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3 *APPROVED AS AMENDED APRIL 13, 2009*

4 **MINUTES OF REGULAR MEETING**

5 **Champaign County Environment** **DATE:** **February 09, 2009**
6 **& Land Use Committee** **TIME:** **7:00 p.m.**
7 **Champaign County Brookens** **PLACE:** **Lyle Shields Meeting Room**
8 **Administrative Center** **Brookens Administrative Center**
9 **Urbana, IL 61802** **1776 E. Washington Street**
10 **Urbana, IL 61802**

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14 **MEMBERS PRESENT:** Carol Ammons, Jan Anderson, Chris Doenitz, Brad Jones, Ralph
15 Langenheim, Alan Kurtz (VP), Jon Schroeder, Barbara Wysocki (C)

16
17 **OTHER COUNTY**
18 **BOARD MEMBERS**

19 **PRESENT:** Pius Weibel (County Board Chair)

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21
22 **MEMBERS ABSENT:** Steve Moser

23
24 **STAFF PRESENT:** John Hall, Leroy Holliday, J.R. Knight, Nicole George (Regional Planning
25 Commission), Susan Monte (Regional Planning Commission)

26
27 **OTHERS PRESENT:** Tom Berns, Hal Barnhart, Michael Teague, Kevin Parrett, Michael
28 McCulley, Dean Rose

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

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34 The meeting was called to order at 7:00 P.M. The roll was called and a quorum declared present.

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37 **2. Approval of Agenda**

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39 **Mr. Kurtz moved, seconded by Mr. Jones to approve the agenda as submitted. The motion carried by**
40 **voice vote.**

41
42 **3. Approval of Minutes (January 12, 2009)**

43
44 **Mr. Langenheim moved, seconded by Ms. Ammons to approve the January 12, 2009, minutes as**
45 **submitted. The motion carried by voice vote.**

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47 **4. Correspondence**
48

1 None

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3 **5. Chair’s Report**

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5 Ms. Wysocki stated that she had no Chair Report to present to the Committee therefore this would be a good
6 opportunity for those Committee members who attended the tour of the Twin Grove Wind Farm in McLean
7 County to provide comments.

8

9 Mr. Kurtz stated that on Thursday, February 5, 2009, he attended a seminar at the University of Illinois. He
10 said that a gentleman, who owns 260 acres in McLean County spoke at the seminar and indicated that he has
11 four wind turbines on his property. He said that he gave the attendees a great overview from almost the
12 inception of the wind turbine controversy from 2001 and it took almost five years for a turbine to be placed
13 on his property. He said that the gentleman gave a great explanation of how a wind turbine is placed on a
14 property from its perception to its completion. He said that Horizon Wind Energy was the developer of the
15 four wind turbines and it appears that they were extremely cooperative with all of the entities involved right
16 from the governments to the landowners. He said that the attendees asked many questions regarding noise,
17 maintenance, acres taken out of production, reclamation, job creation and inspections and the landowner was
18 very cooperative in answering these questions. Mr. Kurtz stated that the landowner is receiving \$5000 per
19 wind turbine.

20

21 Mr. Kurtz stated that on Saturday, February 6, 2009, he attended the Champaign County Farm Bureau’s tour
22 of a wind farm and had the opportunity to stand under one of the awesome structures. He said that there is a
23 positive aspect as to what these wind farms can bring to the area and the prospect of energy independence is
24 very important. He said that many of the attendee’s concerns related to noise and how the wind turbines
25 affected the property. The landowner informed the attendees that he owned 120 acres and he was able to
26 place three wind turbines on his property at a rate of \$5000 each per year for a thirty year lease. The
27 landowner stated that the one-and-one half acre that was used to place three turbines, including the access
28 roads, and that one-and-one half acre could never be farmed at a profit of \$15,000 per year. Mr. Kurtz
29 stated that the landowner did discuss the flicker shadow and the noise generated by the wind turbines and he
30 felt that there was no need for concern because the noise generated, in time, disappears into a white noise.
31 Mr. Kurtz stated that many years ago he lived in an apartment which was located in the glide path of the
32 J.F.K. Airport and every 30 seconds a jet plane would fly over his apartment to land. He said that when he
33 first moved in to the apartment he and his wife were very concerned about the level of noise for their
34 children but just within a few weeks they didn’t even notice the planes. He said that overall he would say
35 that there have been a very positive couple of days in learning more about wind turbines and the positive
36 effect that they could have on this community.

37

38 Ms. Anderson stated that she attended the wind farm tour that was hosted by the Champaign County Farm
39 Bureau and she appreciated the time spent to inform the attendees about the wind farms.

40

41 Mr. Langenheim stated that he attended the Policy Committee meeting held on Thursday, February 5, 2009,
42 and some of the township supervisors had a plan to setup a cooperative wind farm and sell the power
43 generated to the utility companies. He said that the proceeds from this sale would go towards the township’s

1 government.

2
3 Ms. Anderson stated that the Hensley Township Supervisor attended the Policy Committee meeting on
4 Thursday night and placed his thoughts on the floor.

5
6 Ms. Ammons stated that she was not able to attend the Champaign County Farm Bureau tour although she
7 would like to review any information that was received or notes taken individually regarding the benefits of
8 a wind farm to Champaign County.

9
10 Ms. Wysocki stated that there were individuals who were taking notes during the tour. She said that she can
11 investigate to see if any of the attendees took comprehensive notes that they would be willing to share. She
12 said that she attended the East Central Illinois Economic Development District meeting which was about
13 economic development as it is affected by wind farms. She said that the numbers seem to vary as to how
14 many jobs will actually be created although when the equipment is brought to the site for construction of the
15 wind farms there will be 200+ construction workers who will be spending money in the community by
16 virtue of lodging, dining, entertainment, etc. She said that it is evident that construction work does come to
17 an end at some point and then the revenue generated by those construction workers will subside. She said
18 that it is her understanding that there will be a group of technicians that will be responsible for the daily care
19 and maintenance of the wind farm therefore they will remain within the community. She said that there are
20 a number of programs being developed at several community colleges and the University of Illinois to
21 provide the training and necessary skills for this group of people to do the necessary inspections and
22 maintenance. She said that each turbine receives inspections three times per year.

23
24 Mr. Kurtz stated that it was stated at the meeting that there is one maintenance technician for every ten or
25 fifteen wind turbines therefore if there were 250 turbines total it would be easy to figure how many
26 permanent technician positions would be required.

27
28 Ms. Anderson stated that training is available locally so that people with the proper skills can become one of
29 the technicians for inspections and maintenance of the wind farm.

30
31 Mr. Weibel stated that it is his understanding that approximately 50 jobs would be created with the wind
32 farm and the wind farm company will try to hire locally.

33
34 Mr. Doenitz stated that there is an assessed valuation attached to each tower for taxes therefore creating
35 revenue for the rural communities.

36
37 Ms. Wysocki stated that any revenue generated for the school districts in those rural communities is
38 certainly an incentive.

39
40 Mr. Kurtz stated that an additional incentive is the financial gain for the farmer, many of whom are sitting
41 right on the edge of either bankruptcy or not making a profit. He said that these landowners should have a
42 great input into deciding whether they want the wind turbines on their own land.

43

1 Ms. Wysocki stated that on February 4, 2009, she and Mr. Hall attended the Illinois Wind Working Group's
2 presentation titled, *Sitting, Zoning & Taxing Wind Farms in Illinois* in Peoria. She said that there were
3 about 300 people from all across the State at that meeting and many of those people were landowners,
4 county officials, and people involved in the industry as well. She said that basically the day was divided
5 into three panels with each panel having four people and they basically focused on a particular subject. She
6 said that this conference seemed to be more like Wind Farms 101 because they covered a spectrum of issues
7 from four different perspectives. She said that one of the things that she heard at this conference that she
8 had not heard from any of the other meetings that she has attended is that many communities are creating
9 enterprise zones on which these wind farms are erected. She said that by creating enterprise zone status
10 their taxes are deferred for either a five or ten year period depending on how the legislation is written. She
11 said that such a creation would require a lot of thought as whether the County would want to go to that
12 extent and she has yet to hear a developer indicate that they are desperately in need of enterprise zone status.
13 She said that certainly she did not get the sense that Horizon Wind Energy was in that spot. She said that
14 they see the future in electrical power coming from wind farm development and they are very excited and
15 anxious about technological changes in the next 15 or 20 years which will enable them to be in the forefront
16 of all of this.

17
18 Ms. Wysocki stated that Mr. Hall distributed his comments regarding the Tour of Twin Grove wind farm
19 and any specific questions regarding his comments should be directed to him.

20
21 Mr. Doenitz stated that it is important to note that Dwight Farber is a Representative of Horizon and the
22 other three actually made Horizon look very good because they indicated that Horizon bent over backwards
23 to do what was right. He said that the landowner and the McLean County Zoning Administrator all
24 indicated that basically they did not have any issues with Horizon at all but that is not the case that the
25 Zoning Administrator presented about Invenergy. He said that the landowner is the only person who
26 seemed to have a few issues and that is because he didn't think about them at the time.

27
28 Ms. Wysocki asked Mr. Doenitz if since he was the only road commissioner in attendance did anything from
29 his counter-parts raise his eyebrows.

30
31 Mr. Doenitz stated yes, and that was that 34 of the 52 miles of two township roads were reconstructed.

32
33 Ms. Anderson stated that it was also stated that what roads were originally gravel were reconstructed with
34 oil and chip.

35
36 Mr. Kurtz stated that he reviewed Mr. Hall's comments and it appears that he seems to have more of a
37 disagreement than what he saw during the wind tour. He said that he has to give some weight to landowners
38 who have had a wind turbine on their land for three or four years and give a lot of weight to the positive
39 reception that he received to examine their wind turbines. He said that Mr. Hall appears to have more
40 concerns about a wind farm than McLean County did. He said that he personally believes that wind farms
41 are the future and we should work through our local ordinances to not make it easy and make sure that they
42 follow the chapter and verse that is deemed important but he does not want to put them at a disadvantage to
43 where they move to a different county. He said that Horizon appears to be very cooperative in wanting to do

1 whatever is necessary so that they could help Champaign County generate electricity.

2
3 Mr. Doenitz stated that it was very critical that during the tour it was mentioned that one landowner chose
4 not to be involved because it was a trust farm that had been in their family for many years therefore 320
5 acres was completely skipped over. He said that it should be noted that the developer cannot make the
6 landowner do something that he does not want therefore it has to be by negotiation.

7
8 Mr. Hall stated that the minute Jeff Blue, Champaign County Engineer, heard about the wind farms he
9 contacted McLean County to obtain copies of the road agreements with McLean County and each of the
10 involved townships. He said that he used these road agreements for the proposed Ordinance and Mr. Blue
11 has provided comments.

12
13 Mr. Langenheim noted that according to a U.S. Geological Survey evaluation of wind energy resources the
14 best areas in Illinois are mapped as “marginal.” Also the moraine ridge between Leroy and Bloomington is
15 mapped a falling within the “best of Illinois” area.

16
17 Mr. Weibel stated that Mr. Blue has indicated that he plans to visit several of the wind farms in LaSalle
18 County just to inspect the roads and talk to the township road commissioners and the LaSalle County
19 Engineer.

20
21 Mr. Doenitz stated that Wednesday, February 11, 2009, Mr. Blue and five township road commissioners
22 from Champaign County will be meeting with Bureau County.

23
24 **6. Public Participation**

25
26 None

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28 **7. Updates:**

29 **A. Champaign County Land Resource Management Plan**

30
31 Ms. Monte stated that the next Land Resource Management Plan meeting will be held on Thursday,
32 February 19, 2009. She said that there has not been a new LRMP meeting since the January ELUC meeting
33 therefore there is no new news to report regarding the Steering Committee’s activity. She said that ELUC
34 members should have received a new packet containing a revised set of Goals, Objectives and Policies and
35 if anyone has any questions regarding the packet please feel free to contact the project staff. She said that
36 the Rural Land Use Policy has been completed with only very minor tweaks and review is about to begin
37 with the Urban Land Use Policies. She said that the Steering Committee will be meeting at a rate of twice
38 per month to stay on schedule, or regain loss time.

39
40 Mr. Schroeder stated that there were four or five new pages of Goals and Policies that appeared and they are
41 very extensive. He asked Ms. Monte where all of this new information came from.

42
43 Ms. Monte stated that as the Committee may recall the previous draft of Goal 8, Natural Resources, did not

1 address an array of concerns that are included in the revised version. She said that this version is
2 comprehensive in its scope as far as addressing ground water, which was not addressed in the last draft, a
3 provision for climate change, noise ordinances, light ordinances, all aspects of the environment that could
4 improve the quality of life for Champaign County residents are included. She said that this is an expanded
5 set and a lot of ways were found to improve upon the last set of Natural Resource Goals and Policies
6 because the hierarchy of every level of the environment had not been previously considered therefore that
7 analysis was completed which created this expanded set.

8
9 Mr. Schroeder asked Ms. Monte if the new packet was staff generated.

10
11 Ms. Monte stated that the information was not copied off of any existing document and was generated
12 through collaboration with Regional Planning Commission staff and through consultation with other persons
13 who have commented upon it. She said that it is not just picked up off an existing document and is a
14 collaborative effort based on specific conditions in Champaign County.

15
16 Mr. Schroeder stated that there is a lot of new policy which includes changes within the objectives.

17
18 Mr. Doenitz stated that it was his belief that it was the Committee's responsibility to generate revisions not
19 staff.

20
21 Ms. Monte stated that the Steering Committee will have their review of this set and they will comment as to
22 whether accept, change or add to the set of policies. She asked Mr. Doenitz why it would be a problem to
23 have a comprehensive set of land use policies.

24
25 Mr. Doenitz stated that he does not have a problem with a comprehensive set of land use policies but he
26 does have a problem with staff giving the Committee this type of information without the Committee
27 coming up with it on their own.

28
29 Ms. Monte stated that staff provides information to assist the Committee as they do their job. She said that
30 her role as a planner is to provide information for consideration by the Committee.

31
32 Mr. Doenitz stated that the information should just be general information not spelled out with the commas
33 and the periods. He said that the practice that staff is performing is not the intent that he recalls when the
34 Committee was formed.

35
36 Ms. Monte stated that she is simply providing information to the Committee and she has no authority
37 beyond what she understands is her job function. She said that the Committee is free to accept or reject any
38 of the information that they are given.

39
40 Ms. Wysocki stated that the Committee of 18 people works better when they have something from staff to
41 respond to rather than as a group trying to create goals, policies and objectives from a blank canvas. She
42 said that in the early stages of this project Committee members were invited to submit goals and objectives
43 that had to do with land resource management planning on any topic. She said that some of the submitted

1 goals and objectives were put into categories and alot of those had to do with natural resources, farm land
2 preservation, and urban growth and development. She said that the submitted goals and objectives from the
3 Committee served as a basis for whittling it down, placing it in some type of order and moving it forward as
4 policies, goals and objectives.

5
6 Mr. Doenitz stated that he does not disagree with Ms. Wysocki but one of the objectives was to get away
7 from needing a Philadelphia lawyer to decipher it and it appears that this is the direction that we are still
8 headed.

9
10 Ms. Wysocki asked Mr. Doenitz if we will or will not need a Philadelphia lawyer to decipher it.

11
12 Mr. Doenitz stated that we will. He said that the average lay person is not going to understand the new
13 packet and it isn't even close to being completed.

14
15 Ms. Wysocki stated that a lot of what the Committee is paying attention to is the ability of the Planning and
16 Zoning office to work with this document when it is complete. She said that Mr. Hall's input has been
17 especially valuable in the wordsmithing of this project. She said that Mr. Hall has been very good about
18 looking at this from the enforcement and day-to-day uses side and the Committee appears to be very
19 appreciative of his input. She said that this is one of the standards that the Committee is using is that the
20 staff that has to work with this document is comfortable using it.

21
22 Mr. Doenitz stated that he does not have a problem with Mr. Hall's input but what he does have a problem
23 with is that staff is taking the Committee by the nose and leading them to the water. He said that there may
24 be three or four on the Committee who do not do that but frankly he believes that this is what is going on
25 with the rest of them.

26
27 Mr. Hall stated that he will agree that there are some surprising things in the current version of Goals,
28 Objectives and Policies. He said that in his view the things that are surprising do not commit the County to
29 doing anything other than going on record of having concerns about sustainability, renewable energy
30 sources, etc. He said that he believes that a plan for the County of Champaign in 2009 should mention
31 things like this and if it doesn't then we could be criticized for it. He said that if the Steering Committee
32 strikes those items then they are stricken but he firmly believes that staff if not doing its job if it does not
33 offer those as suggestions. He said that at this point these items are merely suggestions and if they are not
34 included the Committee can be criticized for overlooking topics that are relevant and in the news and
35 Champaign County is suppose to be aware of topics like that. He said that in regard to the numbers of
36 things that are included in the Goals and Policies are things that Mr. Doenitz, as a County Board member,
37 already knows about. He said that the County Board is aware that there are parts of the County where
38 groundwater availability is an issue and the *Zoning Ordinance* already recognizes that fact although the
39 current Land Use Goals and Policies do not. He said that staff's job is to explain these things to the Steering
40 Committee and if they think that staff has gone overboard then their job is to say that they do not believe
41 that these things are necessary for Champaign County. He said that this is the only way that we can achieve
42 a good plan and he is sorry that we did not start off with that understanding but again nothing is trying to be
43 pushed down the Steering Committee's throat.

1
2 Mr. Doenitz stated that when he reads the minutes the one thing that jumps out to him the most is that most
3 of the time there are six people on the Committee that carry the conversation all the time.
4

5 Ms. Wysocki stated that this is not to say that the others are not engaged by listening to both sides of the
6 arguments. She said that there are individuals who, by nature, are more articulate and vocal than others but
7 she does not witness anyone's attention wandering and they know when they have heard enough and they
8 will call the question.
9

10 Mr. Langenheim stated that in his experience on a large committee there are always a few people who are
11 active and forward enough that they will carry the conversation and this is the nature of a committee.
12

13 Ms. Anderson stated that she has attended some of the meetings and it appears that the Steering Committee
14 members, who are normally quiet, will speak up when something appears to grab them.
15

16 Mr. Kurtz stated that he has also attended some of the Steering Committee meetings and he has found that
17 the Committee is very serious and focused in getting out a good product. He said that there is no loss of
18 focus and each member appears to be very concerned although there are a few members who are more
19 verbal than others but that is normal in any large group.
20

21 Ms. Monte stated that it would be a good idea to have a more consumable version of this document in the
22 form of an executive summary where the words are easier to pick up and understand. She said that this is a
23 goal that staff can strive to as this process continues.
24

25 ***B. Champaign County Hazard Mitigation Plan***

26

27 Ms. Monte stated that staff is in the process of preparing mitigation actions that have been indentified by
28 each jurisdiction and the Planning Team met to attempt to prioritize mitigation actions that have been
29 identified. She said that this is a process that will continue for the next two weeks therefore meeting with
30 the seven jurisdictions on the Planning Team which include the University of Illinois, Parkland, Champaign-
31 Urbana, St. Joseph, Mahomet and Savoy, in developing those same sets of information for all the remaining
32 jurisdictions that are not represented on the planning team.
33

34 ***C. House Bill 2518 (regarding Chatham decision)***

35

36 Mr. Hall stated that the bill that was introduced by Representative Jakobsson is HB466 and was assigned to
37 the Cities and Villages Committee which gave him a bad feeling when heard it. He said that he sent an e-
38 mail to Trisha Crowley, City of Champaign Attorney, and she responded by stating that the bill did make it
39 out of the Rules Committee and she was not concerned about it being assigned to the working committee.
40 He said that the good news is that the bill did get out of the Rules Committee and Ms. Crowley assured him
41 that she would keep the County up-to-date so that when it does go to the committee and it is proper to give
42 testimony we can make sure that someone is there to represent the County's point of view.
43

1 Mr. Doenitz asked Mr. Hall who the good news is for because he is not convinced that it is good for
2 Champaign County.

3
4 **D. Zoning Ordinance Amendment for wind farms**
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6 Mr. Hall stated that all of the ELUC members should have received a copy of the memorandum that went to
7 the ZBA regarding the text amendment for the wind farms. He said that this is the preliminary hearing
8 therefore not all of the portions were drafted prior to the mailing. He said that staff hopes to have all of
9 those portions ready for the meeting on Thursday night. He said that the three wind farm developers have
10 all received packets and they are studiously preparing comments and the process will be on its way
11 Thursday evening.

12
13 Mr. Jones stated that setbacks have been discussed before between the wind turbine and a non-participating
14 landowner and between the landowners home. He asked Mr. Hall that since Horizon has indicated that the
15 wind turbines in Champaign County will be taller and larger than the ones in McLean County is the
16 proposed setback sufficient. He said that shadow flicker was discussed at the wind tour therefore he would
17 like to make sure that the participating and non-participating landowners are protected from the wind
18 turbines affects.

19
20 Mr. Hall stated that the draft amendment includes a specific requirement for an analysis of shadow flicker
21 which is very complicated. He said that regarding separations, frankly Saturday was the first time that he
22 had heard anyone or a developer voice support for a 1,500 foot separation. He said that he is sure that the
23 other two developers will not voice any support for a 1,500 foot separation requirement. He said that this
24 will all be discussed at the public hearing and the ZBA will make a recommendation. He said that we have
25 tried to cut the shadow flicker as much as possible and any separation has to meet the noise requirement. He
26 said that the separation could be based on the height of the wind turbine but in his view the separation is
27 primarily a noise consideration because when these things are built in Champaign County they are going to
28 be visible for miles.

29
30 Mr. Langenheim asked Mr. Hall if there is any provision for inspections of the turbines.

31
32 Mr. Hall stated that annual inspections are part of the standard process therefore that is a requirement.

33
34 Mr. Langenheim asked Mr. Hall who does the inspection.

35
36 Mr. Hall stated that the company does the inspection and their report will be distributed to the Committee
37 for review.

38
39 Mr. Langenheim stated that perhaps an independent inspector should complete the inspection rather than the
40 company.

41
42 Mr. Weibel stated the wind turbine company wants the turbines to work properly because if they do not they
43 are not generating any revenue.

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Ms. Ammons asked if there is a state agency that would have regulatory control of the wind farms because this is clearly a move towards energy independence for the future. She said that about 15 years ago the Citizen’s Utility Board was established which would watchdog the corporate companies to prevent rate gouging and until this Board was created there was no regulation over these utilities.

Mr. Weibel stated that he will do some inquiring regarding state legislation to see what is on the books right now.

8. Update on Transportation Coordination Process to provide countywide public transportation

Ms. Nicole George, Transportation Planner for the Regional Planning Commission, stated that in October, 2007 ELUC reviewed the Interagency Coordinating Committee on Transportation (ICCT) primer process because the Illinois Department of Transportation (IDOT) had allocated funding for all of the counties in Illinois under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) to provide rural public transportation. She said that Champaign County, over a three year period, was awarded almost \$450 thousand dollars but to obtain this money the county has to go through the process which is five phases. She said that currently the Champaign County Transit Partnership Group (CCTPG) is in Phase 2 which is the data collection phase where community surveys, agency surveys and an inventory of resources is being completed. She said that assistance is needed from everyone that they can get in obtaining 1,500 surveys from people in the rural area, outside of Champaign-Urbana and Savoy, and currently they only have 428. She said that some of the surveys are available in Spanish and also on-line. She said that they have received surveys directly from the client, county employees, other agency employees, etc. She said that they are trying to gather any ideas on getting more surveys in for the community process so that they can move forward on establishing and organizing the types of services needed in Champaign County.

Ms. Ammons asked Ms. George if there is a timeframe that has to be completed before the grant money can be received.

Ms. George stated that the initial letter that went to the County Board Chair indicated that the project needed to be initiated and service started by summer 2010, however since this is a requirement that IDOT has given to every county going through this process the ICCT clearinghouse has 23 counties across the state going through this. She said that we want to get this going as soon as possible for Champaign County because there are already surrounding counties who are providing service to the residents of this area.

Mr. Jones asked Ms. George if she believes that the C-U MTD will provide this service.

Ms. George stated that during Phase 3 we are trying to gather the inventory of all of the providers of service C-U MTD, any human service agency, nursing homes or anyone that has a vehicle that provides any type of service. She said that during this phase the services will be brought together and then broken out into three groups, 1. Legislative Outreach Group; 2. Public Education Group; and 3. Contract Development Group. She said that she is the ICCT Coordinator covering 18 counties and typically the members of the Contract

2-09-09

APPROVED AS AMENDED APRIL 13, 2009

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1 Group are anyone that provides a service. She said that they will take all of the survey information and
2 determine what type of service is needed and those agencies that are already providing some type of service
3 will indicate what they can give. She said that it won't necessarily be the C-U MTD but could be another
4 provider from another county which could serve this need.
5

6 Ms. Wysocki asked Ms. George to indicate what she needs from ELUC.
7

8 Ms. George stated that she needs any suggestions that ELUC may have to reach people. She said that she
9 will be sending out the announcement for the next meeting which will be held February 20, 2009, at 9:00
10 a.m. at the Illinois Terminal. She said that ELUC's participation is needed in filling out the surveys
11 themselves or encouraging and assisting others in filling out the surveys.
12

13 Ms. Anderson stated that she lives in Champaign therefore does Ms. George only want people who live in
14 the rural areas.
15

16 Ms. George stated that they have gotten a lot of support from people in Champaign and Urbana but they
17 really need the support from people who this project will be serving. She said that any ideas that anyone has
18 to bring in rural participation would be appreciated.
19

20 Ms. Anderson asked Ms. George if she has contacted any of the churches in the rural communities to see if
21 they would speak to their members about this service.
22

23 Ms. George stated that they have tried to contact churches and food pantries and the only church that they
24 had success with was the Stone Creek Church in Urbana. She said that they distributed some surveys at the
25 Village of Homer Festival and they did receive some back. She said that they have sent out surveys to the
26 local libraries throughout the rural areas and the response was poor although they did receive a few from St.
27 Joseph, Mahomet and Rantoul.
28

29 Mr. Doenitz asked Ms. George who funds the service when the initial three years is over.
30

31 Ms. George stated that the transportation bill is up in 2009 and it will probably be awhile before the next one
32 takes effect. She said that they are thinking that with the new administration they will continue the
33 coordination of transportation services within their agenda for transportation therefore it is hoped that the
34 funding will also continue. She said that the funding has been available for 30 years to all rural counties in
35 Illinois and no one has taken advantage of it and with the gathering of participants from a variety of agencies
36 there are actually 62 federal funding streams that provide money for transportation in one way or another
37 that are not associated with the USDOT. She said that by bringing all of those agencies to the table and
38 getting the federal funding should be the way that Champaign County will get the money to provide the
39 service.
40

41 Mr. Doenitz asked Ms. George where IDOT's funding stream is coming from.
42

43 Ms. George stated that the funding stream for this service is from a grant called Section 5311 which is for

1 rural public transportation and it is coming from the Federal Trade Administration (FTA).

2
3 **9. Subdivision Case 194-08: McCulley Subdivision: Area General Plan and Final Plat approval**
4 **for a one-lot minor subdivision of a 3.80 acre residential lot out of an existing 36 acre parcel**
5 **located in the AG-1 Agriculture Zoning District in Fractional Section 1 of Hensley Township**
6 **on the east side of CR 1100E approximately 1100 feet south of the intersection of CR 1100E**
7 **and CR 2400N.**

8
9 **Mr. Jones moved, seconded by Mr. Schroeder to recommend approval of Subdivision Case 194-08:**
10 **McCulley Subdivision, with one waiver.**

11
12 Mr. Tom Berns, Engineer for Berns, Clancy and Associates, stated that he is prepared to answer any
13 questions that the Committee may have regarding this minor subdivision.

14
15 Mr. Weibel asked Mr. Berns if there is an existing home on the subject property.

16
17 Mr. Berns stated yes, the home is owned by Riley and Lois McCulley.

18
19 Mr. Weibel asked Mr. Berns if Mr. and Mrs. McCulley will be residing in the home.

20
21 Mr. Berns stated no, the McCulley’s have plans to live close to Champaign so that they are closer to health
22 services.

23
24 Mr. Weibel asked Mr. Berns if there will be new owners of the residence but the McCulleys will still own
25 the farmland.

26
27 Mr. Berns stated yes.

28
29 Ms. Anderson asked Mr. Berns if there will be any new homes on the farmland.

30
31 Mr. Berns stated no.

32
33 Mr. Hall stated that the lot is less than five acres in area so it needs to have a plat of subdivision to approve
34 it and it has already received a variance for maximum lot area from the Zoning Board of Appeals. He said
35 that this is just an administrative procedure so that they can create a tract that is less than five acres and then
36 sell it or deal with it as part of the estate of Riley McCulley. He said that the only way that a new house
37 could result from this is if somehow they could afford to tear down the existing home and build a new one.

38
39 **The motion carried by voice vote.**

40
41 **10. Zoning Case 635-AM-08: Country Arbors Nursery, Inc.; P. Terrence Cultra, President and**
42 **Shane Cultra, Vice-President. Request: Amend the Zoning Map to change the zoning**
43 **designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning**

2-09-09

APPROVED AS AMENDED APRIL 13, 2009

ELUC

1 **District. Location: An approximately 42 acre tract that is approximately the Southeast**
2 **Quarter of the southwest Quarter of Section 24 of Urbana Township and commonly known as**
3 **Country arbors Nursery, 1742 CR 1400N, Urbana.**
4

5 **Mr. Schroeder moved, seconded by Mr. Jones to recommend approval of Zoning Case 635-AM-08:**
6 **Country Arbors Nursery, Inc: P. Terrence Cultra, President and Shane Cultra, Vice-President.**
7

8 Mr. Kurtz asked Mr. Hall if the distributed information is indicating any changes.
9

10 Mr. Hall stated that a copy of the Subsidiary Drainage Map for the subdivision was distributed for review.
11 He said that it was not available prior to the mailing and it did not change anything.
12

13 Mr. Dean Rose, who resides at 1760 CR 1400N, Urbana, stated that he and his wife live next door to
14 Country Arbors Nursery and they were involved with the public hearing before the Zoning Board of
15 Appeals for the requested rezoning and special use permit. He said that at the time of the public hearing he
16 submitted information to the ZBA regarding property descriptions although that information is not included
17 in the report to ELUC. He said that he believes that there is some error in the information that has been
18 forwarded to ELUC.
19

20 Mr. Schroeder asked Mr. Hall if the evidence presented to the ZBA was included in the report to ELUC.
21

22 Mr. Hall stated that this was discussed at the ZBA and he knows that Mr. Rose believes that staff has
23 ignored his comments although he assured the Committee that staff has not. He said that Mr. Rose simply
24 wants the documents to record that there is an easement over his land that Country Arbors uses and that
25 easement is not part of the rezoning and it does not decrease the amount of land that Mr. Rose owns. He
26 said that it was indicated improperly in the first site plan and since then it has been corrected. He said that it
27 is just a site plan in a special use permit case, it does not change the amount of land that Mr. Rose owns, it
28 doesn't authorize any new use or ownership and staff has tried to make this clear to Mr. Rose but it is
29 apparent that staff has been unsuccessful.
30

31 Mr. Jones asked Mr. Rose to explain his objection.
32

33 Mr. Rose stated that he feels that the record should be complete and an accurate legal description should be
34 in the report that is presented to ELUC. He said that the map that was submitted conflates the idea of
35 property ownership in the easement and they are different instruments. He said that it is his concern that the
36 map that is being entered into public record gives the impression of ownership where it does not exist. He
37 said that it is his desire that the documents before ELUC be amended to indicate the correct description of
38 the real estate. He said that the map indicates the property line going over his property and that is inaccurate
39 and it could cause future problems.
40

41 Mr. Weibel stated that the map appears to be drawn incorrectly.
42

43 Mr. Schroeder stated that if the labeled easement is with the property and the landscape property owned that

1 it wouldn't be labeled as an easement. He said that it represents that the landscape company does not own
2 that easement because if they did they wouldn't need to have it labeled as an easement.

3
4 Mr. Weibel stated that he believes that the labeled easement is correct but the lines are incorrect.

5
6 Mr. Hall stated that the site plan should have a dashed line but even with the dashed line it does not change
7 the underlying ownership of the real estate. He said that the Documents of Record indicate the easement
8 and staff has not seen a recorded legal description of the type that Mr. Rose has submitted on his letter of
9 February 9, 2009. He said that the attached Exhibit A does include a wonderful legal description that Mr.
10 Rose has added the easement description to and that added text was not part of the recorded legal
11 description.

12
13 Mr. Rose stated that he did not add the text regarding the easement and it was included with the packet when
14 they purchased their home. He said that he did underline the text regarding the easement because he
15 assumed that staff did not see it when he originally submitted it.

16
17 Mr. Schroeder stated that he understands why Mr. Rose wants this text to be part of the public record.

18
19 Mr. Langenheim asked if Mr. Rose's objection will change any of this.

20
21 Mr. Hall stated that he is not sure what Mr. Rose wants changed.

22
23 Mr. Rose stated there needs to be a written reference to the easement in the legal description and at the
24 moment that does not appear on Page 2 of 16 of the Finding of Fact dated January 29, 2009, (Page 31 of the
25 packet).

26
27 Mr. Langenheim asked Mr. Rose if his main concern is the indication of the easement on the map and the
28 lack of mention of the easement in the legal description.

29
30 Mr. Rose stated that the easement does not appear in the text of the documents before this Committee and
31 the map is misleading and he fears it could be used against them in the future because it presents misleading
32 information.

33
34 Mr. Langenheim asked Mr. Hall if what Mr. Rose is proposing changes the situation on the ground.

35
36 Mr. Hall stated no.

37
38 Mr. Langenheim stated that if adding the text does not hurt anything then why don't we just add it.

39
40 Mr. Hall stated that the Committee has been given an approved Finding of Fact from the Zoning Board of
41 Appeals and the Committee does not ordinarily change it although it could be sent back to the ZBA for
42 revision.

1 Mr. Rose stated that the document came to ELUC as a Finding of Fact and he believes that it is not an
2 accurate document indicating the facts therefore he would like to see a document that is factual.

3
4 **Ms. Ammons moved, seconded by Mr. Langenheim to remand Case 635-AM-08, back to the ZBA to**
5 **amend the Finding of Fact.**

6
7 Mr. Hall noted that remanding Case 635-AM-08, back to the ZBA to amend the Finding of Fact will achieve
8 Mr. Rose's goal but it will not change any of the facts of the case.

9
10 Ms. Ammons stated that she understands Mr. Hall's point.

11
12 Mr. Hall stated that the document that is included in the Finding of Fact is the document that was submitted
13 by the petitioner.

14
15 Mr. Doenitz asked Mr. Hall what the issue is with the legal description because if the easement was
16 recorded with the legal description then it is a matter of record at the Champaign County Recorder's Office
17 and it goes with the property.

18
19 Mr. Rose stated that there could be a situation where you have an implied ownership by platting. He said
20 that now all of sudden there is a new map that is approved by the Board that conceivably a court could use
21 to show something else. He said that this is an easement that existed yesterday, today and tomorrow and
22 there should be no confusion about that easement in the record.

23
24 Mr. Doenitz asked why this situation was not taken care of when it was before the ZBA. He said that he
25 does not believe that remanding this back to the ZBA is a good idea.

26
27 Mr. Rose stated that he attended both ZBA hearings and he submitted this information at both hearings.

28
29 Mr. Doenitz asked Mr. Rose if the ZBA did not feel that his submitted information was relevant.

30
31 Mr. Rose stated that the ZBA has their opinion of what is relevant and he has his. He said that he still
32 believes that the Finding of Fact is inaccurate because a legal description has been entered as evidence that
33 does not include the easement.

34
35 Mr. Schroeder asked Mr. Rose if he pays taxes on the easement.

36
37 Mr. Rose stated that he does pays taxes on the property.

38
39 Mr. Schroeder stated that Mr. Rose has two documentations regarding the easement. He said that Mr. Rose
40 has two documentations already from within the County that have more legal teeth than anything that comes
41 out of the ZBA, ELUC or the County Board. He said that he understands Mr. Rose's concerns and those
42 concerns have been recorded as testimony. He said that he does not know if there is a time-table for this
43 project but he would hate to delay the Petitioner's request.

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Mr. Hall stated that the Petitioners are not in a particular hurry because their plans changed during the course of the hearing. He said that the Petitioners are trying to be a good citizen in bringing their long standing non-conformities into conformance. He clarified that there is no platting going on here staff was given a legal description from the applicant and apparently Mr. Rose has a different legal description which includes the easement. He said that he wonders if the two legal descriptions were prepared at different times but in any event none of Mr. Rose’s property is being rezoned and the ZBA understood the easement and what it was about.

Mr. Weibel agreed with Mr. Schroeder in that the map may not reflect what Mr. Rose desires the Committee to recognize but the record of the meeting will indicate what Mr. Rose is concerned about it.

Ms. Ammons asked if the Petitioners submitted a legal description regarding the property which is not accurate then why wouldn’t we want to amend the Finding of Fact with an accurate legal description. She said that personally she had a similar situation regarding a fence and having to remove a tree on her property cost her alot of money. She said that the situation seemed simple because the tree was on her side but there was a dispute therefore could some sort of similar disagreement come up with these two properties. She said that it may be more beneficial to correct the Finding of Fact with an accurate legal description rather than an inaccurate legal description submitted by the Petitioner. She asked staff if this situation could be corrected.

Mr. Hall stated that in the past the State’s Attorney has always advised the Committee that if they want something in the Finding of Fact changed then they must send it back to the ZBA.

Mr. Doenitz asked Mr. Hall if there is anything in the legal description that was provided by Country Arbors that indicated the easement.

Mr. Hall stated that the legal description provided by Country Arbors is identical to the one submitted by Mr. Rose prior to where Mr. Rose’s says, “Subject to.” He said that for some reason the legal description that was provided by Country Arbors did not have that phrase however they were very open and clear about the fact that they had asked for the right to use the easement. He said that the two parties were working off of two different legal descriptions and it is not known why because they both explained the easement. He said that the easement could have been drafted a lot better in the plan but there are alot of things that could have been drafted better in the plan and it is the best that could be submitted in the amount of time that we had.

Mr. Doenitz stated that during his tenure he has found that the ZBA has always done a thorough job and frankly he does not believe that ELUC needs to be micro-managing their judgment. He said that if the ZBA heard the same concerns that are being presented tonight and they did not deal with it then he would trust that they believed that the information submitted was accurate and sufficient.

Mr. Hall asked Mr. Rose if he submitted the legal description including the easement to the ZBA.

1 Mr. Rose stated yes.

2

3 **The motion to remand Case 635-AM-08 back to the ZBA failed.**

4

5 Mr. Weibel asked Mr. Rose if it would make a difference if the map was not part of the document before the
6 Committee tonight.

7

8 Mr. Rose stated that the map was submitted in two stages. He said that the initial map did not have the word
9 easement indicated until he submitted his comments at the first public hearing. He said that the map still
10 indicates the property line which makes it misleading. He said that there is nothing in the text to reflect the
11 easement therefore it would be very confusing for anyone looking at the Finding of Fact.

12

13 Ms. Ammons stated that if the legal description is being pulled from the recorded document then why would
14 the text regarding the easement be left off.

15

16 Mr. Hall stated that the submitted legal description from the Petitioner is a different legal description created
17 at a different time than the legal description submitted by Mr. Rose. He said that both of the legal
18 descriptions came from the Recorder's Office but the Recorder may have several different legal descriptions
19 for the property due to the fact of the property changing ownership. He said that staff does not do a search
20 to assure that the most current legal description is submitted because the only thing that changed was the
21 addition of the description of the easement which has no effect on the land being rezoned.

22

23 Mr. Langenheim asked Mr. Rose if the easement provides right of passage or the right to build a road.

24

25 Mr. Rose stated that the easement is for ingress and egress only. He said that Country Arbors does maintain
26 the easement by placing gravel upon it which is part of the duty of an easement owner.

27

28 Mr. Langenheim stated that the land for the easement can only be used for getting in and out of the property.

29

30 Mr. Rose stated that he cannot prevent them from traveling the easement and they cannot misuse the
31 easement. He said that the easement is not really considered property but a use.

32

33 Mr. Schroeder stated that there is no ownership in the easement but Country Arbors is being very
34 gentlemanly about this because without this legal description the easement is not part of the rezoning and is
35 still AG-1 not AG-2. He said that he believes that Country Arbors was trying to show Mr. Rose respect in
36 not trying to change the zoning on his property. He said that Mr. Rose has two places that document in the
37 County's records where he is the owner and his land is not part of the rezoning therefore Country Arbors did
38 not include it in their legal description.

39

40 **The original motion to recommend approval of Case 635-AM-08, Country Arbors Nursery, Inc: P.**
41 **Terrence Cultra, President and Shane Cultra, Vice-President, carried by voice vote.**

42

43 Mr. Doenitz stated that this type of discussion should not have occurred at ELUC and should have been

1 taken care of at the ZBA. He requested that this type of discussion be curtailed in the future.

2
3 Ms. Wysocki stated that she agreed with Mr. Doenitz.

4
5 **11. *Remanded Zoning Case 520-AM-05: Petitioner: Gene and Carolyn Bateman Request: Amend***
6 ***the Zoning Map to allow for the development of 2 single-family lots in the AG-1, Agriculture***
7 ***Zoning District by adding the Rural Residential Overlay (RRO) Zoning District. Location:***
8 ***Approximately seven acres of an existing 62.20 acre parcel in the East Half of the Northeast***
9 ***Quarter of Section 29 of Newcomb Township that is commonly known as the farm field that***
10 ***borders the south side of CR 2600N and CR 200E.***

11
12 **Ms. Anderson moved, seconded by Mr. Langenheim to recommend approval for Remanded Zoning**
13 **Case 520-AM-05, Gene and Carolyn Bateman, for discussion only.**

14
15 Mr. Hall stated that after the ELUC packet was mailed he received a call from Mr. Tague, Attorney for Mr.
16 Bateman. Mr. Hall stated that since Mr. Bateman proposed this RRO the *Zoning Ordinance* has been
17 changed and there are now specific requirements regarding the pipeline impact radius and Mr. Bateman
18 would like to revise his plan that would conform better to the zoning requirements. Mr. Hall said that the
19 only way that Mr. Bateman can revise his plan is for ELUC to remand his case back to the ZBA. He noted
20 that the same thing is true with Case 542-AM-06, Louis and JoAnn Wozniak, although they could not attend
21 tonight’s meeting.

22
23 **12. *Case 542-AM-06: Petitioner: Louis and JoAnn Wozniak Request: Amend the Zoning Map to***
24 ***allow for the development of 8 single family residential lots in the AG-1 Agriculture Zoning***
25 ***District by adding the Rural Residential Overlay (RRO) Zoning District. Location: A 57.64 acre***
26 ***tract of land located in the East 1/2 of the Southwest 1/4 of Section 22 of Newcomb Township and***
27 ***located on the west side of Illinois Route 47 and between CR 2600N and CR 2650N.***

28
29 **Mr. Schroeder moved, seconded by Mr. Kurtz to remand Case 520-AM-05, Gene and Carolyn**
30 **Bateman and Case 542-AM-06, Louis and JoAnn Wozniak back to the Zoning Board of Appeals.**

31
32 Mr. Hall noted that he has not seen the alternative plans for either of the two cases but when the ZBA last
33 saw these cases there were no requirements for pipeline impact radius so the ZBA was recommending what
34 made sense. He said that since the adoption of the pipeline impact radius requirements the plan in Case 542-
35 AM-06, is in full conformance.

36
37 **The motion carried by voice vote.**

38
39 **13. County Board Chair’s Report**

40
41 Mr. Weibel stated that on February 5, 2009, Mr. Langenheim attended the Policy Committee meeting
42 attended by the township supervisors. He said that he did not attend and suggested that Committee members
43 not attend due to the *Open Meetings Act*. He said that he spoke to Mr. Jim Rusk, Rantoul Township

1 Supervisor who proposed an idea of creating an authority to develop a wind farm in Champaign County.
2 The authority would be a County/Township type authority that would sell the generated electricity to the
3 grid. He said that the County does not have the authority to sell electricity to the grid although the County
4 can construct wind turbines on its property and can only own the wind turbine. He said that the County and
5 townships do not have the ability to own the utilities due to home rule authority. He said that Mr. Rusk
6 indicated that the township would own and sell the electricity back to the grid therefore generating a profit
7 for the township. Mr. Weibel stated that this would be a creative use of the new Stimulus Package funds to
8 build the wind farm although he is not sure if the County would be allowed to do such. He said that Mr.
9 Rusk has spoken with Representative Bill Black about this and Mr. Black has put together legislation to
10 change the laws to allow the townships and counties to create an authority so that they can own, develop and
11 operate a wind farm. Mr. Weibel stated that one of the consequences of this bill would be that in order for
12 Mr. Rusk's plan to go ahead the County could not create an *Ordinance* to allow a wind farm to come into
13 the County. Mr. Weibel stated that he believes that the ZBA should continue with the wind farm meetings
14 and perhaps some legislation would be passed at a later time.

15
16 Mr. Langenheim stated that this idea was "half-baked." He said that the people behind this idea are full of
17 enthusiasm but they do not have any real background or experience and have made no substantial progress
18 towards realizing this idea. He said that the idea does have some attractive aspects and he would like to see
19 them have their run at it because if it would fly then it could help solve some of our problems.

20
21 Ms. Ammons asked Mr. Hall if during his research if he has found any of the wind farms to be publically
22 owned.

23
24 Mr. Hall stated that he is not familiar with any arrangement like what has been proposed.

25
26 Ms. Ammons asked Mr. Hall if he has had any time to research if any public entities own their own towers.

27
28 Mr. Hall stated that he has not spent any time researching that information.

29
30 Mr. Langenheim stated that there are two entities, Springfield Power and Light and the coop group that
31 Rantoul belongs to, and if you compare the rates and service of those entities to the other private entities it
32 will be found that the rates are comparable but significantly lower.

33
34 Mr. Doenitz stated that there are several privately owned power companies around.

35
36 Ms. Ammons stated that the U of I is doing some research as well on wind turbines.

37
38 Mr. Kurtz stated that due to cost the U of I cancelled their wind farm plans.

39
40 Mr. Weibel stated that he will keep the Committee updated on this subject.

41
42 **14. Monthly Reports (October, November, December 2008 and January 2009)**

43

1 None

2

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

4

5 The consensus of the Committee was to place Item #9, Subdivision Case 194-08: McCulley Subdivision on
6 the County Board Consent Agenda.

7

8 **16. Adjournment**

9

10 The meeting adjourned at 8:50 P.M.

11

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13

14

Respectfully submitted,

Secretary to the Environment and Land Use Committee

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