no ELUC meeting planned for  
41 the month of July.

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37

**14. Other Business**

None

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

Mr. Hall stated that Item #10, Resolutions regarding the Champaign County Land Resource Management Plan; and Item 12A regarding the sale of property at 2603 Campbell Drive, Champaign, IL, should be placed on the County Board Consent Agenda.

Ms. Wysocki stated that she does not believe that Item #10 should be placed on the Consent Agenda.

Mr. Hall stated that Item #10 did receive a unanimous vote.

Ms. Wysocki stated that she is aware of the vote and it will be noted at the full County Board.

**The consensus of the Committee was to place Item #12A on the County Board Consent Agenda.**

**16. Adjournment**

**Mr. Langenheim moved, seconded by Mr. Doenitz to adjourn the June 11, 2007, ELUC meeting. The motion carried by voice vote.**

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Secretary to the Environment and Land Use Committee

eluc\minutes\minutes.frm

**Connie Berry**

**From:** Dorland W. Smith [dormsmit@mail.fgi.net]

**Sent:** Sunday, August 05, 2007 1:36 PM

**To:** Allen Wehrmann; Anthony Hall; Barry Suits; Bill Mitze; Charles Avery; Craig Cummings; David R Larson; Derek Winstanley; Dorland W Smith; Douglas E Laymon; Ed Mehnert; Ellis Sanderson; Floyd L Allsopp; George E Groschen; George Roadcap; Ivan E Sherburn; Jason Heid; John & Susan Adams; Keith D. Alexander; Kelly Walton; Kelly Warner; Mark McGrath; Mike Hannan; Morris L Bell; Nancy Erickson; Paul A Berg; Paul B DuMontelle; Paul Russell; Ralph L Langenheim, Jr; Richard J Winkel, Jr; Rick Twait; Robbie Berg; Robert R Holmes, Jr; RobertC Kohlhase; Robert L. Betzelberger; Scott Bailey; Sharon Martin; Traci Barkley; William A. Smith; Wilson Steve; Brandon Lott; Brenda Carter; Connie Berry; Craig Alexander; Dee Dee Gellerman; Dick Berg; Don McKay; Don Pitts; Dwain Berggren; Frank Dinovo; Gale Jamison; Gary Clark; Gary Williaams; Jerry Nord; Jim Watson; Keith Hackley; mark Anliker; Michael Hirschi; Randy Fornoff; Sam Panno; Scott Meyer; Steven Wegman; Sue Bohienstengel; Ted Jeurissen; Thomas Berns; Todd Rusk; Tom Holm; Tom Korn

**Subject:** MAC Field Trip

MAC members,

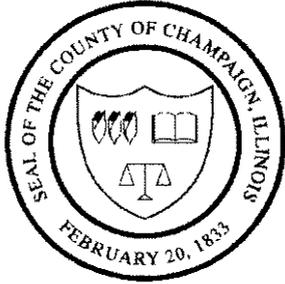
The agenda for the August meeting is a field trip to witness well test boring, geophysics, etc. Check out the MAC web site for map, instructions, etc.

Wed, Aug 15, 9:00 to 11:30AM. Field trip planned-- observe drilling, surface & borehole geophysics and more.

**Please RSVP** to Ed Mehnert or call 217/244-2765 by noon, Tues, Aug 14. We'll meet at the ISGS I Building in Champaign at 8:45. The ISGS will provide transportation to the field site.

I  
The MAC web site is: [MahometAquiferConsortium.org](http://MahometAquiferConsortium.org)

Dorland



**STATE OF ILLINOIS  
COUNTY OF CHAMPAIGN**

**ENTERTAINMENT, RECREATION,  
LODGING OF TRANSIENTS, AND RACEWAYS LICENSE**

**No. 2007-12  
\$100.00**

**LAKE OF THE WOODS BAR & GRILL**

License is hereby granted to Gary and Mildred Zindars at 2102 Fogel Rd., Mahomet IL to provide Recreation/Entertainment at 204 S. Prairieview Rd., Mahomet IL in Champaign County from August 14, 2007 thru December 31, 2007 This License expires January 1<sup>st</sup>, 2008 at 12:01am.

Witness my Hand and Seal this 14<sup>th</sup> day of August, A.D. 2007.

---

MARK SHELDEN  
County Clerk  
Champaign County

---

Chairman, Champaign County License Commission



STATE OF ILLINOIS,  
Champaign County  
Application for:  
Recreation & Entertainment License

Applications for License under County Ordinance No. 55 Regulating Recreational & Other Businesses within the County (for use by businesses covered by this Ordinance other than Massage Parlors and similar enterprises)

For Office Use Only

License No. \_\_\_\_\_  
Date(s) of Event(s) 7-1-07 THRU 12-31-07  
Business Name: LAKE OF THE WOOD BAR & GRILL  
License Fee: \$ 100.00  
Filing Fee: \$ 4.00  
TOTAL FEE: DUE \$ 104.00  
Checker's Signature: \_\_\_\_\_

Filing Fees: Per Year (or fraction thereof): \$ 100.00  
Per Single-day Event: \$ 10.00  
Clerk's Filing Fee: \$ 4.00

**FILED**

JUL 30 2007

*Mark Shelden*  
CHAMPAIGN COUNTY CLERK

Checks Must Be Made Payable To: Mark Shelden, Champaign County Clerk

The undersigned individual, partnership, or corporation hereby makes application for the issuance of a license to engage a business controlled under County Ordinance No. 55 and makes the following statements under oath:

- A. 1. Name of Business: Lake of the Woods Bar + Liquors Inc.
- 2. Location of Business for which application is made: 204 S. Prairie View Road Mahomet IL 61853
- 3. Business address of Business for which application is made: 204 S. Prairie View Road, Mahomet IL 61853
- 4. Zoning Classification of Property: \_\_\_\_\_
- 5. Date the Business covered by Ordinance No. 55 began at this location: \_\_\_\_\_
- 6. Nature of Business normally conducted at this location: Package Liquor And Bar
- 7. Nature of Activity to be licensed (include all forms of recreation and entertainment to be provided): Karaoke, D.J., Bands
- 8. Term for which License is sought (specifically beginning & ending dates): 7-1-07 through 12-31-07

(NOTE: All annual licenses expire on December 31st of each year)

- 9. Do you own the building or property for which this license is sought? No
- 10. If you have a lease or rent the property, state the name and address of the owner and when the lease or rental agreement expires: Parkhill Enterprises, Ongoing lease
- 11. If any licensed activity will occur outdoors attach a Site Plan (with dimensions) to this application showing location of all buildings, outdoor areas to be used for various purposes and parking spaces. See page 3, Item 7.

**INCOMPLETE FORMS WILL NOT BE CONSIDERED FOR A LICENSE AND WILL BE RETURNED TO APPLICANT**

Recreation & Entertainment License Application  
Page Two

3. If this business will be conducted by a person other than the applicant, give the following information about person employed by applicant as manager, agent or locally responsible party of the business in the designated location:

Name: Brenda Kerns Date of Birth: 7-4-47  
Place of Birth: Champaign Social Security No.: \_\_\_\_\_  
Residence Address: 501 W. Main St, Mahomet, IL 61853  
Citizenship: U.S. Citizen If naturalized, place and date of naturalization: N/A

If, during the license period, a new manager or agent is hired to conduct this business, the applicant MUST furnish the County the above information for the new manager or agent within ten (10) days.

Information requested in the following questions must be supplied by the applicant, if an individual, or by all members who share in profits of a partnership, if the applicant is a partnership.

If the applicant is a corporation, all the information required under Section D must be supplied for the corporation and for each officer.

Additional forms containing the questions may be obtained from the County Clerk, if necessary, for attachment to this application form.

- C. 1. Name(s) of owner(s) or local manager(s) (include any aliases): Garry + Mildred Zindars
- Date of Birth: \_\_\_\_\_ Place of Birth: Champaign County  
Social Security Number: \_\_\_\_\_ Citizenship: U.S.  
If naturalized, state place and date of naturalization: N/A
2. Residential Addresses for the past three (3) years: 2102 Fogel Rd, Mahomet, IL 61853
3. Business, occupation, or employment of applicant for four (4) years preceding date of application for this license: Lake of the Woods Bar + Liquors, Inc. and United Rental Sales

EACH OFFICER MUST COMPLETE SECTION D. OBTAIN ADDITIONAL FORM PAGES IF NEEDED FROM THE COUNTY CLERK AND ATTACH TO THIS APPLICATION WHEN FILED.

D. Answer only if applicant is a Corporation:

1. Name of Corporation exactly as shown in articles of incorporation and as registered: LAKE OF THE WOODS BAR + LIQUORS, INC.
2. Date of Incorporation: 1/29/1982 State wherein incorporated: Illinois

Recreation & Entertainment License Application  
Page Three (a)

3. If foreign Corporation, give name and address of resident agent in Illinois:

N/A

Give first date qualified to do business in Illinois: N/A

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

204 S. Prairie View Road, Mahomet, IL 61853

5. Objects of Corporation, as set forth in charter: Package Liquor Sales + Tavern

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: Garry Zindars Title: President

Date elected or appointed: 1/29/1982 Social Security No.:

Date of Birth: Place of Birth: Champaign, IL

Citizenship: U.S. Citizen

If naturalized, place and date of naturalization: N/A

Residential Addresses for past three (3) years: 2102 Fogel Road, Mahomet, IL 61853

Business, occupation, or employment for four (4) years preceding date of application for this license: Lake of the Woods Bar + LIQUORS, INC.

And United Rental SALES

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.

See attached please

Recreation & Entertainment License Application  
Page Three (b)

3. If foreign Corporation, give name and address of resident agent in Illinois:

N/A

Give first date qualified to do business in Illinois: N/A

4. Business address of Corporation in Illinois as stated in Certificate of Incorporation:

See page 3(a)

5. Objects of Corporation, as set forth in charter:

6. Names of all Officers of the Corporation and other information as listed:

Name of Officer: Mildred Zindars Title: Secretary

Date elected or appointed: 1/29/1982 Social Security No.: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: Oahu, Hawaii

Citizenship: U.S.

If naturalized, place and date of naturalization: N/A

Residential Addresses for past three (3) years: 2102 Fogel Road, Mahomet IL  
61853

Business, occupation, or employment for four (4) years preceding date of application for this license: Lake of the Woods Bar & Liquors, Inc

7. A site plan (with dimensions) must accompany this application. It must show the location of all buildings, outdoor areas to be used for various purposes and parking spaces.

See attached please

Recreation & Entertainment License Application  
Page Four

**AFFIDAVIT**

(Complete when applicant is an Individual or Partnership)

I/We swear that I/we have read the application and that all matters stated thereunder are true and correct, are made upon my/our personal knowledge and information and are made for the purpose of inducing the County of Champaign to issue the permit hereunder applied for.

I/We further swear that I/we will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of the business hereunder applied for.

\_\_\_\_\_  
Signature of Owner or of one of two members of Partnership

\_\_\_\_\_  
Signature of Owner or of one of two members of Partnership

\_\_\_\_\_  
Signature of Manager or Agent

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**AFFIDAVIT**

(Complete when applicant is a Corporation)

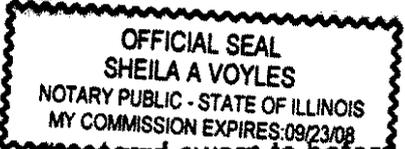
We, the undersigned, president and secretary of the above named corporation, each first being duly sworn, say that each of us has read the foregoing application and that the matters stated therein are true and correct and are made upon our personal knowledge and information, and are made for the purpose of inducing the County of Champaign to issue the license herein applied for.

We further swear that the applicant will not violate any of the laws of the United States of America or of the State of Illinois or the Ordinances of the County of Champaign in the conduct of applicant's place of business.

We further swear that we are the duly constituted and elected officers of said applicant and as such are authorized and empowered to execute their application for and on behalf of said application.

*[Signature]*  
Signature of President

*[Signature]*  
Signature of Secretary



*[Signature]*  
Signature of Manager or Agent

Subscribed and sworn to before me this 17<sup>th</sup> day of July, 2007.

*[Signature]*  
Notary Public

This COMPLETED application along with the appropriate amount of cash, or certified check made payable to MARK SHELDEN, CHAMPAIGN COUNTY CLERK, must be turned in to the Champaign County Clerk's Office, 1776 E. Washington St., Urbana, Illinois 61802. A \$4.00 Filing Fee should be included

CYBERDRIVE ILLINOIS

SERVICES PROGRAMS PRESS PUBLICATIONS DEPARTMENTS CONTACT

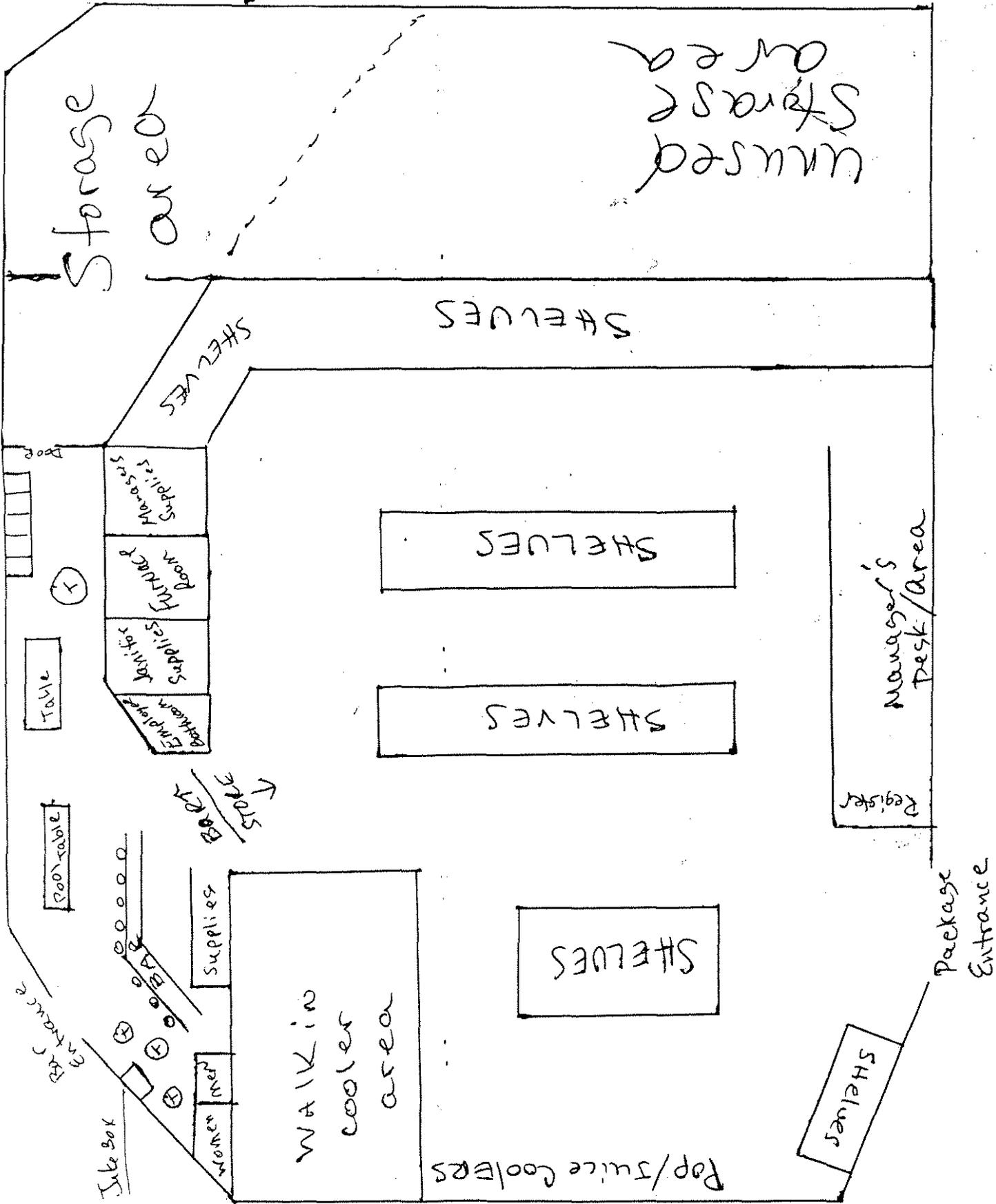
### CORPORATION FILE DETAIL REPORT

Entity Name	LAKE-OF-THE-WOODS BAR & LIQUORS, INC.	File Number	52633729
Status	GOODSTANDING		
Entity Type	CORPORATION	Type of Corp	DOMESTIC BCA
Incorporation Date (Domestic)	01/29/1982	State	ILLINOIS
Agent Name	ROBERT W DODD	Agent Change Date	01/14/2002
Agent Street Address	303 S MATTIS 201	President Name & Address	GARRY ZINDARS 2102 FOGEL RD MAHOMET 61853
Agent City	CHAMPAIGN	Secretary Name & Address	MILDRED ZINDARS SAME
Agent Zip	61821	Duration Date	PERPETUAL
Annual Report Filing Date	12/19/2006	For Year	2007

[Return to the Search Screen](#)

(One Certificate per Transaction)

[BACK TO CYBERDRIVEILLINOIS.COM HOME PAGE](http://www.ilsos.gov/corporatellc/CorporateLlcControl)



Parking Lot

31

April 2006

Lake of the Woods Bar & Liquor, Inc.



STATE OF ILLINOIS,  
Champaign County  
Recreation & Entertainment License  
Check List and Approval Sheet

**FOR ELUC USE ONLY**

County Clerk's Office

- 1. Proper Application Date Received: 7/30/07
- 2. Fee Amount Received: 104.00

Sheriff's Department

- 1. Police Record Approval: \_\_\_\_\_ Date: 8-6-07
- 2. Credit Check Disapproval: \_\_\_\_\_ Date: \_\_\_\_\_

Remarks: \_\_\_\_\_ Signature: Capt Jim Vogt

Planning & Zoning Department

- 1. Proper Zoning Approval: ✓ Date: 8/7/07
- 2. Restrictions or Violations Disapproval: \_\_\_\_\_ Date: \_\_\_\_\_

Remarks: B-3 Highway Business Signature: [Signature]

Environment & Land Use Committee

- 1. Application Complete Approval: \_\_\_\_\_ Date: \_\_\_\_\_
- 2. Requirements Met Disapproval: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Remarks and/or Conditions: \_\_\_\_\_

OFFICE OF  
COUNTY CLERK  
CHAMPAIGN COUNTY  
ILLINOIS

URBANA, ILLINOIS,

July 30, 2007

RECEIVED OF Brenda Kerne, Mgr. Lake of the Woods Bar  
One hundred four and <sup>no</sup>/<sub>100</sub> DOLLARS  
FOR Entertainment license

\$ 104.00

Rhonda Wilson

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

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

To: **Environment and Land Use Committee**  
From: **John Hall, Zoning Administrator**  
**JR Knight, Associate Planner**

Date: **August 9, 2007**

RE: **Zoning Case 555-AM-06**

---

**Zoning Case 555-AM-06**

Request **Amend the Zoning Map to change the zoning district designation from the B-3 Highway Business Zoning District to the B-4 General Business Zoning District.**

Petitioner **James T. Battle**

---

### STATUS

The Zoning Board of Appeals voted to "RECOMMEND APPROVAL SUBJECT TO CONDITIONS" for this proposed rezoning at their July 19, 2007, meeting. Relevant maps are attached to the memo. The Finding of Fact is attached.

The proposed rezoning is within Hensley Township. The Township has considered this case and sent a letter to the ZBA indicating they would protest the rezoning, but no formal protest has yet been received. By statute, the formal protest must be received within 30 days after the ZBA action to have effect.

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### PROPOSED SPECIAL CONDITIONS OF APPROVAL

There were concerns about existing field tile, heavy load traffic, and exterior lighting raised in testimony during the public hearing. The ZBA chose to address these concerns with the following proposed conditions.

Neighboring land owner Lowell Osterbur expressed concern in testimony that development on the subject property would damage existing agricultural field tile. The ZBA proposed the following conditions to supplement the Stormwater Management Policy:

- A. **The Zoning Administrator shall not authorize any Zoning Use Permit on the subject property until the following has occurred:**
- (1) **Subsurface investigations intended to identify underground drain tile are conducted along the north and west property lines of the subject property and in a manner and to a depth below ground as recommended by the Champaign County soil and Water Conservation District.**
  - (2) **Written notice identifying the proposed date for subsurface investigation has been provided to each upstream landowner whose land may be served by a drain tile on the subject property at least one week prior to the investigation and copies of such notices are provided to the Zoning Administrator at least one week prior to the investigation.**

- (3) If any underground drain tile are encountered during the subsurface investigation the course of each tile across the subject property shall be established by additional investigation in consultation with the Champaign County soil and Water Conservation District.**
- (4) Documentation and certification of all subsurface investigations by an Illinois Professional Engineer shall be provided to the Zoning Administrator.**
- (5) Any proposed construction on the subject property shall either be located so as to avoid any identified underground drain tile or the identified underground drain tile shall be relocated to avoid the proposed construction.**
- (6) Any relocation of underground drain tile shall meet the requirements of the Champaign County Stormwater Management Policy and shall be certified by an Illinois Professional Engineer. Relocated tile shall be non-perforated conduit to prevent root blockage.**
- (7) As-built drawings shall be provided of any relocated underground drain tile and shall be approved by the Zoning Administrator prior to any backfilling of the relocated drain tile. Any relocated drain tile must be inspected by the Zoning Administrator prior to backfilling.**
- (8) If any underground drain tile is encountered during construction the applicant must do the following:**
  - (a) Construction shall cease until the course of each tile across the subject property is established by additional investigation and construction shall not recommence until authorized by the Zoning Administrator except that construction that does not implicate the tile may continue.**
  - (b) The Zoning Administrator shall be notified within 48 hours or the next business day.**
  - (c) Any tile that is encountered during construction must be relocated or rerouted in conformance with the Champaign County Stormwater Management Policy unless the proposed construction is modified to avoid the tile. Any modification of the construction to avoid the tile shall be indicated on a revised site plan approved by the Zoning Administrator. Relocated tile shall be non-perforated conduit to prevent root blockage. Conformance of any tile relocation with the Stormwater Management Policy shall be certified by an Illinois Professional Engineer.**
  - (d) As-built drawings shall be provided of any relocated underground drain tile and shall be approved by the Zoning Administrator prior to any backfilling of the relocated drain tile. Any relocated drain tile must be inspected by the Zoning Administrator prior to backfilling.**

to ensure that

**possible field tiles on the subject property are identified prior to development and adequately protected and that any possible tiles that are discovered during construction are adequately protected.**

Hensley Township expressed concern about the weight limit of traffic on CR 2100N. The ZBA proposed the following condition:

- B. Truck terminals shall be prohibited from the B-4 General Business Zoning District established in this amendment until CR 2100N is improved to a minimum 80,000 lbs. capacity**

to ensure that

**impacts to Township maintenance of the highway are minimized.**

Neighboring land owner Lowell Osterbur expressed concern about exterior lighting on the subject property trespassing onto his property at night, so the ZBA proposed the following condition:

- C. All exterior lighting shall be fully shielded and full cutoff type**

to ensure that

**glare on nearby properties and roadways is minimized.**

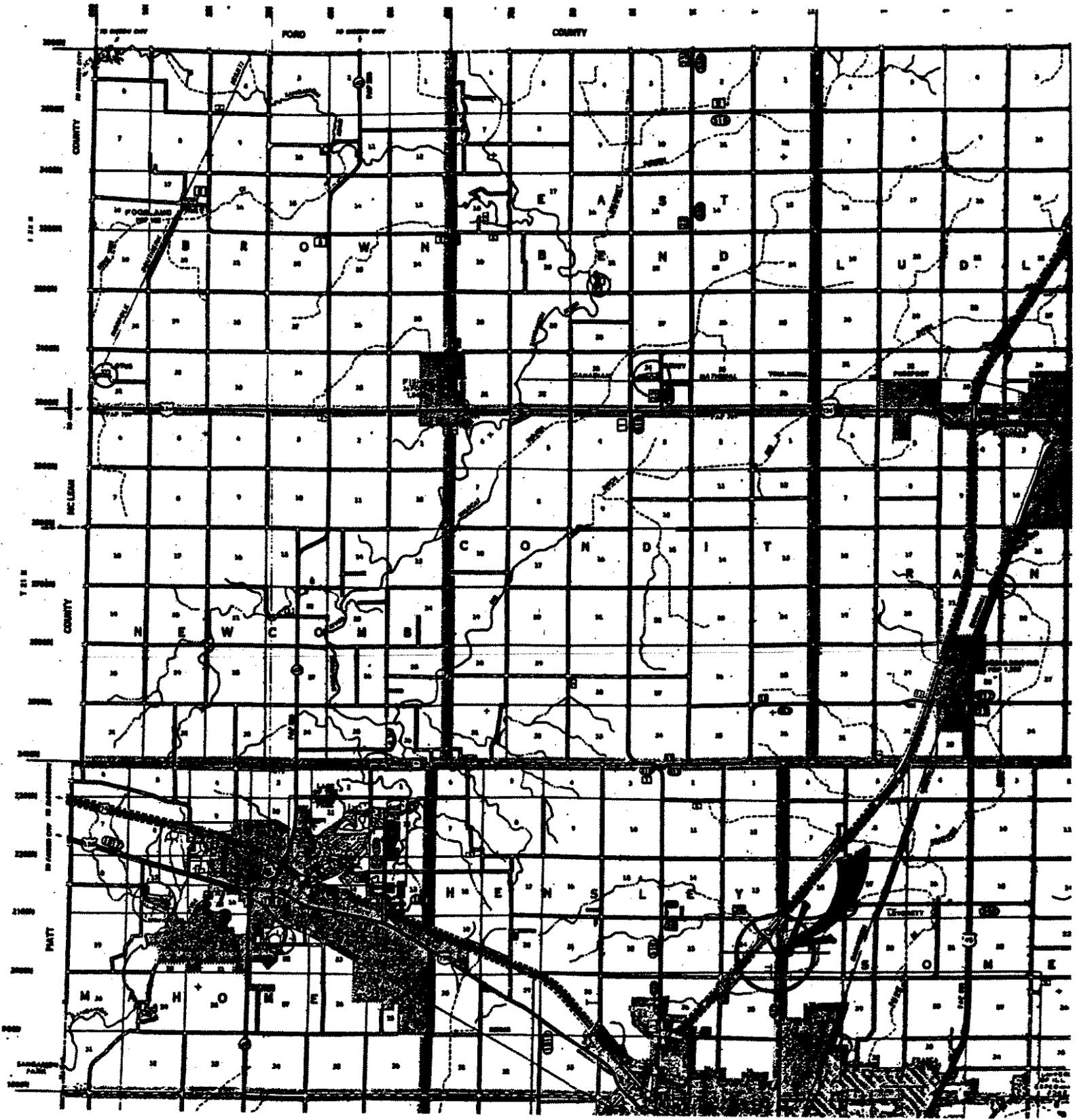
#### **ATTACHMENTS**

- A Case Maps for Case 555-AM-06**
- B As Approved Finding of Fact for Case 555-AM-06**

ATTACHMENT A. LOCATION MAP

Case 555-AM-06

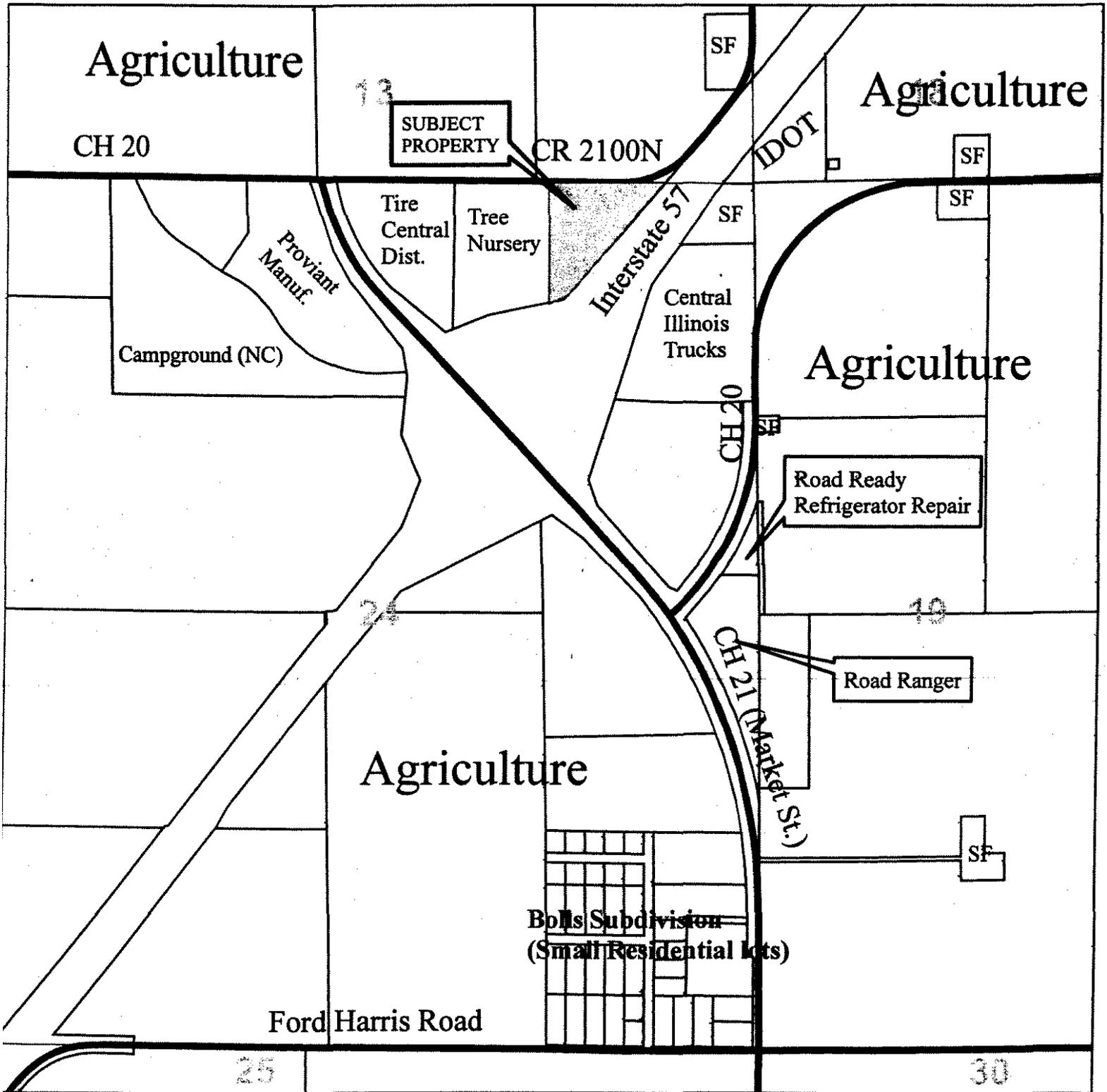
OCTOBER 20, 2006

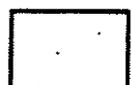


ATTACHMENT A. LAND USE MAP

Case 555-AM-06

OCTOBER 20, 2006



	<b>Area of Concern</b>	
	<b>Single Family</b>	
	<b>Farmstead</b>	

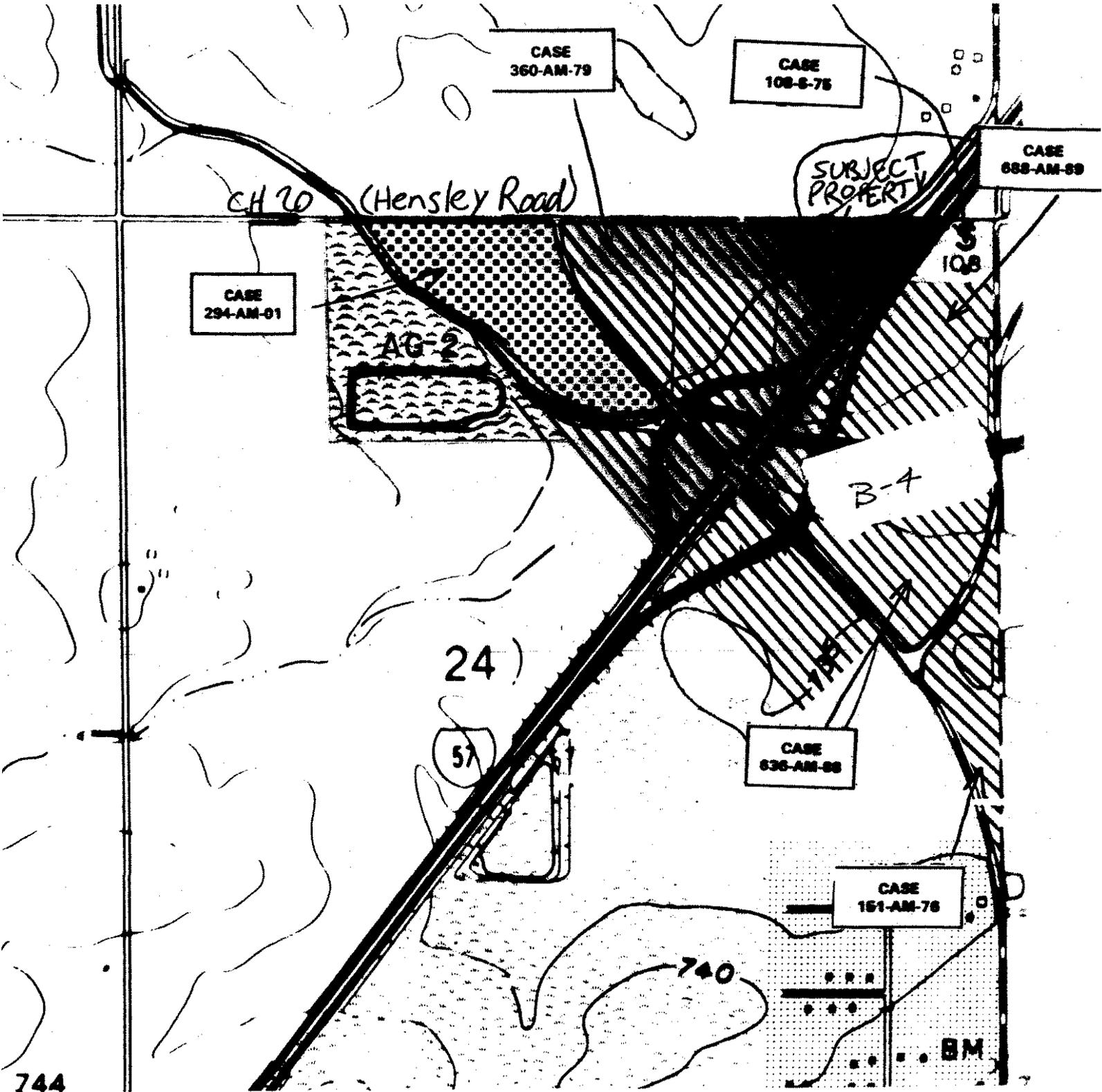


Champaign  
County  
Department of  
**PLANNING &  
ZONING**

ATTACHMENT A. ZONING MAP

Case 555-AM-06

OCTOBER 20, 2006



744

	AG-1 Agriculture		R-1 Single Family Residence		R-4 Multiple Family Res.		B-2 Neighborhood Business		B-5 Central Business	 NORTH Champaign County Department of Planning Zoning
	AG-2 Agriculture		R-2 Single Family Residence		R-5 Mobile Home Park		B-3 Highway Business		I-1 Light Industry	
	CR Conservation- Recreation		R-3 Two-family Residence		B-1 Rural Tran Center		B-4 General Business		I-2 Heavy Industry	

39

PLAT OF SURVEY  
PART OF THE N 1/2 OF THE NE 1/4 OF  
SEC. 24, T20N, R8E, 3rd PM  
CHAMPAIGN COUNTY, ILLINOIS

TRUE POINT OF BEGINNING  
STA. 779+89.51  
617.35'/LEFT  
S 89°15'57" E 49.08'  
N. LINE-NE 1/4  
SEC. 24-T20N, R8E  
N 89°15'57" W 1109.92'

S 00°44'03" W 40.00'  
WESTERLY R.O.W. LINE I-57  
S 89°15'57" E 554.29'  
WESTERLY R.O.W. LINE I-57

(10') (20')  
EASEMENT  
WIDTH  
UNDEFINED

NW COR.-NW 1/4  
SEC. 19-T20N-R9E  
NE COR.-NE 1/4  
SEC. 24-T20N-R8E  
POINT OF COMMENCEMENT

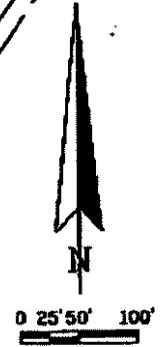
N 00°44'41" E 727.42'  
5.000 ACRES

S 40°42'45" W 491.44'

WESTERLY  
R.O.W. LINE  
I-57

S 41°16'25" W 401.15'  
S 78°15'11" W  
27.67'

E INTERSTATE 57 (FAI-57)  
L.S. PENDENS  
66-1-189  
BOOK 822, P. 124



LEGEND

- ▲ BRASS MONUMENT
- FOUND IRON ROD
- SET 1/2"x30" IRON ROD WITH PLASTIC CAP "HDC FIRM #3223"
- ⊙ PK NAIL
- ⊗ ROW MARKER
- BOUNDARY OF SURVEY
- - - ROW LINE
- X - X - FENCE LINE
- - - EASEMENT LINE

Job #04123  
Drawn By: ALP Date: 03/23/06  
Reviewed: 201 West Springfield, Suite 300,  
Champaign, Illinois 61824-0140  
Phone No. 217-362-6876

**HDC**  
ENGINEERING  
Professional Design Firm License No. 184-003223  
Expires: 4/30/2007

SHEET 1 OF 2

40

R:\2008\0812\08123\4\4.dwg Layer: 0, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

*AS APPROVED*

555-AM-06

**FINDING OF FACT  
AND FINAL DETERMINATION  
of  
Champaign County Zoning Board of Appeals**

---

Final Determination: ***RECOMMEND ENACTMENT WITH SPECIAL CONDITIONS***

Date: July 19, 2007

Petitioner: James T. Battle

Request: Amend the Zoning Map to change the zoning district designation from the B-3 Highway Business Zoning District to the B-4 General Business Zoning District

---

**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 26, 2006; November 30, 2006; March 1, 2007; April 26, 2007; June 28, 2007; and July 19, 2007;** the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is James T Battle.
2. The subject property is a 5.0 acre tract located in the Northeast ¼ of the Northeast ¼ of Section 24 of Hensley Township and commonly known as the field north of the I-57 interchange in Section 24 of Hensley Township.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a zoned municipality. The subject property is in Hensley Township, which has a planning commission. Townships with a planning commission are notified of all map amendments and they have protest rights on such cases. In a letter from Brian T. Schurter, Hensley Township attorney, received on March 1, 2007 it was indicated that the township intends to protest the proposed rezoning because of the following:
  - A. The subject property is currently served by a township road that has certain weight restrictions.
  - B. The township anticipates that the proposed rezoning would result in a significant increase in oversized traffic.
  - C. The township already has difficulties maintaining these roads due to heavily weighted traffic that uses the road.
  - D. The proposed rezoning would only increase that burden without providing a corresponding benefit.

4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner indicated nothing.
5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the amendment the petitioner has indicated:

**Adjacent properties have been rezoned to B-4.**

*GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY*

6. The subject property is zoned B-3 Highway Business, and is currently vacant.
7. Land use and zoning in the vicinity and adjacent to the subject property are as follows:
  - A. North of the subject property the land is zoned AG-1 Agriculture and is in use as farmland.
  - B. East of the subject property land use and zoning are as follows:
    - (1) Land just south of Leverett Road is zoned AG-2 Agriculture and is the site of Special Use Permit 108-S-75, a Truck Terminal.
    - (2) South of the Truck Terminal, the land is zoned B-4 General Business and is the site of the Central Illinois Trucks Kenworth Truck Dealer. This land was rezoned in previous zoning case 504-AM-05.
  - C. South of the subject property is the I-57 ramp, and south of that the land is zoned AG-2 Agriculture and is in use as farmland.
  - D. West of the subject property the land is zoned B-3 Highway Business and is the site of a tree nursery.
8. Previous zoning cases in the vicinity are the following:
  - A. Case 108-S-75 was a Special Use Permit for a Truck Terminal in the AG-2 District that was approved by the ZBA on August 14, 1975. This is one of the properties that are immediately across I-57 to the east of the subject property.
  - B. Case 151-AM-76 was a request to rezone the 7.276 acre tract west of Leverett Road and south of CH 21 from AG-2 to B-3 and was approved by the County Board on March 13, 1976.
  - C. Case 360-AM-79 was a request to rezone a 10 acre tract south of CH 20 (Hensley Road) and east of the I-57 ramp from combined AG-2 & B-3 to B-3 and was approved by the County Board in Ordinance No. 118 on February 19, 1980. This property is now the location of the Tire Central Distribution facility.
  - D. Case 636-AM-88 was a request to rezone the 33.95 acre tract located between Leverett Road and the I-57 ramp from combined AG-2 & B-3 to B-3 and was approved by the County Board in Ordinance No. 315 on April 19, 1988. This property remains vacant.

- E. Case 688-AM-89 was a request to rezone a total of 34.45 acres that consisted of two tracts (the subject property and the tract to the southeast) from combined AG-2 & B-3 to B-3 and was approved by the County Board in Ordinance No. 353 on January 16, 1990. A tree nursery was established on the western tract in Zoning Use Permit Application 112-05-02 that was approved on June 2, 2005.
- F. Case 294-AM-01 was a request to rezone a 21 acre tract south of CH 20 (Hensley Road) and west of the I-57 ramp from B-3 to I-1 Light Industry and was approved by the County Board in Ordinance No. 628 on June 10, 2001. This property is now the location of the Proviant manufacturing facility.
- G. Case 504-AM-05 was a request to rezone a total of 15 acres located east of the I-57 ramp and west of CH 20 from B-3 to B-4 and was approved by the County Board in Ordinance No. 752 on August 18, 2005. This property was part of the subject property for Case 688-AM-89, and is now the site of the Central Illinois Trucks Kenworth Dealership, which recently received a Sign Variance in Case 531-V-05.

***GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS***

- 9. Regarding the existing and proposed zoning districts:
  - A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
    - (1) The B-3 Highway Business DISTRICT is intended to provide areas for commercial establishments which primarily serve the needs of motorists and are intended for application only adjacent to major thoroughfares in the COUNTY.
    - (2) The B-4 General Business DISTRICT is intended to accommodate a range of commercial USES and is intended for application only adjacent to the urbanized areas of the COUNTY.
  - B. Regarding the general locations of the existing and proposed zoning districts:
    - (1) The B-3 Highway Business Zoning District originally contained most of the strip commercial areas along state and federal highways in the County zoning jurisdiction and includes almost all land adjacent to interstate interchanges in the County zoning jurisdiction. There has been a trend in recent years to change B-3 zoned areas to B-4 because the B-3 District contains much fewer authorized uses than the B-4 and this limited purpose zoning district no longer seems to be justified today. It is expected that one outcome of the Comprehensive Zoning Review will be to delete the B-3 District and replace it with the B-4 District.
    - (2) There is no easy generalization to describe where the B-4 General Business Zoning District was originally established except to say that with a few large exceptions it does not occur very often outside of the fringe of urbanized areas. There has been a trend in recent years to change B-3 zoned areas to B-4 and this may occur as part of the amendments in later phases of the Comprehensive Zoning Review.

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- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 47 different types of uses authorized by right in the B-3 District and there are 115 different types of uses authorized by right in the B-4 District.
  - (2) There are 11 different types of uses authorized by Special Use Permit in both the B-3 District and the B-4 District. The Special Uses differ between the two districts.
  - (3) "TRAVEL TRAILER Camp" and "Public Camp or Picnic Area" are the only uses authorized in the B-3 District that are not authorized by any means in the B-4 District.
  - (4) In regards to Public and Quasi-Public types of land uses there is little difference between the B-3 District and the B-4 District except that "Church, Temple or church related TEMPORARY USES on church PROPERTY" is not authorized by any means in the B-3 District and is authorized by right in the B-4 District.
  - (5) "Railway Terminal" and "Truck Terminal" are the only Transportation types of land uses that are authorized in the B-4 District that are not authorized by any means in the B-3 District. "MOTOR Bus Station" is authorized in both Districts.
  - (6) There are no Personal Service type of land uses authorized in the B-3 District and all such land uses are authorized by right in the B-4 District.
  - (7) The Zoning Ordinance includes retail sales types of land uses under the categories of Agriculture Business, Food Sales and Service, Automobile Sales and Service, and Retail Trade. There are many retail sales types of uses that are not authorized by any means in the B-3 District. Some of the retail uses that are authorized in the B-4 District and not authorized in the B-3 District are the following:
    - (a) "Department Store"
    - (b) "Automobile, Truck, Trailer, and Boat Sales"
    - (c) "Farm Equipment Sales and Service"
    - (d) "Building Material Sales"
    - (e) "Electrical or Gas Appliance Sales and Service"
  - (8) The only Business and Financial Services type of land use authorized in the B-3 District is "Artist Studio". Uses such as "Business Office" and "Professional Office" are not authorized in the B-3 District by any means and are authorized in the B-4 District by right.
  - (9) Regarding Miscellaneous types of Business Uses in the Zoning Ordinance:

- (a) “Warehouse” is authorized by right in the B-4 District and as a Special Use in the B-3 District
- (b) “Self Storage Warehouses” are authorized in the B-3 District by Special Use Permit and in the B-4 District by right.
- (c) “Wholesale Business” and “Contractors Facilities” are not authorized by any means in the B-3 District and by right in the B-4 District.

***GENERALLY REGARDING WHETHER THE SUBJECT PROPERTY IS WITHIN A MUNICIPAL ETJ AREA***

10. The subject property is not located within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning. The subject property is located in Hensley Township, which has a plan commission and thus has protest rights in map amendment cases. The township plan commission has received notice of this proposed map amendment.

***REGARDING CHAMPAIGN COUNTY LAND USE GOALS AND POLICIES***

11. The Land Use Goals and Policies were adopted on November 29, 1977, and were the only guidance for County Map Amendments until the Land Use Regulatory Policies-Rural Districts (LURP) were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). The LURP’s were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP’s adopted on November 20, 2001, remain the relevant LURP’s for discretionary approvals (such as map amendments) under the current Zoning Ordinance. The relationship of the Land Use Goals and Policies to the relevant LURP’s is as follows:
- A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
  - B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.

***GENERALLY REGARDING POLICIES FOR COMMERCIAL LAND USE***

12. There are seven commercial land use policies in the Land Use Goals and Policies. In addition there are two utilities policies (7.3 and 7.3a) that are relevant.
13. Policy 3.1 of the Land Use Goals and Policies states that the County Board will encourage only those new commercial developments which are found to be needed to serve the demands of the residents of Champaign County and its trade area.

The proposed map amendment *CONFORMS* to policy 3.1 because the subject property is already in the B-3 Zoning District; therefore, any development of the subject property will be similar to what is already allowed at this location.

14. Policy 3.2 of the Land Use Goals and Policies states that the County Board will establish, by amendment to the Zoning Ordinance or other means, a process for reviewing petitions for new commercial land to include a determination of the need for new commercial development based on market demand.

This policy does not seem to be relevant to any specific map amendment.

15. Policy 3.3 of the Land Use Goals and Policies states that the Environment and Land Use Committee will examine the Zoning Ordinance to institute more flexible commercial development controls such as planned unit development and transfer of development rights in order to provide a wider variety of commercial development techniques and better compatibility with non-commercial uses.

This policy does not seem to be relevant to any specific map amendment.

16. Regarding the adequacy of utilities and fire protection at the subject property for the proposed map amendment:

A. The following policies relate to adequacy of utilities and fire protection:

- (1) Policy 3.4 of the Land Use Goals and Policies states that the County Board will not encourage major new commercial development except in those areas where sewer, water, adequate fire protection and other utilities are readily available.
- (2) Policy 7.3 states that the County Board will encourage development only in areas where both sewer and water systems are available. In areas without public sewer and water systems, development may occur only if it is determined that individual septic systems can be installed and maintained in a manner which will not cause contamination of aquifers and groundwater and will not cause health hazards. Requests for development should demonstrate that wastewater disposal systems, water supply, fire and police protection are adequate to meet the needs of the proposed development.
- (3) Policy 7.3A states that new subdivisions and zoning changes should meet these (7.3 above) standards and will be considered where they are not in conflict with the goals and policies of this Plan.

B. Regarding the availability of water:

- (1) There is no public water supply that could feasibly be extended to the subject property; therefore, any development on the subject property would have to be served by a well. There is no evidence to suggest that drilling a well on the subject property would be problematic.
- (2) Policy 7.3 states that development may only occur if it is determined that water supply systems are adequate to meet the needs of the proposed development. At this point there is no development and no way to judge adequacy. Any future well on the subject property

must be authorized by the Champaign County Public Health Department, and, in the case of development that requires a Special Use Permit, the Zoning Board of Appeals would also review the proposed development.

- (3) In regards to the availability of an adequate water supply system, the proposed map amendment **CONFORMS** because there is no evidence the problems with water availability exist on the subject property.
- C. Regarding the adequacy of an onsite wastewater disposal system for the subject property:
- (1) The County Health Ordinance requires new commercial uses that generate large amounts of wastewater to connect to any public sewer system within 1,000 feet of the subject use. There is no public sewer system within 1,000 feet of the subject property; however, so any development on this property must be served by an onsite wastewater disposal system.
  - (2) According to the *Soil Survey of Champaign County* the subject property is mostly covered in Drummer soil, with a smaller amount of Catlin soil in the northeast corner of the subject property. Drummer is a best prime farmland soil with a Poor septic suitability rating, while Catlin is also a best prime farmland soil with a Very Good rating for septic suitability.
  - (3) Any future septic system on the subject property must be authorized by the Champaign County Public Health District, which will allow for problems to be dealt with and ensure an adequate system is installed.
  - (4) Policy 7.3 states that the County Board will encourage development only in areas where both sewer and water systems are available, and that requests for development should demonstrate that wastewater disposal systems are adequate to meet the needs of the proposed development.
  - (5) In regards to the availability of an onsite wastewater disposal system, the proposed map amendment **CONFORMS** because any septic system on the subject property will be subject to review by the Champaign County Public Health District.
- D. Regarding the adequacy of fire protection at this location for the proposed map amendment:
- (1) The subject property is located within the response area of the Thomasboro Fire Protection District. The Fire District chief has been notified of this request but no comments have been received.
  - (2) In regards to adequate fire protection, the proposed map amendment appears to **CONFORM** to Policy 3.4 because there have been no concerns raised by the Thomasboro Fire Protection District.

- E. There is no evidence to suggest that there will be any demand for gas or electric utilities beyond what is normal for a typical use in this area; therefore, there should be no problems or costs to the public.
- 17. Policy 3.5 of the Land Use Goals and Policies states that the County Board will not encourage major new commercial developments except in those areas which can be adequately served by public mass transit. The proposed map amendment **CONFORMS** to this policy because the subject property is located in a low traffic area, making it unsuitable for any use which would require the high volume of traffic provided by public mass transit.
- 18. Policy 3.6 of the Land Use Goals and Policies states that the County Board will strongly discourage proposals for new commercial development not making adequate provisions for drainage and other site considerations.

The proposed map amendment **CONFORMS SUBJECT TO CONDITIONS** based on the following:

- A. Any future construction on this property will have to meet the requirements of the *Zoning Ordinance* and the *Stormwater Management Policy*.
- B. The subject property drains to a drainage ditch south of I-57.
- C. The subject property is part of the Beaver Lake Drainage District, the district has been notified of this map amendment, but no comments have been received.
- D. Pursuant to Federal Emergency Management Agency Flood Insurance Rate Map Panel Number 170894-0115B, the subject property is not located within the Special Flood Hazard Area.
- E. Regarding drainage considerations:
  - (1) In testimony at the October 26, 2006, public hearing Mr. Lowell Osterbur, Hensley Township Supervisor stated that the subject property is immediately south of his personal residence. He said that since the interstate was built he was left with one basic drainage tile and it goes through the back of his barnyard and possibly runs through the subject property. He said that he has been told that there were other existing drainage tiles in the area but once the interstate was constructed a lot of the field tiles were destroyed. He said that he does have a water problem when the ditch rises and if something is built it needs to maintain his drainage tile.
  - (2) A map of possible field tile locations for the subject property prepared by the Champaign County Soil and Water Conservation District indicates possible field tile crossing CR2100N and entering the subject property from the north and another possible field tile entering the subject property from the west.
  - (3) In a letter from Brian T. Schurter, Hensley Township attorney, received on March 1, 2007 it was indicated that the subject property is the only source of drainage for a property "upstream," and in the event that any construction were to take place on the subject property some suitable accommodation would need to be made.

19. Policy 3.7 of the Land Use Goals and Policies states that the County Board will strongly discourage proposals for new commercial development along arterial streets and highways if the proposals contribute to the establishment or maintenance of a strip commercial pattern. As an alternative, concentrated or nodal patterns of development may be considered when there is adequate provision for safe, controlled access to the arterial streets and highways.

The proposed map amendment **CONFORMS** to this policy based on the following:

- A. The subject property is located in a developing area, as shown by the history of previous zoning cases in the vicinity of the subject property.
- B. CR 2100N is a section line township highway but is not an urban arterial street nor a County Highway.

**REGARDING GOALS FOR COMMERCIAL LAND USES**

20. The commercial land use goals are relevant because the subject property is proposed to be changed from the B-5 DISTRICT. The first and fourth commercial land use goals do not appear to be relevant to any specific map amendment. The first and fourth commercial land use goals are as follows:

Provision of a sufficient amount of land designated for various types of commercial land use to serve the needs of the residents of the County.

Establishment of development procedures to promote appropriate justification for new commercial development.

21. The second commercial land use goal is as follows:

Location of commercial uses:

- i. within ready accessibility to sewer, water and other utilities as well as adequate streets and highways.
- ii. Adequate public transit will also be considered.

Overall, the proposed map amendment **ACHIEVES SUBJECT TO CONDITIONS** based on the following:

- A. In regards to accessibility of sewer, water, and other utilities Policy 3.4, Policy 7.3, Policy 7.3A (see item 16) the proposed map amendment **ACHIEVES** this goal.
- B. In regards to adequate streets and highways, the proposed map amendment **ACHIEVES SUBJECT TO CONDITIONS**, based on the following:
  - (1) There is no traffic impact analysis provided for this case.
  - (2) CR 2100N is a township highway with an oil and chip pavement of 18 feet where the subject property accesses the road.

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- (3) It is difficult to generalize about the traffic impact of changing zoning designation from the B-3 District to the B-4 District.
  - (a) In regards to automobile traffic, the B-3 Highway Business Zoning District contains several highway related business uses authorized by right that can generate relatively high levels of automobile traffic such as restaurants (of various types) and taverns. The same uses are also authorized by right in the B-4 General Business Zoning District.
  - (b) In regards to traffic generated by vehicles heavier than automobiles and light trucks,
    - i. "Truck Terminal" is authorized by right in the B-4 District and is not authorized by any means in the B-3 District.
    - ii. "MOTOR Bus Station" is authorized in both districts.
    - iii. "Warehouse" is authorized by right in the B-4 District and as a Special Use in the B-3 District .
    - iv. "Wholesale Business" and "Contractors Facilities" are not authorized by any means in the B-3 District and by right in the B-4 District.
- (4) In testimony at the October 26, 2006, public hearing Mr. Lowell Osterbur, Hensley Township Supervisor stated that he thought the township road had a limited weight capacity in the spring and in regards to truck and bus traffic, this was an awful narrow road to run a lot of equipment down.
- (5) In testimony at the November 30, 2006, public hearing Mr. Lowell Osterbur, Hensley Township Supervisor, stated that there is trouble with one semi going into the tire store during the summer season and they are constantly repairing the road there because it can't handle heavy traffic.
- (6) Jeff Blue, Champaign County Engineer, has told staff that there are no plans to make CR2100N a County Highway at this location.
- (7) In a letter from Brian T. Schurter, Hensley Township attorney, received on March 1, 2007 it was indicated that the township intends to protest the proposed rezoning because of the following:
  - (a) The subject property is currently served by a township road that has certain weight restrictions.
  - (b) The township anticipates that the proposed rezoning would result in a significant increase in oversized traffic.
  - (c) The township already has difficulties maintaining these roads due to heavily weighted traffic that uses the road.
  - (d) The proposed rezoning would only increase that burden without providing a corresponding benefit.

- (8) Bob Sherman, Hensley Township Highway Commissioner, in a phone conversation with J.R. Knight, Associate Planner, on July 18, 2007, indicated the following:
  - (a) The most critical weight limit on CR 2100N is 14,000 lbs.
  - (b) The most troublesome times of year for the road are during freeze and thaw periods.
  - (c) The weight limit is not posted because semis are allowed to drive for up to one-and-one-half-mile off highways to make deliveries, and it would also restrict agricultural traffic from using the road.
- (9) Jenny Park, attorney for the Petitioner, testified at the July 19, 2007, meeting of the ZBA that the Petitioner is not opposed to a condition restricting truck terminals provided the condition is lifted if the CR 2100N is ever improved.

C. In regards to adequate public transit, based on the review of Policy 3.5 (see item 17) the proposed map amendment *ACHIEVES* this goal.

22. The third commercial land use goal is as follows:

Commercial areas designed to promote compatibility with non-commercial uses and at the same time provide ease of access.

The proposed map amendment *ACHIEVES SUBJECT TO CONDITIONS* based on the following:

- A. In regards to compatibility with non-commercial uses, the proposed map amendment *ACHIEVES SUBJECT TO CONDITIONS* because the nearest non-commercial use is a dwelling that is accessory to a truck terminal that was authorized in Zoning Case 108-S-75, and that property is across the I-57 right-of-way from the subject property. The rest of the area around the subject property is either commercial or agricultural.
- B. In regards to ease of access the proposed map amendment *ACHIEVES* this goal because the subject property has access to CR 2100N, and is adjacent to the I-57 ramp.

*REGARDING GENERAL LAND USE POLICIES*

23. There are two general land use policies in the Land Use Goals and Policies. The second land use policy is not relevant to any specific map amendment.

24. The first general land use policy is the following:

The County Board, the Environmental and Land Use Committee and the Zoning Board of Appeals will follow the policies of:

- i. encouraging new development in and near urban and village centers to preserve agricultural land and open space;

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- ii. optimizing the use of water, sewer, and public transportation facilities; and reducing the need for extending road improvements and other public services.

Based on the review of the relevant commercial land use policies and goals, the proposed map amendment ***CONFORMS SUBJECT TO CONDITIONS*** to this policy as follows:

- A. ***CONFORMS*** in regards to preserving agricultural land and open space because the proposed map amendment will not result in commercial development intruding further into productive agricultural areas because the subject property is already zoned for commercial use and is located near the City of Champaign.
- B. ***CONFORMS*** in regards to optimizing the use of water, sewer, and public transportation facilities and other public services based on the following:
  - (1) Regarding water and sewer, the subject property must use onsite water supply and septic systems; therefore, no public water supply system or public sanitary sewer system will be overextended.
  - (2) Regarding public transportation, the subject property is on the urban fringe, where it will not be served by the Champaign-Urbana Mass Transit District, which will keep public transportation from being overextended.
- C. ***CONFORMS SUBJECT TO CONDITIONS*** in regards to reducing the need for extending road improvements, based on the following:
  - (1) The subject property is located on a Township Road near a County Highway adjacent to I-57, an area with enough traffic already that any development on the subject property may overburden the existing roads.
  - (2) CR 2100N has a limited load capacity where it passes the subject property

***REGARDING GENERAL LAND USE GOALS***

- 25. There are five general land use goals for all land use in the Land Use Goals and Policies. Three of the general land use goals are not relevant to the proposed map amendment for the following reasons:
  - A. The first and fifth general land use goals are not relevant to any specific map amendment.
  - B. The second general land use goal is so generally stated that it is difficult to evaluate the degree of achievement by the proposed map amendment.
- 26. The third general land use goal is as follows:
  - Land uses appropriately located in terms of:
    - i. utilities, public facilities,
    - ii. site characteristics, and
    - iii. public services.

Overall the proposed map amendment **ACHIEVES SUBJECT TO CONDITIONS**, based on the following:

- A. In regards to utilities, based on the review of the relevant policies: Policy 3.4, Policy 7.3, Policy 7.3A (see item 16), and the first general land use policy (see item 24) the proposed map amendment **ACHIEVES** this goal.
- B. Regarding road improvements, the proposed map amendment **ACHIEVES SUBJECT TO CONDITIONS** because the subject property is located on a township highway with an oil and chip, 18 foot pavement, near a County Highway adjacent to I-57, an area with enough traffic already that any development on the subject property may overburden the existing roads.
- C. Regarding site characteristics, the proposed map amendment **ACHIEVES SUBJECT TO CONDITIONS** because of the following:
  - A. Commercial land use policy 3.6 mentions site considerations but is not specific as to what that means other than to mention drainage.
  - B. There are no general policies that are specific to site characteristics, but the following considerations are relevant to site characteristics:
    - (1) The subject property is located near the I-57 ramp north of Champaign, in a small cluster of commercial and industrial development. This area is currently just beyond the City of Champaign's one-and-one-half-mile extraterritorial jurisdiction.
    - (2) The subject property is vacant and there is no evidence of either a waterwell or an onsite wastewater disposal system.

27. The fourth general land use goal is as follows:

Arrangement of land use patterns designed to promote mutual compatibility.

Overall the fourth general land use goal will **BE ACHIEVED** by the proposed map amendment based on conformance or achievement of the preceding policies and goals.

**REGARDING SPECIAL CONDITIONS OF APPROVAL**

28. The following special conditions of approval were proposed:

- A. Evidence indicates there are existing underground agricultural field tiles on the subject property. The Champaign County Stormwater Management Policy does not require investigations to determine if tile are present nor does it go into adequate detail regarding protection of tile that are discovered during construction. The following conditions will require documentation of investigations to identify if tile are present and additional safeguards for any tiles encountered during construction on the subject property :

**The Zoning Administrator shall not authorize any Zoning Use Permit on the subject property until the following has occurred:**

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- (1) **Subsurface investigations intended to identify underground drain tile are conducted along the north and west property lines of the subject property and in a manner and to a depth below ground as recommended by the Champaign County soil and Water Conservation District.**
- (2) **Written notice identifying the proposed date for subsurface investigation has been provided to each upstream landowner whose land may be served by a drain tile on the subject property at least one week prior to the investigation and copies of such notices are provided to the Zoning Administrator at least one week prior to the investigation.**
- (3) **If any underground drain tile are encountered during the subsurface investigation the course of each tile across the subject property shall be established by additional investigation in consultation with the Champaign County soil and Water Conservation District.**
- (4) **Documentation and certification of all subsurface investigations by an Illinois Professional Engineer shall be provided to the Zoning Administrator.**
- (5) **Any proposed construction on the subject property shall either be located so as to avoid any identified underground drain tile or the identified underground drain tile shall be relocated to avoid the proposed construction.**
- (6) **Any relocation of underground drain tile shall meet the requirements of the Champaign County Stormwater Management Policy and shall be certified by an Illinois Professional Engineer. Relocated tile shall be non-perforated conduit to prevent root blockage.**
- (7) **As-built drawings shall be provided of any relocated underground drain tile and shall be approved by the Zoning Administrator prior to any backfilling of the relocated drain tile. Any relocated drain tile must be inspected by the Zoning Administrator prior to backfilling.**
- (8) **If any underground drain tile is encountered during construction the applicant must do the following:**
  - (a) **Construction shall cease until the course of each tile across the subject property is established by additional investigation and construction shall not recommence until authorized by the Zoning Administrator except that construction that does not implicate the tile may continue.**
  - (b) **The Zoning Administrator shall be notified within 48 hours or the next business day.**
  - (c) **Any tile that is encountered during construction must be relocated or rerouted in conformance with the Champaign County Stormwater**

**Management Policy unless the proposed construction is modified to avoid the tile. Any modification of the construction to avoid the tile shall be indicated on a revised site plan approved by the Zoning Administrator. Relocated tile shall be non-perforated conduit to prevent root blockage. Conformance of any tile relocation with the Stormwater Management Policy shall be certified by an Illinois Professional Engineer.**

- (d) As-built drawings shall be provided of any relocated underground drain tile and shall be approved by the Zoning Administrator prior to any backfilling of the relocated drain tile. Any relocated drain tile must be inspected by the Zoning Administrator prior to backfilling.**

to ensure that

**possible field tiles on the subject property are identified prior to development and adequately protected and that any possible tiles that are discovered during construction are adequately protected.**

- B. Truck terminals shall be prohibited from the B-4 General Business Zoning District established in this amendment until CR 2100N is improved to a minimum 80,000 pound capacity**

to ensure that

**impacts on Township maintenance of the highway are minimized.**

- C. All exterior lighting shall be fully shielded and full cutoff type.**

to ensure that

**glare on nearby properties and roadways is minimized.**

**DOCUMENTS OF RECORD**

1. Application for Map Amendment, received on June 6, 2006
2. Plat of Survey of subject property, received on June 20, 2006
3. Preliminary Memorandum for Case 555-AM-06, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Plat of Survey of subject property
  - C IDOT road map subject property and vicinity
  - D Draft Finding of Fact for Case 555-AM-06
4. Supplemental Memorandum dated October 26, 2006, with attachment
  - A Excerpts from the Table of Authorized Uses (Section 5.3 of the *Zoning Ordinance*)
5. Supplemental Memorandum dated November 22, 2006, with attachment
  - A Aerial Photo illustrating possible field tile locations
6. Supplemental Memorandum dated November 30, 2006, with attachments
  - A Excerpt of minutes from the October 26, 2006, ZBA meeting
  - B Revised Finding of Fact for Case 555-AM-06
7. Supplemental Memorandum dated February 23, 2007, with attachments:
  - A Excerpt of minutes from the November 30, 2006, ZBA meeting
  - B Aerial Photo illustrating possible field tile locations
  - C Revised Finding of Fact for Case 555-AM-06
8. Supplemental Memorandum dated March 1, 2007, with attachment:
  - A Letter from Brian T. Schurter received March 1, 2007
9. Supplemental Memorandum dated April 20, 2007, with attachment:
  - A Revised Summary of Evidence for Case 555-AM-06
10. Supplemental Memorandum dated July 19, 2007

**FINAL DETERMINATION**

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Map Amendment requested in Case 555-AM-06 should ***BE ENACTED*** by the County Board ***SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:***

- A. **The Zoning Administrator shall not authorize any Zoning Use Permit on the subject property until the following has occurred:**
- (1) **Subsurface investigations intended to identify underground drain tile are conducted along the north and west property lines of the subject property and in a manner and to a depth below ground as recommended by the Champaign County soil and Water Conservation District.**
  - (2) **Written notice identifying the proposed date for subsurface investigation has been provided to each upstream landowner whose land may be served by a drain tile on the subject property at least one week prior to the investigation and copies of such notices are provided to the Zoning Administrator at least one week prior to the investigation.**
  - (3) **If any underground drain tile are encountered during the subsurface investigation the course of each tile across the subject property shall be established by additional investigation in consultation with the Champaign County soil and Water Conservation District.**
  - (4) **Documentation and certification of all subsurface investigations by an Illinois Professional Engineer shall be provided to the Zoning Administrator.**
  - (5) **Any proposed construction on the subject property shall either be located so as to avoid any identified underground drain tile or the identified underground drain tile shall be relocated to avoid the proposed construction.**
  - (6) **Any relocation of underground drain tile shall meet the requirements of the Champaign County Stormwater Management Policy and shall be certified by an Illinois Professional Engineer. Relocated tile shall be non-perforated conduit to prevent root blockage.**
  - (7) **As-built drawings shall be provided of any relocated underground drain tile and shall be approved by the Zoning Administrator prior to any backfilling of the relocated drain tile. Any relocated drain tile must be inspected by the Zoning Administrator prior to backfilling.**
  - (8) **If any underground drain tile is encountered during construction the applicant must do the following:**

*AS APPROVED*

- (a) **Construction shall cease until the course of each tile across the subject property is established by additional investigation and construction shall not recommence until authorized by the Zoning Administrator except that construction that does not implicate the tile may continue.**
- (b) **The Zoning Administrator shall be notified within 48 hours or the next business day.**
- (c) **Any tile that is encountered during construction must be relocated or rerouted in conformance with the Champaign County Stormwater Management Policy unless the proposed construction is modified to avoid the tile. Any modification of the construction to avoid the tile shall be indicated on a revised site plan approved by the Zoning Administrator. Relocated tile shall be non-perforated conduit to prevent root blockage. Conformance of any tile relocation with the Stormwater Management Policy shall be certified by an Illinois Professional Engineer.**
- (d) **As-built drawings shall be provided of any relocated underground drain tile and shall be approved by the Zoning Administrator prior to any backfilling of the relocated drain tile. Any relocated drain tile must be inspected by the Zoning Administrator prior to backfilling.**

to ensure that

**possible field tiles on the subject property are identified prior to development and adequately protected and that any possible tiles that are discovered during construction are adequately protected.**

- B. **Truck terminals shall be prohibited from the B-4 General Business Zoning District established in this amendment until CR 2100N is improved to a minimum 80,000 pound capacity**

to ensure that

**impacts on Township maintenance of the highway are minimized.**

- C. **All exterior lighting shall be fully shielded and full cutoff type.**

to ensure that

**glare on nearby properties and roadways is minimized.**

*AS APPROVED*

Case 555-AM-06  
Page 19 of 19

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Champaign  
County  
Department of

**PLANNING &  
ZONING**

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

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

**TO: Environment and Land Use Committee**  
**FROM: John Hall, Zoning Administrator**  
**DATE: August 9, 2007**  
**RE: Enforcement of burning regulations for unincorporated Champaign County**

---

### REQUESTED ACTION

Title 35 of the Illinois Administrative Code obligates the County Board to enforce open burning regulations established by the Illinois Pollution Control Board and the Illinois Environmental Protection Agency (see attached). The States Attorney has advised that the County should adopt a burning ordinance prior to facilitate enforcement of these regulations. A Draft amendment to the Nuisance Ordinance has been prepared and is attached.

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### BACKGROUND

ELUC regularly gets requests from citizens who are concerned about open burning of both trash and landscape waste. ELUC has so far declined to adopt burning regulations and has referred the most recent inquiries to the relevant Fire Protection District. Zoning Officer Jamie Hitt recently received the attached memo (with attachment) from Darwin Fields of the Illinois Environmental Protection Agency (IEPA). The attachment, Title 35 of the Illinois Administrative Code, obligates local jurisdictions to enforce a ban on certain types of open burning within defined "restricted areas". A Draft amendment to the Nuisance Ordinance has been prepared and is attached.

### DRAFT BURNING REGULATIONS

The Draft burning regulations are based on Title 35 Illinois Administrative Code Part 237 Open Burning and are intended to do no more than add certain clarifications to the rules that the County is already obligated to enforce

According to the letter from Darwin Fields of the IEPA the County is not obligated to enforce burning regulations for landscape waste but the Draft includes the same regulations as Part 237. Many (perhaps most) citizen requests for burning regulations are a complaint about the burning of landscape waste and come from residents living in the unincorporated area just outside Urbana and Champaign which would meet the definition of a restricted area. Both cities prohibit burning of landscape waste.

No public hearing is necessary for amendments to the Nuisance Ordinance and the Draft could be recommended to the County Board at this time. More information will be available at the meeting

### ATTACHMENTS

- A Letter from Darwin Fields to Jamie Hitt dated May 10, 2007, with attachments
- B Draft amendment to the Champaign County Nuisance Ordinance



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 - (217) 782-3397
JAMES R. THOMPSON CENTER, 100 WEST RANDOLPH, SUITE 11-300, CHICAGO, IL 60601 - (312) 814-6026

ROD R. BLAGOJEVICH, GOVERNOR DOUGLAS P. SCOTT, DIRECTOR

RECEIVED
MAY 11 2007

STATE OF ILLINOIS

May 10, 2007

Jamie Hitt
Champaign County Zoning Department
1776 E. Washington Street
Urbana, IL 61802

Dear Ms. Hitt,

I have enclosed a copy of the Title 35 Ill. Adm. Code Part 237 Open Burning Regulations. I received a citizen complaint from a resident of Champaign County residing at 2408 E. Washington Street, Urbana, complaining of smoke and odors caused by open burning by a neighbor (exact address currently unknown). Both the complainant and the neighbor live within one mile of the city limits of Urbana. These addresses lie within a "Restricted Area" per the definition in Section 237.101. The open burning of domicile waste in a Restricted Area is prohibited per Section 237.110(b)(2).

As a matter of clarification, Section 9(f) (third paragraph) of the Environmental Protection Act has precedence over 35 IAC 237.120(c). The open burning of landscape waste is not prohibited by the Illinois EPA but is subject to local restriction.

If you have any questions regarding these regulations, please contact me at (217)278-5800.

Sincerely,

Darwin Fields (handwritten signature)

Darwin Fields
Environmental Protection Engineer
Bureau of Air
Champaign Field Office

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE B: AIR POLLUTION

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER i: OPEN BURNING

PART 237  
OPEN BURNING

## SUBPART A: GENERAL PROVISIONS

Section	
237.101	Definitions
237.102	Prohibitions
237.103	Explosive Wastes
237.110	Local Enforcement
237.120	Exemptions
237.130	Freeport Air Curtain Destructor

## SUBPART B: PERMITS

Section	
237.201	Available Permits
237.202	Permit Application
237.203	Permit Conditions
237.204	Standards of Issuance
237.205	Duration and Renewal
237.206	Revision
237.207	Revocation

Appendix A	Rule into Section Table
Appendix B	Section into Rule Table

**AUTHORITY:** Implementing Section 10 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1010 and 1027).

**SOURCE:** Adopted as Rules 401 through 406, R70-11, 2 PCB 373, filed and effective September 7, 1971; Renumbered as Chapter 2: Air Pollution, Part V: Open Burning, R72-11, 6 PCB 199, filed and effective November 10, 1972; amended at 3 Ill. Reg. 51, p. 117, effective December 7, 1979; amended at 6 Ill. Reg. 14521, effective November 8, 1982; codified at 7 Ill. Reg. 13626; emergency amendment at 17 Ill. Reg. 14176, effective August 23, 1993, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

## Section 237.101 Definitions

All terms which appear in this Part have the definitions specified in this Part and 35 Ill. Adm. Code 201 and 211.

"Agricultural Wastes": Any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices including such items as bags, cartons, dry bedding, structural materials and crop residues but excluding landscape wastes.

"Clean Wood Building Debris": The wooden remains of a building. The term excludes rubber, asphalt and nonwooden materials.

"Disaster": A major disaster declared by the President of the United States or the Governor of Illinois.

"Disaster Area": Area in which a major disaster has been declared by the President of the United States or the Governor of Illinois.

"Domicile Waste": Any refuse generated on single-family domiciliary property as a result of domiciliary activities. The term excludes landscape waste, garbage and trade waste.

"Garbage": Refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products.

"Landscape Waste": Any vegetable or plant refuse, except garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

"Open Burning": The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued under Section 9(b) of the Act (Environmental Protection Act, (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1009(b)).

"Refuse": Any discarded matter; or any matter which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal or disposal.

"Restricted Areas": The area within the boundaries of any "municipality" as defined in the Illinois Municipal Code (Ill. Rev. Stat. 1981, ch. 24, par. 1-1-2), plus a zone extending one mile beyond the boundaries of any such municipality having a population of 1,000 or more according to the latest federal census.

"Trade Waste": Any refuse resulting from the prosecution of any trade, business, industry, commercial venture, utility or service activity, and any government or institutional activity, whether or not for profit. The term includes landscape waste but excludes agricultural waste.

(Source: Amended at 3 Ill. Reg. 51, p. 117, effective December 7, 1979)

#### Section 237.102 Prohibitions

- a) No person shall cause or allow open burning, except as provided in this Part.
- b) No person shall cause or allow the burning of any refuse in any chamber or apparatus, unless such chamber or apparatus is designed for the purpose of disposing of the class of refuse being burned.

#### Section 237.103 Explosive Wastes

Open burning of wastes creating a hazard of explosion, fire or other serious harm, unless authorized by other provisions in this Part, shall be permitted only upon application for the grant of a variance as provided by the Environmental Protection Act (Act) (Ill. Rev. Stat. 1981, ch. 111 1/2, pars. 1001 et seq.) and by the Pollution Control Board's (Board) Procedural Rules (35 Ill. Adm. Code: Subtitle A, Chapter D).

#### Section 237.110 Local Enforcement

It shall be the obligation of local governments as well as of the Environmental Protection Agency (Agency), to enforce by appropriate means the prohibitions of this Part.

#### Section 237.120 Exemptions

The following activities are not in violation of Section 9(c) of the Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1009(c)) or of this Part unless they cause air pollution as defined in the Act. Nothing in this Section shall exempt such activities from applicable local restrictions.

- a) The open burning of agricultural waste, but only:
  - 1) On the premises on which such waste is generated; and
  - 2) In areas other than restricted areas; and
  - 3) When atmospheric conditions will readily dissipate contaminants; and
  - 4) If such burning does not create a visibility hazard on roadways, railroad tracks or air fields; and
  - 5) More than 305 meters (1,000 feet) from residential or other populated areas; and
  - 6) When it can be affirmatively demonstrated that no economically reasonable alternative method of disposal is available.
- b) The open burning of domicile waste, but only:
  - 1) On the premises on which such waste is generated; and
  - 2) In areas other than restricted areas; and

- 3) When atmospheric conditions will readily dissipate contaminants; and
- 4) If such burning does not create a visibility hazard on roadways, railroad tracks or air fields.
- c) The open burning of landscape waste, but only:
  - 1) On the premises on which such waste is generated; and
  - 2) When atmospheric conditions will readily dissipate contaminants; and
  - 3) If such burning does not create a visibility hazard on roadways, railroad tracks or air fields; and
  - 4) In those areas of the State which are not in the following prohibited areas:
    - A) Municipalities having a population in excess of 2,500 according to the latest federal census.
    - B) Municipalities of any size which adjoin a municipality having a population in excess of 2,500.
    - C) All municipalities wholly within 40 air miles (64.5 kilometers) of Meigs Field, Chicago, Illinois.
    - D) All municipalities wholly within 20 air miles (32.3 kilometers) of McKinley Bridge connecting St. Louis, Missouri and Venice, Illinois.
    - E) Rural areas 305 meters (1,000 feet) or less from a municipality in which open burning of landscape waste is prohibited.
- d) The setting of fires to combat or limit existing fires, when reasonably necessary in the judgement of the responsible government official.
- e) The burning of fuels for legitimate campfire, recreational and cooking purposes, or in domestic fireplaces, in areas where such burning is consistent with other laws, provided that no garbage shall be burned in such cases.
- f) The burning of waste gases, provided that in the case of refineries all such flares shall be equipped with smokeless tips or comparable devices to reduce pollution.
- g) Small open flames for heating tar, for welding, acetylene torches, highway safety flares and the like.

#### Section 237.130 Freeport Air Curtain Destructor,

This section applies to an air curtain destructor operated by the City of Freeport within Section 7, Township 26 North, Range 8 East of the Fourth Principal Meridian, Stephenson County.

- a) Burning of landscape waste and clean wood waste in this air curtain destructor pursuant to permit conditions is lawful.
- b) The Agency may grant a permit for this air curtain destructor pursuant to 35 Ill. Adm. Code 201 and Subpart B of this Part.
- c) The existing permit and operating requirements of 35 Ill. Adm. Code 710 and 737 (Parts II and III of Chapter 7) shall not apply to this air curtain destructor; provided, however, that this subsection shall be inoperative in the event the Board, after the effective date of this section, pursuant to Section 22 of the Act (Ill. Rev. Stat. 1981, ch. 111 1/2, par. 1022), adopts regulations applicable to this air curtain destructor.
- d) If the City of Freeport allows public access to the air curtain destructor site, the Agency shall, as a condition of any permit used for an air curtain destructor, limit access between the landfill and air curtain destructor areas, sufficient to assure compliance with the Act and Board regulations applicable to the landfill.

(Source: Added at 6 Ill. Reg. 14521, effective November 8, 1982)

#### SUBPART B: PERMITS

##### Section 237.201 Available Permits

The Agency may grant permits for open burning in the following instances:

- a) For instruction in methods of fire fighting; or for testing of equipment for extinguishing fires, of flares, and signals, or of experimental incinerators, or for research in control of fires;
- b) For the destruction of vegetation on site under circumstances in which its removal would necessitate significant environmental damage;
- c) For research or management in prairie or forest ecology;
- d) For the burning of landscape waste in any area of the State if such burning is conducted with the aid of an air curtain destructor or comparable device to reduce emissions substantially; and does not occur within 305 meters (1,000 feet) of any residential or other populated area;
- e) For the destruction of oil sludges in petroleum production for safety reasons where alternative means including product recovery are impracticable; provided, that when emergency conditions require, such burning may be done without a permit, and a report shall be filed with the Agency within ten days, thereafter, indicating the place and time of such burning, the quantities burned, the meteorological conditions, and the reasons why emergency burning was necessary;
- f) In a disaster area, for the open burning of clean wooden building debris, landscape waste and agricultural waste caused by a disaster.

**Section 237.202 Permit Application**

An application for a permit shall be in such form and shall contain such information as shall be required in procedures adopted by the Agency. Such application shall contain, as a minimum, data and information sufficient to inform the Agency with respect to: the exact quantities and types of material to be burned; the exact nature and exact quantities of air contaminant emissions which will result; the exact frequency, including date where appropriate, when such burning will take place, the exact location of the burning site including a map showing distances to residences, populated areas, roadways, air fields, etc.; the methods or actions which will be taken to reduce the emission of air contaminants; the reasons why alternatives to open burning are not available; and the reasons why such burning is necessary to the public interest.

**Section 237.203 Permit Conditions**

The Agency may impose such conditions in the permit as may be necessary to accomplish the purposes of the Act or this Part.

**Section 237.204 Standards of Issuance**

No permit shall be granted unless the applicant proves to the satisfaction of the Agency that the open burning: is necessary to the public interest; will be conducted in such a time, place and manner as to minimize the emission of air contaminants; will have no serious detrimental effect upon adjacent properties or the occupants thereof. Provided that applications for permits to open burn pursuant to Section 237.201(f) shall contain, as a minimum, data and information sufficient to inform the Agency with respect to: the nature and estimated quantities of the materials to be burned, the manner in which the material to be burned resulted from the disaster, the location of the material to be burned, the date when such burning will take place, and the reasons why alternatives to open burning are not available.

**Section 237.205 Duration and Renewal**

No permit shall be valid for longer than one year. Applications for renewal of a permit shall be submitted to the Agency at least 90 days prior to the expiration of the prior permit, and shall conform to Section 237.202. The standards for issuance of renewal permits shall be as set forth in Section 237.204.

**Section 237.206 Revision**

The Agency may revise any permit granted pursuant to this rule, or any conditions contained in any such permit.

**Section 237.207 Revocation**

Violation of any of the conditions of the permit shall be grounds for revocation of the permit by the Agency, as well as for other sanctions provided in the Act.

**Appendix A Rule into Section Table**

<u>RULE</u>	<u>SECTION</u>
501	237.101
502	237.102
503	237.120
504(a)	237.201
504(b)	237.202
504(c)	237.204
504(d)	237.203
504(e)	237.205
504(f)	237.207
504(g)	237.206
505	237.103
506	237.110
550	237.130

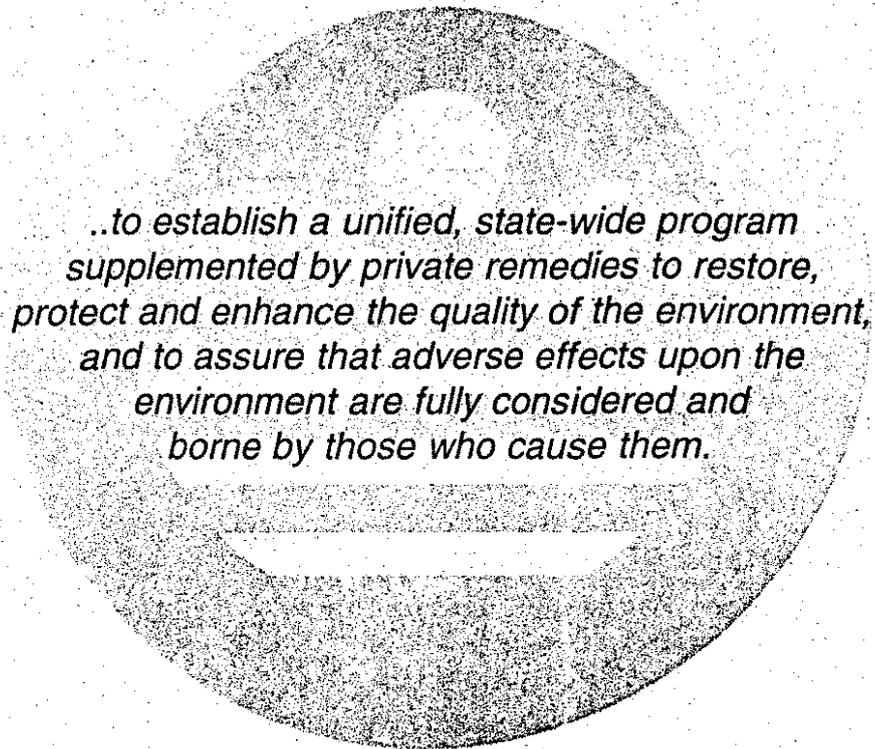
## Appendix B Section into Rule Table

<u>SECTION</u>	<u>RULE</u>
237.101	501
237.102	502
237.103	505
237.110	506
237.120	503
237.130	550
237.201	504(a)
237.202	504(b)
237.203	504(d)
237.204	504(c)
237.205	504(e)
237.206	504(g)
237.207	504(f)



# Environmental Protection Act

August 2006



*..to establish a unified, state-wide program  
supplemented by private remedies to restore,  
protect and enhance the quality of the environment,  
and to assure that adverse effects upon the  
environment are fully considered and  
borne by those who cause them.*

## TITLE II: AIR POLLUTION

(415 ILCS 5/8) (from Ch. 111 1/2, par. 1008)

### Sec. 8. Legislative declaration.

The General Assembly finds that pollution of the air of this State constitutes a menace to public health and welfare, creates public nuisances, adds to cleaning costs, accelerates the deterioration of materials, adversely affects agriculture, business, industry, recreation, climate, and visibility, depresses property values, and offends the senses.

It is the purpose of this Title to restore, maintain, and enhance the purity of the air of this State in order to protect health, welfare, property, and the quality of life and to assure that no air contaminants are discharged into the atmosphere without being given the degree of treatment or control necessary to prevent pollution.

(Source: P. A. 76-2429.)

(415 ILCS 5/9) (from Ch. 111 1/2, par. 1009)

### Sec. 9. Acts prohibited.

No person shall:

(a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act;

(b) Construct, install, or operate any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, of any type designated by Board regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit;

(c) Cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act; except that the Board may adopt regulations permitting open burning of refuse in certain cases upon a finding that no harm will result from such burning, or that any alternative method of disposing of such refuse would create a safety hazard so extreme as to justify the pollution that would result from such burning;

(d) Sell, offer, or use any fuel or other article in any areas in which the Board may by regulation forbid its sale, offer, or use for reasons of air-pollution control;

(e) Use, cause or allow the spraying of loose asbestos for the purpose of fireproofing or insulating any building or building material or other constructions, or otherwise use asbestos in such unconfined manner as to permit asbestos fibers or particles to pollute the air;

(f) Commencing July 1, 1985, sell any used oil for burning or incineration in any incinerator, boiler, furnace, burner or other equipment unless such oil meets standards based on virgin fuel oil or re-refined oil, as defined in ASTM D-396 or specifications under VV-F-815C promulgated pursuant to the federal Energy Policy and Conservation Act, and meets the manufacturer's and current NFDA code standards for which such incinerator, boiler, furnace, burner or other equipment was approved, except that this prohibition does not apply to a sale to a permitted used oil re-refining or reprocessing facility or sale to a facility permitted by the Agency to burn or incinerate such oil.

Nothing herein shall limit the effect of any section of this Title with respect to any form of asbestos, or the spraying of any form of asbestos, or limit the power of the Board under this Title to adopt additional and further regulations with respect to any form of asbestos, or the spraying of any form of asbestos.

This Section shall not limit the burning of landscape waste upon the premises where it is produced or at sites provided and supervised by any unit of local government, except within any county having a population of more than 400,000. Nothing in this Section shall prohibit the burning of landscape waste for agricultural purposes, habitat management (including but not limited to forest and prairie reclamation), or firefighter training. For the purposes of this Act, the burning of landscape waste by production nurseries shall be considered to be burning for agricultural purposes.

Any grain elevator located outside of a major population area, as defined in Section 211.3610 of Title 35 of the Illinois Administrative Code, shall be exempt from the requirements of Section 212.462 of Title 35 of the Illinois Administrative Code provided that the elevator:

(1) does not violate the prohibitions of subsection (a) of this Section or have a certified investigation, as defined in Section 211.970 of Title 35 of the Illinois Administrative Code, on file with the Agency and

(2) is not required to obtain a Clean Air Act Permit Program permit pursuant to Section 39.5. Notwithstanding the above exemption, new stationary source performance standards for grain elevators, established pursuant to Section 9.1 of this Act and Section 111 of the federal Clean Air Act, shall continue to apply to grain elevators.

(Source: P.A. 88-488; 89-328, eff. 8-17-95; 89-491, eff. 6-21-96.)

(415 ILCS 5/9.1) (from Ch. 111 1/2, par. 1009.1)

### Sec. 9.1. Federal standards.

(a) The General Assembly finds that the federal Clean Air Act, as amended, and regulations adopted pursuant thereto establish complex and detailed provisions for State-federal cooperation in the field of air pollution control, provide for a Prevention of

ATTACHMENT B.  
**Draft amendment to the Champaign County Nuisance Ordinance**  
AUGUST 9, 2007

**1. Add the following to subsection 2.2 Terms Defined:**

**AGRICULTURAL WASTE:** Any refuse that is generated on a farm or ranch by crop or livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding **LANDSCAPE WASTE**, offal, dead animals, and **MANURE**. Refuse generated by a farm family as a result of domiciliary activities is **DOMICILE WASTE**.

**DOMICILE WASTE:** Any refuse generated on single-family domiciliary property as a result of domiciliary activities but not including **LANDSCAPE WASTE**, **FOOD AND FOOD PRODUCT GARBAGE**, and refuse resulting from any trade, business, industry, commercial venture, utility or service activity, and any government or institutional activity, whether or not for profit and whether a principal use or a home occupation as defined in the Champaign County Zoning Ordinance.

**FOOD AND FOOD PRODUCT GARBAGE:** Non-paper refuse resulting from the handling, processing, preparation, cooking, and consumption of food or food products.

**IEPA:** The Illinois Environmental Protection Agency.

**RESTRICTED BURNING AREA:** A zone extending one mile beyond the boundaries of any **MUNICIPALITY** having a population of 1,000 or more according to the latest federal census.

**LANDSCAPE WASTE:** Any vegetable or plant refuse except **FOOD AND FOOD PRODUCT GARBAGE** and **AGRICULTURAL WASTE**. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

**MANURE:** The fecal and urinary defecations of livestock and poultry. Manure often contains some spilled feed, bedding, or litter but is predominately manure.

**MUNICIPALITY:** An incorporated area meeting the definition of municipality as defined in the Illinois Municipal Code.

**OPEN BURNING:** The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued by the Illinois Environmental Protection Agency.

**2. Add the following to subsection 3.2 Activities and Conditions Constituting Public Nuisances:**

N. OPEN BURNING as follows:

ATTACHMENT B.  
Draft amendment to the Champaign County Nuisance Ordinance  
AUGUST 9, 2007

- (1) OPEN BURNING of DOMICILE WASTE or LANDSCAPE WASTE that is not in conformance with all of the conditions and requirements of paragraph 3.3 F.
- (2) OPEN BURNING that is not otherwise listed in paragraph 3.3 F.
- (3) OPEN BURNING of MANURE.
- (4) OPEN BURNING of LANDSCAPE WASTE when the Chair of the Champaign County Board has prohibited all open burning of LANDSCAPE WASTE in the event of emergencies which require shifting of staff priorities or conditions that may represent significant potential for fire safety issues as authorized in paragraph 4.1 D..

**3. Add the following to subsection 3.3 Activities and Conditions Not Constituting Public Nuisances:**

- F. OPEN BURNING provided as follows:
- (1) OPEN BURNING of DOMICILE WASTE or LANDSCAPE WASTE provided as follows:
    - (a) the burning occurs on the same premises on which the waste is generated; and
    - (b) the burning only occurs when atmospheric conditions will readily dissipate contaminants; and
    - (c) the burning does not create a visibility hazard on roadways, railroad tracks, or airfields; and
    - (d) the burning is separated from an adjacent dwelling on other property and from adjacent farm fields or pastures by an amount equal to one-half the average width of the property doing the burning but does not have to exceed 100 feet.
    - (e) the burning complies with the requirements of the relevant Fire Protection District; and
    - (f) the burning of DOMICILE WASTE is located outside of a RESTRICTED BURNING AREA; and
    - (g) the burning of LANDSCAPE WASTE shall also conform to the following additional requirements:

ATTACHMENT B.  
Draft amendment to the Champaign County Nuisance Ordinance  
AUGUST 9, 2007

- i. the burning is located more than 1,000 feet from a municipality in which open burning of LANDSCAPE WASTE is prohibited; and
  - ii. the LANDSCAPE WASTE is reasonably dry so as to minimize the generation of visible air contaminants; and
  - iii. the burning shall not occur on public or private roads or rights of way, alleys, or sidewalks without the specific approval of the relevant highway authority; and
  - iv. the burning shall not create a hazard to safety for people or property as a result of wind speed being greater than 10 miles per hour or unusually dry conditions; and
  - v. if the burning occurs during dry weather conditions the relevant Fire Protection District shall be contacted for recommended precautions and all burning shall be conducted as recommended by the relevant Fire Protection District; and
  - vi. the Chair of the Champaign County Board has not prohibited all OPEN BURNING of LANDSCAPE WASTE due to emergencies which require shifting of staff priorities or conditions that may represent significant potential for fire safety issues.
- (3) The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the relevant Fire Protection District.
  - (4) The burning of fuels for legitimate campfire, recreational, and cooking purposes or in domestic fireplaces provided that no GARBAGE shall be burned.
  - (5) The burning of waste gases.
  - (6) Small open flames for heating tar, for welding, acetylene torches, highway safety flares, and the like.
  - (7) The open burning of AGRICULTURAL WASTE that conforms to the requirements of the Illinois Pollution Control Board and the Illinois Environmental Protection Agency as established in Title 35 Illinois Administrative Code Part 237 Open Burning.

ATTACHMENT B.  
**Draft amendment to the Champaign County Nuisance Ordinance**  
AUGUST 9, 2007

- (8) Other open burning as specifically permitted by IEPA and in conformance with any special conditions imposed by the IEPA.

**4. Add the following to subsection 4.1 County Officials- Powers and Duties:**

- D. The Chair of the Champaign County Board shall have the authority to prohibit all open burning of LANDSCAPE WASTE in the event of emergencies which require shifting of staff priorities or conditions that may represent significant potential for fire safety issues.

Champaign  
County  
Department of

**PLANNING &  
ZONING**

TO: **Environment and Land Use Committee**  
FROM: **John Hall, Zoning Administrator**  
DATE: **August 9, 2007**  
RE: **Proposed intergovernmental agreement regarding development pursuant to municipal annexation agreement**

---

**REQUESTED ACTION**

**An intergovernmental agreement is proposed between Champaign County and County municipalities regarding appropriate use of development approval by annexation agreement.**

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

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

---

**BACKGROUND**

The County Board has received previous memoranda regarding issues related to the decision by the Illinois Supreme Court in the case known generally as *Village of Chatham v. Sangamon County*. In that decision the Supreme Court determined that the Illinois Municipal Code (65 ILCS 5/11-15.1-2.1) provides that property that is the subject of an annexation agreement with a municipality is subject to the ordinances, control, and jurisdiction of the municipality and not subject to those of the county even though the property is not actually annexed. Thus, property located in the County zoning jurisdiction would be removed from the County jurisdiction if the landowner would sign an annexation agreement with a municipality. The annexation agreement apparently does not have to be within one-and-one-half miles of the municipality and the property never actually has to be annexed. The *Chatham* decision resulted in a very significant reduction of county zoning and subdivision jurisdiction in the unincorporated areas

A proposed development in Ogle County prompted HB3597 in the Illinois legislature which was a proposed amendment to the Municipal Code. HB3597 provided some relief from the *Chatham* decision for certain counties by exempting those counties from the relevant provision of the Illinois Municipal Code. No downstate counties were included in HB3597. The County Board approved Resolution No. 5942 on April 19, 2007, requesting that Champaign County be included in the list of specific counties in HB3597. The Resolution was circulated to Champaign County legislators and submitted in testimony to the Illinois Senate but HB3597 was recommended with no changes and nothing further has happened

Recently the City of Champaign approved an annexation agreement in Scott Township for a new Illinois American water treatment plant. The annexation agreement was outside of the one -and-one-half mile extra-territorial jurisdiction of the City. As a result of the *Chatham* decision the land is now under zoning control of the City of Champaign. The annexation agreement for the water treatment plant has raised new uncertainties regarding the *Chatham* decision and is itself a separate item on the August agenda.

**DRAFT RESOLUTION**

The attached Draft Resolution is a response to concerns of some County Board members about the water treatment plant annexation agreement. The Resolution seeks an agreement between the County Board and every municipality in Champaign County such that no annexation agreement shall be entered into on property that is located more than one-and-one-half miles from the municipality unless the County Board has passed a Resolution in support of the development. HB3597 would have required similar concurrence had Champaign County been included in its provisions. Recent discussions at the Regional Planning Commission Technical Committee indicate there may be a basis for an intergovernmental agreement but it may take some time to reach consensus. There may also be other considerations that should be included in the agreement and perhaps a temporary agreement may be advisable while a final agreement is sought.

**ATTACHMENT**

A Draft Resolution

**DRAFT**

**RESOLUTION NO. \_\_\_\_\_  
RESOLUTION CALLING FOR AN INTERGOVERNMENTAL AGREEMENT  
REGARDING DEVELOPMENT PURSUANT TO  
MUNICIPAL ANNEXATION AGREEMENT**

WHEREAS, the Illinois Supreme Court has determined in *Village of Chatham v. Sangamon County* that the Illinois Municipal Code provides that property subject to an annexation agreement with a municipality is subject to the ordinances, control, and jurisdiction of the municipality and not those of the county, even though the property is not actually annexed; and

WHEREAS, the Illinois House of Representatives by resolution established a Legislative Commission to deal with statewide concerns arising from the *Chatham* decision, but the Legislative Commission has never met and has not proposed a comprehensive amendment to this part of the Illinois Municipal Code; and

WHEREAS, HB3597 as amended restricted that provision of the Illinois Municipal Code in certain listed counties in which the county board will have the option to retain jurisdiction over properties located more than one-and-one-half miles from municipalities, but did not include Champaign County in that list; and

WHEREAS, the Champaign County Board requested in Resolution No. 5942 on April 19, 2007, that Champaign County be included in the list of specific counties that would be exempted from that relevant provision of the Illinois Municipal Code and still hopes to achieve such designation;

WHEREAS, the Champaign County Board believes it is in the best interests of the citizens of Champaign County that Champaign County should have the right to decide whether or not property that is more than one-and-one-half miles from a municipality and subject to an annexation agreement should also be subject to municipal zoning, building codes, and subdivision jurisdiction or be subject to those of the County;

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

1. The Champaign County Board shall seek an agreement with every municipality in Champaign County that no annexation agreement shall be entered into on property that is located more than one-and-one-half miles from the municipality unless the Champaign County Board has passed a Resolution in support of an annexation agreement for the development.

**DRAFT**

RESOLUTION NO. \_\_\_\_\_

Page 2

2. The Champaign County Administrator for Human Resources and Finance, the Office of the Champaign County State's Attorney, and the Champaign County Zoning Administrator are hereby directed to prepare such a draft agreement for approval by the County Board prior to distribution to all municipalities in Champaign County as soon as possible.
3. The Champaign County Board shall request that all municipalities in Champaign County not approve annexation agreements for development for any property that is more than one-and-one-half miles from the municipality without first seeking a County Board Resolution in support of an annexation agreement for the development.
4. The County Administrator for Human Resources and Finance is hereby directed to provide a copy of this Resolution to all municipalities in Champaign County.
5. The Champaign County Zoning Administrator is hereby directed to provide a copy of this Resolution to anyone inquiring about a zoning map amendment or Special Use Permit.

PRESENTED, PASSED, APPROVED AND RECORDED this 23rd day of August, A.D. 2007.

\_\_\_\_\_  
C. PIUS WEIBEL  
Champaign County Board Chair

ATTEST: \_\_\_\_\_  
MARK SHELDEN  
Champaign County Clerk  
and *ex officio* Clerk to  
the Champaign County Board



Public Works Department • Operations Division • 702 Edgebrook Drive • Champaign IL 61820  
(217) 403-4770 • fax (217) 403-4754 • [www.ci.champaign.il.us](http://www.ci.champaign.il.us)

July 24, 2007

Ms. Susan Monte  
Champaign County Regional Planning Commission  
1776 E. Washington  
Urbana, IL 61801

Dear Susan:

The purpose of this letter is to request an increase in the County's contribution to the public drop-off recycling site located at 1701 Hagan Road and operated by the City of Champaign. The request is to increase contributions from \$1,500 to \$12,960. This drop-off site provides recycling services for community residents. A list of the materials collected at the site is attached.

I have based the requested amount on the population of the unincorporated and the population in incorporated areas. Many residents in incorporated portions of the County have other recycling opportunities. Urbana and Champaign residents have access to curbside recycling, and Savoy contributes \$1,200 to the Champaign recycling drop-off site.

I received the attached spreadsheet from the Regional Planning Commission. Based on this information, unincorporated areas make up 18 percent of the County population. The cost of this recycling site generally exceeds \$6,000 per month. An 18 percent share of the cost would be \$12,960.

Thank you for your consideration.

Sincerely,

Tom Schuh  
Operations Manager

TS/ln  
Attachments

**2.7 Site**

A. Location:

The site will be located on City property at 1701 Hagen Drive. This site is just to the north of the City of Champaign Public Works Facility with an entrance off of Hagen Drive. The site will be fenced and lighted. The Contractor will have unrestricted access to the site.

B. Tour of the Facilities:

A tour will be given at the site location on Wednesday, September 7, 2005, at 1:00 p.m., Central Standard Time, in order for potential vendors to view the drop-off site.

C. Collection:

The Contractor will be required to check the site and collect any full containers from the site on a seven-day-per week collection (Monday through Sunday, excluding City holidays). The Contractor will be required to empty all containers in advance of a holiday if they plan to defer collection for the holiday period. In the case of a holiday with two consecutive holiday days, the Contractor will be required to collect on at least one of the days.

The City will accept proposals providing on-site collection of materials under the same terms as noted for off-site collection. The Contractor may, in lieu of collecting on Sunday, place additional overflow containers of sufficient capacity to provide for an additional day of collections.

**2.8 Materials to be Collected**

A. Required Materials:

The required materials in the drop-off collection are:

Cardboard	Magazines	Office paper
Fiberboard	Mail	ONP (old newspapers)
Food and Beverage Containers, Including:		
Glass containers	Plastic #1 (HDPE)	Plastic #4
HDPE	Plastic #2 (PETE)	Plastic #5
Metal containers	Plastic #3	Plastic #6
		Plastic #7

**2.9 Records and Reporting**

The Contractor will accurately record all materials and weights collected at the drop-off as collected and delivered to a processing facility on a daily basis and provide the City a monthly summary within fifteen (15) days following the end of the month. This summary shall also include any materials alternatively disposed or in storage and the location of the disposal or storage site.

## T1. Population Estimates [8]

Data Set: 2005 Population Estimates

Estimates

	1-Jul-05	1-Jul-04	1-Jul-03	1-Jul-02	1-Jul-01	1-Jul-00
<b>Champaign County</b>	184,905					
Bondville village, Illinois	452	455	459	457	456	455
Broadlands village, Illinois	308	307	307	310	311	314
Champaign city, Illinois	71,568	71,629	71,667	70,846	69,816	69,290
Fisher village, Illinois	1,654	1,643	1,650	1,642	1,642	1,649
Foosland village, Illinois	88	88	89	89	89	90
Gifford village, Illinois	999	986	952	915	881	848
Homer village, Illinois	1,157	1,160	1,177	1,184	1,189	1,198
Ivesdale village, Illinois	281	282	284	285	287	289
Longview village, Illinois	149	150	151	151	152	153
Ludlow village, Illinois	370	372	372	369	368	371
Mahomet village, Illinois	5,714	5,487	5,419	5,226	5,035	4,948
Ogden village, Illinois	737	742	742	749	747	747
Pesotum village, Illinois	508	504	511	514	516	520
Philo village, Illinois	1,532	1,486	1,446	1,403	1,361	1,323
Rantoul village, Illinois	12,483	12,599	12,765	12,832	12,921	12,921
Royal village, Illinois	273	274	274	276	276	275
Sadorus village, Illinois	407	408	414	418	421	426
St. Joseph village, Illinois	3,629	3,436	3,249	3,058	3,002	2,955
Savoy village, Illinois	4,839	4,774	4,716	4,641	4,563	4,496
Sidney village, Illinois	1,103	1,091	1,083	1,079	1,076	1,069
Thomasboro village, Illinois	1,222	1,223	1,231	1,236	1,233	1,233
Tolono village, Illinois	2,776	2,741	2,713	2,702	2,707	2,712
Urbana city, Illinois	38,463	38,313	38,123	37,954	37,905	37,759
<b>Total Incorporated</b>	150,712					
<b>Unincorporated Areas</b>	34,193					

Source: US Census Bureau, Population Estimates Program

April 1, 2000 (Estimates Base)	Census Survey	
	April 1, 2000 (Census 2000)	April 1, 2000 (Census 2000 correction)
	179,669	179,669
455	455	455
315	312	312
69,263	67,518	67,959
1,651	1,647	1,647
90	90	90
840	815	815
1,200	1,200	1,200
288	288	288
153	153	153
372	324	324
4,927	4,877	4,877
747	743	743
521	521	521
1,314	1,314	1,314
12,921	12,857	12,857
275	279	279
427	426	426
2,943	2,912	2,912
4,480	4,476	4,476
1,067	1,062	1,062
1,233	1,233	1,233
2,714	2,700	2,700
37,725	36,395	36,395
	142,597	143,038
	37,072	36,631



CHAMPAIGN COUNTY  
**REGIONAL PLANNING COMMISSION**

TO: Environment and Land Use Committee

FROM: Susan Monte

DATE: August 8, 2007

RE: **Resolution Adopting the Champaign County Solid Waste Management Plan  
5-Year Update**

REQUESTED  
ACTION: **Recommendation**

## BACKGROUND

The Champaign County Board adopted the *Champaign County Solid Waste Management Plan* in February, 1991, in accordance with requirements of the Illinois Solid Waste Planning and Recycling Act (SWPRA). The SWPRA additionally requires that the County submit a report for review and comment to the Illinois EPA at five-, ten-, and 15-year intervals regarding necessary or appropriate revisions to its Solid Waste Management Plan.

At the January ELUC meeting, members reviewed the draft 2007 Update regarding the Champaign County Solid Waste Management Plan, recommending no additional modifications or corrections at that time. As required by the SWPRA, the 2007 Update was forwarded to the Illinois EPA in January. To date, no additional comments or recommendations regarding the 2007 Update have been received from the Illinois EPA.

*Summary of the 2007 Update.* The Recommendation and Implementation Schedule of the 2007 Update to the Champaign County Solid Waste Management Plan is intended to further address the central County goal of reducing the amount of waste generated and improving the ratio of waste recycled to waste generated.

The seven recommendations adopted as a part of the 10-Year Update in 2002 are proposed to be retained as a part of the Recommendation and Implementation Schedule of the 2007 Update to the Champaign County Solid Waste Management Plan. As a part of the 2007 Recommendation and Implementation Schedule, one additional newly proposed recommendation is to encourage improved countywide monitoring, collection and reporting of recycling rates.

## REQUESTED ACTION

The County Board has reviewed and adopted the two previous five-year updates to the *Champaign County Solid Waste Management Plan* in 1996 and in 2002. A resolution that incorporates and adopts the third required five-year 2007 Update to the *Champaign County Solid Waste Management Plan* is provided for your consideration.

## ATTACHMENT

Resolution Adopting the Champaign County Solid Waste Management Plan 2007 Update

**DRAFT**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ADOPTING THE CHAMPAIGN COUNTY SOLID WASTE  
MANAGEMENT PLAN 2007 UPDATE**

WHEREAS, pursuant to the “Local Solid Waste Disposal Act”, 415 ILCS 10/3, Champaign County has adopted a *Solid Waste Management Plan* by Resolution Number 3077 adopted February 19, 1991; and

WHEREAS, pursuant to the “Local Solid Waste Disposal Act”, 415 ILCS 10/3, Champaign County adopted the five-year update to the Champaign County Solid Waste Management Plan, entitled “*Champaign County Solid Waste Plan 1996 Update*” on November 19, 1996; and

WHEREAS, pursuant to the “Local Solid Waste Disposal Act”, 415 ILCS 10/3, Champaign County adopted the second five-year update to the Champaign County Solid Waste Management Plan, entitled “*Champaign County Solid Waste Plan 2001 Update*” by Resolution Number 4497 on January 23, 2002; and

WHEREAS, pursuant to the “Local Solid Waste Disposal Act”, 415 ILCS 10/3, Champaign County seeks to adopt the third five-year update to the Champaign County Solid Waste Management Plan, entitled “*Champaign County Solid Waste Management Plan 2007 Update*”. The 2007 Update contains the following Recommendations and Implementation Schedule:

1. Champaign County will, as resources permit, encourage recycling initiated by municipalities or by private or non-profit groups and encourage education efforts made by such groups.
2. The County will consider using any excess funds from waste hauler licensing to promote recycling efforts.
3. The County will encourage all departments to promote and educate staff on office recycling efforts.
4. The County will monitor, where information exists, County recycling rates and consider programming changes should current rates fall below 20% for non-market related reasons.
5. The County will, as possible, encourage landscape waste recycling efforts.
6. The County will, as possible, encourage countywide monitoring, collection and reporting of recycling rates.
7. The County will, as possible, consider requiring businesses that contract with the County to practice commercial and/or industrial recycling.
8. The County will, as possible, encourage volume-based collection fees.

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board, Champaign County, Illinois, that the third five-year update Champaign County Solid Waste Plan entitled

# DRAFT

RESOLUTION NO. \_\_\_\_\_

Page 2

"*Champaign County Solid Waste Management Plan 2007 Update*" attached and incorporated with this Resolution is hereby adopted.

**PRESENTED, ADOPTED, APPROVED, AND RECORDED** this 23<sup>rd</sup> day of August, A.D. 2007.

---

SIGNED:

C. Pius Weibel, Chair  
Champaign County Board  
Champaign, Illinois

---

ATTEST:

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

## General Information

Local Government: Champaign County  
Contact Person: Susan Monte, RPC County Planner  
Address: Champaign County Regional Planning Commission (RPC)  
P.O. Box 17760  
Urbana, IL 61803-7760  
Telephone: (217) 328-3313

Plan Adoption Date: February 19, 1991  
Re-Adoption Date: May 31, 1996 (5-year update)  
Re-Adoption Date: January 23, 2002 (10-year update)

15-Year update submitted to IEPA January 23, 2007

## 1. Recommendations and Implementation Schedule Contained in the Adopted Plan

The following recommendations appear in the original version of the *Champaign County Solid Waste Management Plan* (adopted by Resolution Number 3077 on February 19, 1991). In total, approximately 46 recommendations were featured in the 1991 Champaign County Solid Waste Management Plan. These included both specific and general recommendations directed at Champaign County, the City of Urbana, the City of Champaign and interested parties in the private and non-profit sector. The implementation schedule for most of these suggestions was left to the discretion of the implementing agency, the Intergovernmental Solid Waste Disposal Agency.

### A. Source Reduction.

Source Reduction recommendations can be divided into four different areas:

- post-consumer source reduction
- toxicity reduction
- increasing 'recyclability' of waste stream
- industrial source reduction

No specific implementation schedule was associated with the 18 Source Reduction recommendations.

#### *Post-Consumer Source Reduction*

- 1) An education coordinator should be part of the implementing agency's staff.
- 2) The County and municipal governments, as well as other municipal agencies, should encourage source reduction activities whenever possible.
- 3) County and municipal governments, as well as other municipal agencies, should encourage State and Federal officials and representatives to address the issue of source reduction in whatever means possible.
- 4) County and municipal governments, as well as other municipal agencies, should require that all departments complete a waste audit.
- 5) County and municipal governments should require that the ultimate disposal costs be calculated as part of their procurement process.

#### *Toxicity Reduction and Increasing 'Recyclability' of Waste Stream*

- 6) The education coordinator should develop materials to inform consumers of the type of hazardous waste in their home.
- 7) A separate publication on the alternatives to hazardous waste should be made available through local offices.
- 8) Implementation of toxicity reduction should be coordinated with other community groups.
- 9) County and municipal governments should encourage the introduction and passage [of legislation] at the State and Federal level that addresses the issue of toxicity reduction.
- 10) If the State or Federal governments do not pass legislation addressing the proper disposal of hazardous materials, or if no private firm establishes a comprehensive program for proper disposal of hazardous

**1. Recommendations and Implementation Schedule Contained in the Adopted Plan (continued)**

**A. Source Reduction (continued)**

materials within 5 years, review of this plan should include consideration of banning these materials from any municipality owned or operated facilities or a review of the way and means of adding taxes on select hazardous materials.

- 11) If there has been no State or Federal legislation enacted to address problem components of the waste stream within five years of this plan's adoption, re-evaluation of deposits, surcharges and product bans and other related activities should be undertaken.
- 12) The education coordinator should include information on the recyclability of items in all program material as well as making sure retail and wholesale outlets use proper bags for the conveyance of purchases.

*Industrial Source Reduction*

- 13) The implementing authority should develop a waste audit program that would consist of staff visits to facilities to assist businesses and industries in determining where and how they may be able to reduce their waste generation and toxicity levels or to alter their waste to make it more easily processed.
- 14) Development of a waste audit disclosure report should be included as part of the review process within the economic development and planning departments of member governments.
- 15) The County and municipal governments should encourage efforts to reuse existing structures in the community as much as possible.
- 16) Demolition permits should have a 30-day waiting period.
- 17) The creation of a construction material recycling center should be investigated.
- 18) There should be a municipally sponsored Small Quantity Generator Program.

**B. Recycling and Reuse**

The 21 recommendations for recycling and reuse were divided into two separate implementation schedules: 17 recommendations for the next five years (1990-1995) and four long-term recommendations. The recommendations for 1990-1995 were divided into five categories: General, Residential, Yardwaste, Commercial, and Community Recycling Center.

*1990-1995 Recommendations: General*

- 19) The Cities and County should develop a unified recycling system and agency to operate the recycling programs.
- 20) The Cities and County, through their membership in the association, should develop a material recovery facility to 'mainstream' recycling in Champaign County.
- 20) The Cities and the County should consider altering the current licensing structure for haulers.

*1990-1995 Recommendations: Residential*

- 22) The City of Urbana should add HDPE/PET collection to their curbside routes.
- 23) The City of Champaign and the City of Urbana should expand their curbside collection programs to service buildings with 5-9 units with a targeted participation rate of 30%.
- 24) Both Cities should use educational and promotional means to raise participation rates to a targeted range of 45% - 55%.
- 25) Both Cities should add the collection of cardboard/paperboard to the curbside programs (including the 5-9 unit buildings).
- 26) The County should maintain their current number of drop-offs.

*1990-1995 Recommendations: Yardwaste*

- 27) The City of Champaign should begin a nine-month yard waste collection program.
- 28) The City of Urbana should maintain their U-Bag and U-Tie Program
- 29) Both Cities should investigate the development of residential backyard composting programs.

*1990-1995 Recommendations: Commercial*

- 30) There should be no municipally sponsored programs intended to service large commercial and industrial firms in the County.

**1. Recommendations and Implementation Schedule Contained in the Adopted Plan (continued)**

**B. Recycling and Reuse (continued)**

- 31) A partnership between the private haulers and the implementing authority should be developed to increase the recycling opportunities for small to medium sized businesses.
- 32) Both the Cities and the County should review their zoning, building codes, health and safety codes or any other ordinance or regulation that may hinder recycling activity in the commercial and industrial sector.

*1990-1995 Recommendations: Community Recycling Center*

- 33) CRC should re-evaluate its operations and determine whether collection or processing should be its primary function.
- 34) The in-town drop-off sites should be upgraded.

*1990-1995 Recommendations: Community Recycling Center (continued)*

- 35) CRC should determine how to optimize its current capacity without any major improvements.

*Long-Term Recommendations*

- 36) The database of waste generation recycling and disposal information should be routinely updated.
- 37) The municipal programs should continuously adapt the materials collected to the changing mix of recyclable materials.
- 38) Studies on how to service 10+ unit residential structures should be undertaken.
- 39) The recycling programs should be amended to accommodate generator-based waste reduction programs when appropriate.

**C. Combustion for Energy Recovery n/a**

**D. Combustion for Volume Reduction**

Ten scenarios were considered within the body of Champaign County's Solid Waste Management Plan. Two of the 10 scenarios included the construction of a combustion facility. This facility was to be located in the vicinity of the University of Illinois' Abbott Power Plant. In the final analysis, these scenarios were not recommended to be the most effective way to achieve Champaign County's solid waste management goals.

**E. Disposal in Landfills**

Scenario #6 was chosen as the most cost-effective way to achieve Champaign County's solid waste management goals. This proposal calls for:

- 40) the construction of an in-county transfer station with a material recovery component, and the construction of an in-county landfill.

Scenario #6 states that the previously mentioned expanded curbside program (see residential recommendations) be implemented in 1992, the Transfer Station with material recovery will be operational by 1992, and the new landfill open in 1995.

The following six recommendations associated with the implementation of Scenario #6 are separated into four categories: Ownership; Operation and Procurement; Implementing Agency; Flow Control; and Financing.

*Ownership, Operation and Procurement*

- 41) Local government should own the facilities.
- 42) Local government should develop a public/private partnership for the operation of the solid waste facilities.

*Implementing Agency*

- 43) Designate the Intergovernmental Solid Waste Disposal Association as the implementing agency.
- 44) Local municipal recycling programs should continue under the direction of the member governments until such time as ISWDA can consolidate service.

**1. Recommendations and Implementation Schedule Contained in the Adopted Plan (continued)**

E. Disposal in Landfills (continued)

*Flow Control*

- 45) Flow Control should be enacted immediately after the adoption of the Solid Waste Management Plan to insure demand for services for the future in-county landfill and reduce the municipality's liability with regard to out-of-county disposal sites.

*Financing*

- 46) In Champaign County, solid waste facilities should be financed with revenue bonds.

**2. Current Plan Implementation Efforts**

**a. Which recommendations in the adopted plan have been implemented?**

The following recommendations from the 1991 *Champaign County Solid Waste Management Plan* have been implemented:

**Source Reduction**

- 2) The County and municipal governments, as well as other municipal agencies, should encourage source reduction activities whenever possible.
- 8) Implementation of toxicity reduction should be coordinated with other community groups.
- 15) The County and municipal governments should encourage efforts to reuse existing structures in the community as much as possible.

**Recycling and Reuse**

Refer to 'Current Recycling Program' for details on how some of the initiatives below were implemented.

- 21) The Cities and County should consider altering the current licensing structure for haulers.
- 22) The City of Urbana should add HDPE/PET collection to its curbside routes. This change in curbside service was adopted in 1996.
- 23) The City of Champaign and City of Urbana should expand their curbside collection programs to service buildings with 5-9 units. Although municipally run curbside recycling has been discontinued in Champaign, some buildings with 5-9 units are receiving recycling services from independent haulers. The City of Urbana U-cycle program services both multi-family and single residences. Champaign requires by ordinance that haulers provide service to residences of 1-4 units.
- 25) Both Cities should add the collection of cardboard/paperboard to the curbside programs. Urbana provides this service. Although municipally run curbside recycling has been discontinued in Champaign, some independent haulers may supply these recycling services.
- 29) Both Cities should investigate the development of residential backyard composting programs. The City of Champaign ran a Pilot program whereby they would supply a resident with \$20.00 to begin their own backyard composting programs. The City ran an ad in the local newspaper and attracted approximately 30 participants.

**Community Recycling Center**

Refer to 'Current Recycling Program' for details on how some of the initiatives below were implemented.

- 33) CRC should re-evaluate its operations and determine whether collection or processing should be its primary function.
- 34) The in-town drop-off sites should be upgraded.
- 35) CRC should determine how to optimize its current capacity without any major improvements.

**Briefly describe which recommendations were not implemented and the reasons why these were not implemented.**

Over the past fifteen years, few of the 46 recommendations from the Plan adopted in 1991 were implemented. The primary reason for this is due to the community's rejection of the Solid Waste Management Plan's

## 2. Current Plan Implementation Efforts (continued)

**Briefly describe which recommendations were not implemented and the reasons why these were not implemented (continued)**

implementing agency, the Intergovernmental Solid Waste Disposal Association (ISWDA). ISWDA was comprised of members from Champaign County, the City of Champaign, and the City of Urbana.

ISWDA was recommended to be the implementing agency because an intergovernmental agency would, according to the Solid Waste Management Plan, "... allow the broadest county representation,... allow multiple points for public input, and will .. offer a checks and balances system." One may infer from these statements that ISWDA's purpose was to develop a consensus between the various local municipalities, the private and non-profit sector, and the larger citizenry of Champaign County. Once plans moved forward, however, to centralize authority of Champaign County's solid waste management in the hands of ISWDA, it became apparent that there were many philosophical and practical barriers to ISWDA acting as the implementing agency. Large projects such as locating, financing and managing the recommended transfer and landfill facilities fostered disagreement and dissension. In addition, initiatives to standardize collection and processing procedures throughout the County through flow control measures met with resistance.

ISWDA proposed actions met with opposition mainly from four stakeholders. The farming community in Homer objected to the placement of a landfill in an area that was once farmland. The independent waste haulers who operated in the Urbana-Champaign area formed a Waste Haulers Association in August 1992 and lobbied for the privatization of solid waste management services in the City of Champaign and the City of Urbana. The Waste Haulers Association objected to the type of flow control restrictions suggested by ISWDA. These restrictions on where the haulers could take their solid waste were an integral part of the ISWDA plan to pay for the operation of a Champaign County landfill and transfer station. Local municipalities and regional nonprofit corporations raised doubts that ISWDA would operate these facilities as efficiently as would a private and/or nonprofit company.

In the Spring of 1992, after opposition was met from the farming community in Homer, and amidst negotiations with waste haulers to privatize collection of solid waste, the City of Champaign decided to withdraw from ISWDA. Champaign County had already relaxed its support for the inter-jurisdictional agency. The agency lost its original authority and its power to implement aspects of the Solid Waste Management Act became severely limited. Consequently, the following recommendations did not get implemented:

### Source Reduction

#### *Post-Consumer Source Reduction*

- 1) An education coordinator should be part of the implementing agency's staff.
- 3) County and municipal governments, as well as other municipal agencies, should encourage State and Federal officials and representatives to address the issue of source reduction in whatever means possible.
- 4) County and municipal governments, as well as other municipal agencies, should require that all departments complete a waste audit.
- 5) County and municipal governments should require that the ultimate disposal costs be calculated as part of their procurement process.

#### *Toxicity Reduction and Increasing 'Recyclability' of Waste Stream*

- 6) The education coordinator should develop materials to inform consumers of the type of hazardous waste in their home.
- 7) A separate publication on the alternatives to hazardous waste should be made available through local offices.
- 9) County and municipal governments should encourage the introduction and passage [of legislation] at the State and Federal level that addresses the issue of toxicity reduction.
- 12) The education coordinator should include information on the recyclability of items in all program material as well as making sure retail and wholesale outlets use proper bags for the conveyance of purchases.

## 2. Current Plan Implementation Efforts (continued)

**Briefly describe which recommendations were not implemented and the reasons why these were not implemented (continued)**

### *Industrial Source Reduction*

- 13) The implementing authority should develop a waste audit program that would consist of staff visits to facilities to assist businesses and industries in determining where and how they may be able to reduce their waste generation and toxicity levels or to alter their waste to make it more easily processed.
- 14) Development of a waste audit disclosure report should be included as part of the review process within the economic development and planning departments of member governments.
- 16) Demolition permits should have a 30-day waiting period.
- 17) The creation of a construction material recycling center should be investigated.
- 18) There should be a municipally sponsored Small Quantity Generator Program.

### Recycling and Reuse

#### *1990-1995 Recommendations: General*

- 19) The Cities and County should develop a unified recycling system and agency to operate the recycling programs.
- 20) The Cities and County, through their membership in the association, should develop a material recovery facility to 'mainstream' recycling in Champaign County.

#### *1990-1995 Recommendations: Residential*

- 23) The City of Champaign and the City of Urbana should expand their curbside collection programs to service buildings with 5-9 units with a targeted participation rate of 30%.
- 24) Both Cities should use educational and promotional means to raise participation rates to a targeted range of 45% - 55%.
- 26) The County should maintain their current number of drop-offs.

#### *1990-1995 Recommendations: Yardwaste*

- 27) The City of Champaign should begin a nine-month yard waste collection program.
- 28) The City of Urbana should maintain their U-Bag and U-Tie Program

#### *1990-1995 Recommendations: Commercial*

- 31) A partnership between the private haulers and the implementing authority should be developed to increase the recycling opportunities for small to medium sized businesses.

#### *1990-1995 Recommendations: Commercial*

- 32) Both the Cities and the County should review their zoning, building codes, health and safety codes or any other ordinance or regulation that may hinder recycling activity in the commercial and industrial sector.

### *Long-Term Recommendations*

- 36) The database of waste generation recycling and disposal information should be routinely updated.
- 37) The municipal programs should continuously adapt the materials collected to the changing mix of recyclable materials.
- 38) Studies on how to service 10+ unit residential structures should be undertaken.
- 39) The recycling programs should be amended to accommodate generator-based waste reduction programs when appropriate.

### Disposal in Landfills

Scenario #6 was chosen as the most cost-effective way to achieve Champaign County's solid waste management goals. This proposal calls for:

- 40) the construction of an in-county transfer station with a material recovery component, and the construction of an in-county landfill.

Scenario #6 states that the previously mentioned expanded curbside program (see residential recommendations) be implemented in 1992, the Transfer Station with material recovery will be operational by 1992, and the new landfill open in 1995.

**2. Current Plan Implementation Efforts (continued)**

**Briefly describe which recommendations were not implemented and the reasons why these were not implemented (continued)**

The following six recommendations associated with the implementation of Scenario #6 are separated into four categories: Ownership; Operation and Procurement; Implementing Agency; Flow Control; and Financing.

*Ownership, Operation and Procurement*

- 41) Local government should own the facilities.
- 42) Local government should develop a public/private partnership for the operation of the solid waste facilities.

*Implementing Agency*

- 43) Designate the Intergovernmental Solid Waste Disposal Association as the implementing agency.
- 44) Local municipal recycling programs should continue under the direction of the member governments until such time as ISWDA can consolidate service.

*Flow Control*

- 45) Flow Control should be enacted immediately after the adoption of the Solid Waste Management Plan to insure demand for services for the future in-county landfill and reduce the municipality's liability with regard to out-of-county disposal sites.

*Financing*

- 46) In Champaign County, solid waste facilities should be financed with revenue bonds.

**b. Which recommendations in the adopted plan have been implemented according to the plan's schedule?**

As stated in the preceding pages, the implementation schedule for most of these recommendations was left to the discretion of the implementing agency, the Intergovernmental Solid Waste Disposal Agency. As a result of the agency's failure, there were not scheduled implementation dates for most of the 46 recommendations outlined in the Solid Waste Management Plan adopted in 1991.

**Briefly describe which recommendations were not implemented according to the adopted plan's schedule, and attach a revised implementation schedule.**

The reasons for no implementation of the above-cited recommendations according to schedule is covered in the above section entitled 'Briefly describe which recommendations were not implemented and the reasons why these were not implemented.'

**3. Recycling Program Status**

*Because the Illinois Environmental Protection Agency's annual landfill capacity report includes data on each adopted plan's recycling status, information on recycling percentages is not being requested on this form.*

**a. Has the program been implemented throughout the County or planning area?**

Yes  x  No

**b. Has a recycling coordinator been designated to administer the program?**

Yes  x  No   If yes, when?  April 20, 2006 (Champaign County Resolution No. 5337)

**c. Does the program provide for separate collection and composting of leaves?**

Yes  x  No

**d. Does the recycling program provide for public education and notification to foster understanding of and encourage compliance with the program?**

Yes  x  No

**3. Recycling Program Status (continued)**

- e. Does the recycling program include provisions for compliance, including incentives and penalties?  
Yes \_\_\_\_\_ No  x  If yes, please describe.
  
- f. Does the program include provisions for recycling the collected materials, identifying potential markets for at least three materials, and promoting the use of products made from recovered or recycled materials among businesses, newspapers, and local governments?  
Yes \_\_\_\_\_ No  x  If yes, please describe.
  
- g. Provide any other pertinent details on the recycling program.

The following six recommendations regarding recycling were adopted as part of the Solid Waste Management Plan 10-Year Update (County Resolution No. 4497 dated January 23, 2002):

1. Champaign County shall, as resources permit, encourage recycling initiated by municipalities or by private or non-profit groups and encourage education efforts made by such groups.
2. The County should consider using any excess funds from waste hauler licensing to promote recycling efforts.
3. The County should encourage all departments to promote and educate staff on office recycling efforts.
5. The County should monitor, where information exists, County recycling rates and consider programming changes should current rates fall below 20% for non-market related reasons.
6. The County should, as possible, encourage landscape waste recycling efforts.
7. The County should, as possible, consider requiring businesses that contract with the County to practice commercial and/or industrial recycling.

The County Board adopted the above-noted recommendations subsequent to the decline and failure of the ISWDA (as indicated in both the 10-Year Update and 5-Year Update reports to the Illinois EPA). The failure of the ISWDA was considered an indicator of a total lack of support and rejection of centralized government intervention in solid waste and recycling activities in Champaign County during the early to mid-1990's. (For additional discussion regarding ISWDA failure, refer to the text beginning on Page 4 under the heading 'Briefly describe which recommendations were not implemented and the reasons why these were not implemented').

Recycling is not mandatory in unincorporated Champaign County, and business and institutions are free to choose whether or not to institute a recycling program. Residential recycling is also not mandatory in Champaign County. Recycling programs within the County have been established at the University of Illinois. Curbside recycling service is available to residents of the two largest municipalities within the County. The City of Champaign requires local haulers to provide curbside recycling pickup service to city residents and the City of Urbana Public Works Department provides curbside recycling service to its residents. In other communities within the County, private haulers may elect to provide recycling services to residents for an additional charge.

The following is a description of recycling programs in various Champaign County communities and at the University of Illinois.

**City of Champaign**

The City strongly supports recycling and encourages all citizens to take part in waste reduction. Citizens may take part by participating in the City's curbside recycling service or by bringing materials to the public drop-off site operated by the City of Champaign.

### 3. Recycling Program Status (continued)

#### g. Provide any other pertinent details on the recycling program (continued)

City ordinances provide for curbside recycling to all citizens who live in a single to four-plex residence. This service is provided by the waste hauler who is required to provide recycling as part of basic service and must accept the following materials: newspaper, glass jars or bottles, tin cans, aluminum cans and HDPE plastic containers. Haulers must provide curbside collection of recyclables at least once a week and can not count materials toward the "per container cost" of service. Citizens interested in participating in the curbside recycling program should call their local waste hauler.

The City also provides a 24-hour, 7 days a week, free recycling drop-off site. The drop-off site is open to the public and is located at 1701 Hagan Drive, Champaign, Illinois. The facility is just east of the Home Depot shopping center on Bloomington Road. The drop-off site operates a two-sort program in which materials should be separated into two types, containers and fibers. Materials recycled at the drop off site include most plastic, glass and metal food & beverage containers. Plastic food & beverage containers with the #1 through #8, but not styrofoam, are accepted. All glass & metal food & beverage containers can also be recycled at this site. Large plastic objects such as lawn furniture and toys are not accepted at the drop off site. Only those items listed above are accepted at the drop off site.

#### **City of Urbana**

The City of Urbana offers two recycling programs for residents. Urbana's residential curbside recycling program, U-CYCLE, began in 1986 and was one of the first citywide recycling programs offered in Illinois. Urbana's residential recycling program provides service to all residents in single-family through fourplex dwellings. The program serves an estimated 18,000 residents throughout the city.

The City of Urbana's recycling program expanded in 1999 when recycling was offered to all residents in apartment buildings, dormitories, fraternities/sororities, rooming houses and condominiums. The multifamily program now serves buildings with 5 or more dwelling units. The multifamily recycling program serves an estimated 15,000 residents in Urbana. Because of these programs, every resident in the City of Urbana has an opportunity to recycle.

#### **University of Illinois**

In the fall of 1997 the University's new Material Recovery Facility opened for business. This facility allows the campus to capture recyclable materials that formerly ended up in a landfill and to market it at a higher price. The facility is expected to enable the campus to improve its recycling rate to over 50% of its waste stream, exceeding a State-mandated goal of 40%. The value added by baling the material, a step necessary to prepare it for sale in the market, will now be retained by the campus. The new Material Recovery Facility will result in reduced disposal costs and extra revenue generated from the sale of materials.

The current campus recycling/diversion rate is 48.8% for non-construction & demolition (C&D) waste and 41.1% when including C&D waste.

#### **Recycling Drop-Off Sites**

Champaign County has encouraged local drop sites that collect plastic, glass and metal food & beverage containers to be recycled. In 1993, Champaign County distributed over \$22,000 to six municipalities (Home, Ogden, Philo, Tolono, Sidney and St. Joseph) through the Hometown Assistance Grant Program. The purpose of these funds was to provide start-up costs (such as fencing, collection containers, signage, etc.) incurred in the establishment of public recycling drop-off sites in each of these communities. Four of the six public drop-off recycling sites remain in operation today:

- 1) The Village of Ogden and Ogden Township jointly fund a recycling drop-off site in the Village of Ogden. A private waste hauler is paid monthly to service the Ogden drop-off site.
- 2) The Village of St. Joseph and St. Joseph Township jointly fund a recycling drop-off site in the Village of St. Joseph. A private waste hauler is paid monthly to service the St. Joseph drop-off site.
- 3) The Village of Sidney funds a recycling drop-off site, which is serviced by a private waste hauler.

### 3. Recycling Program Status (continued)

#### g. Provide any other pertinent details on the recycling program (continued)

- 4) The Village of Homer and South Homer Township jointly fund a recycling drop-off site in the Village of Homer. A private waste hauler is paid monthly to service the Homer drop-off site.

Based on information available as of January 17, 2007, the Villages of Philo and Tolono no longer fund the operation of their own public recycling drop-off site to serve their residents.

#### Recycling Landscape Waste

The Landscape Recycling Center is operated by the City of Urbana on behalf of the City of Urbana, the City of Champaign and Champaign County. The Landscape Recycling Center (LRC) is a not-for-profit facility operated by the Urbana Public Works Department. The LRC is the only Illinois EPA permitted landscape recycling center in Champaign County. (The Village of Rantoul previously operated a landscape recycling center, but closed the facility in the fall of 1995 when the Illinois EPA imposed stricter regulations on landscape waste management.)

Materials accepted by the LRC include: trees, shrubs, bulkwood, leaves, grass clippings, brush, plant cuttings, sod, woodchips, and clean soil. The LRC sells processed materials (such as fertile mulch and composts) to both the public and to private firms.

### 4. Current Needs Assessment Information (optional)

A comprehensive needs assessment regarding Champaign County solid waste and recycling needs has not occurred since the original Plan was prepared prior to the County's adoption of the *Champaign County Solid Waste Management Plan* in 1991.

Based on the most current information available as of January 17, 2007, the 19<sup>th</sup> edition of the Illinois EPA annual report Nonhazardous Solid Waste Management and Landfill Capacity in Illinois: 2005 describes the management of nonhazardous municipal solid waste by the State's solid waste landfills, transfer stations and compost facilities. Region 4 includes East Central Illinois counties. From this publication, an estimate of 17 years remain as the landfill life expectancy of landfills serving Region 4.

### 5. New Recommendations and Implementation Schedule

#### Review of Recommendations and Implementation Schedule adopted as part of 10-Year Update on January 23, 2002

The revised Recommendations and Implementation Schedule from the Champaign County Solid Waste Management Plan 10-Year Update adopted January 23, 2002 are provided below:

"Recognizing the demonstrated lack of political sentiment for centralized government-administered countywide solid waste management, Champaign County should pursue a practical approach to solid waste management in the next five years. At this time, Champaign County has no further plans to construct a transfer or landfill facility. The County will focus its limited resources upon providing support for the current source reduction and recycling efforts initiated by local municipalities, and by the private and nonprofit sectors. The central goal of the County should be to reduce the amount of municipal waste that is landfilled outside of the County by reducing the waste stream and improving the ratio of waste recycled to waste generated.

The following recommendations are intended to improve the reduction of the amount of waste generated and to increase the amount of waste recycled:

## 5. New Recommendations and Implementation Schedule (continued)

### Review of Recommendations and Implementation Schedule adopted as part of 10-Year Update on January 23, 2002 (continued)

1. Champaign County shall, as resources permit, encourage recycling initiated by municipalities or by private or non-profit groups and encourage education efforts made by such groups.
2. The County should consider using any excess funds from waste hauler licensing to promote recycling efforts.
3. The County should encourage all departments to promote and educate staff on office recycling efforts.
4. The County should, as possible, encourage volume-based collection fees.
5. The County should monitor, where information exists, County recycling rates and consider programming changes should current rates fall below 20% for non-market related reasons.
6. The County should, as possible, encourage landscape waste recycling efforts.
7. The County should, as possible, consider requiring businesses that contract with the County to practice commercial and/or industrial recycling.”

#### ■ ■ 10-Year Update Recommendations Implemented

The following recommendations from the *Champaign County Solid Waste Management Plan 10-Year Update* adopted January 23, 2002 has been implemented, as limited resources have permitted:

1. Champaign County will, as resources permit, encourage recycling initiated by municipalities or by private or non-profit groups and encourage education efforts made by such groups.

***Contributions to advertising & staffing of recycling collection events...*** In recent years, Champaign County has contributed toward the advertising cost of local recycling hazardous waste collection and tire collection drop-off events held once annually, most typically, and typically organized by the City of Champaign or the City of Urbana. The County typically provide staff, as may be possible, to assist at collection events.

***Coordinate 2007 Electronics and Computer Recycling Event...*** The 2007 collection was coordinated by the appointed Champaign County Recycling Coordinator and co-sponsored by Champaign County, City of Urbana, City of Champaign and Village of Savoy. Three prior computer electronics collections have been held (2002, 2005 and 2006) and those were coordinated by the City of Champaign and co-sponsored by the County, City of Champaign and City of Urbana. This year's Computer Electronic Recycling Collection event held on Saturday, April 21<sup>st</sup> was the most successful countywide event held to date.

The 2007 collection amounted to over 72,000 pounds of equipment. Included in this total were: 688 monitors; 577 printers and over 300 TVs. Previous collections held in 2005 and 2006 yielded totals of 51,000 pounds and 40,000 pounds of electronics respectively.

***Host Zero Waste Grant Workshop...*** On October 6, 2006, the County hosted a workshop held by the Illinois Department of Economic Opportunity for representatives of local area schools.

**5. New Recommendations and Implementation Schedule (continued)**

**Review of Recommendations and Implementation Schedule adopted as part of 10-Year Update on January 23, 2002 (continued)**

**■ ■ 10-Year Update Recommendations Implemented (continued)**

- 2. The County will consider using any excess funds from waste hauler licensing to promote recycling efforts.

The primary revenue sources for the Solid Waste Management Fund are the fees collected from local waste hauler licensing and investment interest earned on the current fund balance. This fund pays the administrative costs associated with the licensure of waste haulers in Champaign County and provides contributions to intergovernmental recycling and drop-off events. Over the past five years, the County has contributed a portion of the advertising costs of occasional hazardous waste and tire collection drop-off events alternately coordinated by the Cities of Urbana and Champaign.

Based on data available as of January 17, 2007, the following table indicates the amount of revenue from annual waste hauler licenses and total revenues of the Solid Waste Management Fund 676-011 over the past five years.

Solid Waste Management Fund 676-011 Revenues Since 2002

Fiscal Year	Revenue from Waste Hauler Licenses	Total Revenue
2002	\$ 1,400	\$ 2,834
2003	\$ 1,550	\$ 2,406
2004	\$ 1,650	\$ 2,697
2005	\$ 1,600	\$ 3,794
2006	\$ 1,500 *	\$ 5,000 *

\* Projected

- 3. The County will encourage all departments to promote and educate staff on office recycling efforts.

At the present time, most County offices practice recycling on a variable and limited basis. No comprehensive or countywide effort to promote office recycling and to educate staff has occurred to date, possibly due, in part, to limited resources available and to the lack of a countywide policy in place. The County Board also lacks the authority to impose operational mandates on the elected department heads who oversee the preponderance of County employees.

Over the past several years, aluminum can recycling containers have been distributed by the County at locations in County buildings. Additionally the County has hired a local recycling company to collect and recycle computer paper, large documents, and office paper from recycling containers provided throughout the County campus and Courthouse site. Most County offices utilize recycled printer cartridges as a cost-saving measure. Some County offices order recycled paper for use in copiers and some County offices encourage employees to print double-sided copies as often as possible. Some County office employees voluntarily recycling office items such as portfolios, binders, folders, recording tapes, etc by placing these items in the supply room for others to re-use.

- 6. The County will, as possible, encourage landscape waste recycling efforts.

At present, County groundskeepers compost grass clippings that result from maintenance of County campuses. Additional landscape waste from County campuses is hauled to the Landscape Recycling Center on an as-needed basis.

- 7. The County will, as possible, consider requiring businesses that contract with the County to practice commercial and/or industrial recycling.

The County Board adopted Ordinance No. 361 dated June 19, 1990 to amend the County Purchasing Policy (Ordinance No. 323) to adopt the following Item J, Section II Policy Statement:

**5. New Recommendations and Implementation Schedule (continued)**

**Review of Recommendations and Implementation Schedule adopted as part of 10-Year Update on January 23, 2002 (continued)**

**■ ■ 10-Year Update Recommendations Implemented (continued)**

“J. In order to help provide a stable market for recycled goods, the County of Champaign will make a concerted effort to purchase and use recycled/recyclable/reclaimable goods when recycled/recyclable/reclaimable goods quoted are of comparable quality to County-specified requirements and are quoted at a price competitive for the quality specified.”

The County Board adopted Ordinance No. 365 dated August 21, 1990 to amend the County Purchasing Policy (Ordinance No. 323) generally as follows:

“.. to indicate that the policy of the County Board is to help maintain stable markets for recycled and recyclable products;” and

“.. to encourage the IMS/Purchasing Division [of the County] to cooperate to the greatest extent feasible with other government bodies in the joint procurement of recycled products and products designed to be recycled ... upon approval of the Champaign County Board.”

**■ ■ 10-Year Update Recommendations Not Yet Implemented**

The following recommendations from the *Champaign County Solid Waste Management Plan 10-Year Update* adopted January 23, 2002 have not yet been implemented:

4. The County will, as possible, encourage volume-based collection fees.

Ordinance #522, the ‘Waste Haulers Licensure Ordinance’ was adopted by the County on November, 19, 1996. The Ordinance regulates the storage, collection, transportation and disposal of solid waste occurring within County jurisdiction. A fixed annual fee is assessed to each waste hauler operating within the County jurisdiction, based on the number of vehicles used for collection and transportation of solid waste. The collection fee schedule has not been modified since its adoption in 1996.

The County lacks the authority to tax waste generation or to impose fees that are unrelated to the costs of operating the licensing program itself. The County’s lack of statutory authority makes volume-based fees impractical.

5. The County will monitor, where information exists, County recycling rates and consider programming changes should current rates fall below 20% for non-market related reasons.

Based on data available as of January 17, 2007, an estimate of the recycling rate for Champaign County is 22.6% (from the Illinois EPA annual report entitled Nonhazardous Solid Waste Management and Landfill Capacity in Illinois: 2005).

(continued on next page)

## 5. New Recommendations and Implementation Schedule (continued)

### ■ ■ Proposed Recommendations and Implementation Schedule for Consideration by Champaign County as Part of a 15-Year Update

The Recommendation and Implementation Schedule of the 2007 Update to the Champaign County Solid Waste Management Plan is intended to further address the central County goal of reducing the amount of waste generated and improving the ratio of waste recycled to waste generated.

The seven recommendations adopted as a part of the 10-Year Update in 2002 are proposed to be retained as a part of the Recommendation and Implementation Schedule of the 2007 Update to the Champaign County Solid Waste Management Plan. As a part of the 2007 Recommendation and Implementation Schedule, one additional newly proposed recommendation is to, as possible, encourage improved countywide monitoring, collection and reporting of recycling rates. Each of the following recommendations is to be implemented, as resources permit and as possible, on an ongoing basis. The 2007 Update Recommendation and Implementation Schedule follows:

1. Champaign County will, as resources permit, encourage recycling initiated by municipalities or by private or non-profit groups and encourage education efforts made by such groups.
2. The County will consider using any excess funds from waste hauler licensing to promote recycling efforts.
3. The County will encourage all departments to promote and educate staff on office recycling efforts.
4. The County will monitor, where information exists, County recycling rates and consider programming changes should current rates fall below 20% for non-market related reasons.
5. The County will, as possible, encourage countywide monitoring, collection and reporting of recycling rates.
6. The County will, as possible, encourage landscape waste recycling efforts.
7. The County will, as possible, consider requiring businesses that contract with the County to practice commercial and/or industrial recycling.
8. The County will, as possible, encourage volume-based collection fees.

