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**MINUTES OF REGULAR MEETING**

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**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

**1776 E. Washington Street  
Urbana, IL 61801**

**DATE: January 17, 2006 PLACE: Brookens Gymnasium  
1776 East Washington Street  
Urbana, IL 61802**

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

**MEMBERS ABSENT :** Joseph Irle

**STAFF PRESENT :** Connie Berry, Lori Busboom, John Hall, Jaime Hitt, Leroy Holliday, Susan Monte

**OTHERS PRESENT :** Gary Baker, Bruce Busboom, Edith Carr, Esther Lindsey, Russell Buhr, Norman Stenzel, Russ Taylor, Bill Craig, Pat Deters, Sara Holt, Aleta Holt, Barbara Wysocki, Hal Barnhart, Al Panepinto, Jo Ella Cook, John Jay, Andy Sperling, Debbie Sperling, Roger Dooley, Gary Hentges, Mary Lou Gannaway, James Gannaway, Gavin Meerdink, Nancy Moser, Larry Rishel, Gerald Roberts, David Barcus, Louis Largent, Stan Zehr, Ron Adams, Scott Rodgers, Tom Heinhorst, Paula Strong, Harriett Weatherford, Norman Uken, Dan Davies, Louis Wozniak, Amy Murray, Richard Hammel, Herb Schildt, Sherry Schildt, Duke Goodwin, Margaret Goodwin, Jim Appleby, Margaret Pribble, Eric Thorsland, Carolyn Brower, Ross Brower, John Sapp, Jaymie Huffman, R. Edward DeWalt, Beverly Seyler, Don Wauthier, John LaTour, Jerry Young, Joe Asselin, Rob Parker, Ralph Langenheim, James Schwartz, Brad Pribble, James Yarnell, Sandra Yarnell, Chris Doenitz, Beth Chato, Phillip Geil, Tammar Geil, Linna McDade, Roger Fredenhagen, Neil Malone, Janet Anderson, Brian Moews, Tamara Mitchell, Steven Franke, Aaron Cohen, Steve Burdin, Tim Voges, Rick Wright, Bob Mitsdarfer, J.R. Alexander, Les Gioja, Joan Burke, William Burke, Joe Burke, C. Pius Weibel, Jeff Buenting, August Berning, Bette Berning, Ron Williams, Eric Spitz, Max Mitchell, Ricky Deer

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**1. Call to Order**

The meeting was called to order at 7:10 PM.

**2. Roll Call and Declaration of Quorum**

The roll was called and a quorum declared present.

**3. Correspondence**

None

**4. Approval of Minutes**

None

**5. New Public Hearing**

None

**6 Continued Public Hearing**

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

Ms. Monte distributed Authorized Principal Use Tables for the CR, AG, AG-2 and B-1 Zoning Districts in relation to Public Review Draft 3 dated 11/14/05, to the Board for review. She said that her comments concern the land use category which is being added to the table titled "Conditional Use." She said that several of the conditional uses were previously labeled as "By-Right" uses but in reality anytime a Zoning Permit Application is submitted a series of analyses occur. She said that under the existing Ordinance a Zoning Permit Application for a Single Family Residence would undergo a series of analyses to assess the number of lots which have been created from a parcel since January 01,1998, and staff would then determine if the number of lots which is allowed has been exceeded. She said that a series of analysis would be conducted to determine if a lot meets minimum requirements such as lot area, lot width, road frontage, height of proposed structure, etc. Therefore the name "By-Right" is in reality a Conditional Use. She said that a Zoning Use Permit would not be issued if the conditions were not met which were required under the existing Ordinance. She encouraged the audience to ask general questions regarding the proposed text amendments but for specific information regarding an individual parcel she requested that the landowner call her office to set up an appointment so that she can personally investigate their parcel and determine how that parcel will be affected by the proposed text amendments.

Ms. Griest informed the audience that she will first call the people who have not had an opportunity to speak at earlier hearings. She said that if something is said by a previous speaker or if you have been here before and presented evidence at an earlier hearing please do not repeat that same testimony because it has been recorded in the records. She said that if you agree with a previous speaker and you want to go on record as such please so note that concurrence. She requested that all comments be addressed to the Board so that the hearing does not turn into a public podium for speaking to the audience. She noted that if the speaker goes into topics that the ZBA has no authority then she will politely interrupt the speaker and inform them of such.

1 Mr. Bruce Busboom, who resides at 2521 CR 600E, Dewey, read a prepared statement to the Board and  
2 submitted the statement as a Document of Record. He asked if with the proposed amendment, if he would  
3 be able to build just one house on a 35 acre parcel which is being held in a trust for him or up to 7 homes.  
4

5 Ms. Monte stated that the proposed amendment is to limit single family construction to 1 per 40 acres. She  
6 said that if there is already a home on the 35 acre parcel then no additional lots would be available to place  
7 an additional single family dwelling. She said that if the 35 acres is vacant then one home could be  
8 constructed on the parcel unless he chose to apply for a Rural Planned Development, provided the land is  
9 not Best Prime Farmland.

10  
11 Ms. Monte noted that it appears that some people are assuming that a drainageway is a Stream Protection  
12 Buffer. She said that the Stream Protection Buffer would only be located along a major river such as the  
13 Sangamon, Salt Fork or Middle Fork. She said the intermediate grassy waterways are under the definition  
14 of a drainageway. Therefore a 75 foot setback will apply to a drainageway. She said that there are no  
15 regulations pertaining to vegetation in the drainageway setback and agriculture is totally exempt from these  
16 regulations therefore agricultural operations could be performed over the drainageway if so desired.  
17

18 Mr. Hal Barnhart, who resides at 469 CR 1500N, Champaign, read a prepared statement to the Board and  
19 submitted the statement as a Document of Record. He noted that he is speaking in behalf of himself and not  
20 for the Champaign County Farm Bureau.  
21

22 Mr. Gary Baker, who resides at 705 N Maplewood, Rantoul stated that he owns the Cozy Haven Nursery.  
23 He said that he would like to be assured that he can continue to conduct his agricultural business right up to  
24 the Stream Protection Buffer area located on his property. He said that he did have specific questions  
25 regarding his parcel and how the proposed text amendments would affect his property for future use.  
26

27 Ms. Griest encouraged Mr. Baker to call Ms. Monte to arrange an appointment so that she may have the  
28 opportunity to answer any questions that he has regarding his specific parcel and noted that agricultural  
29 practices are exempt from the zoning regulation.  
30

31 Mr. Gerald Roberts, who resides at 3342 CR 2700E, Penfield stated that his home is located in the Northeast  
32 corner of the County in Kerr Township and is greatly concerned with the setback area which is proposed in  
33 the text amendments. He said that he owns six farms which have ditches running through them and not one  
34 of those ditches is located in a drainage district and he has three farms which the Middle Fork River flows  
35 through. He said that if he understands the text correctly it appears that it would be a nightmare with their  
36 farms in trying to stay in compliance with the setback requirements. He said that if he is unable to maintain  
37 the drainage ditches then they will be allowed to stop up and interfere with the water flow. He said that  
38 approximately one mile of his property which runs along the Middle Fork River is timber pasture and if you  
39 cannot disturb the vegetation then he cannot continue to pasture this area. He said that he believes that if  
40 someone purchases their land and pays the real estate taxes on that land that they should have final say on  
41 what is done on that property.  
42

1 Ms. Griest asked Ms. Monte to clarify that as long as the ground is in agricultural use the setback and buffer  
2 zones do not apply to those parcels.

3  
4 Ms. Monte stated that Ms. Griest was correct.

5  
6 Mr. Rob Parker, who resides at 467 CR 2500N, Mahomet stated that his 8 acre property is located in  
7 Newcomb Township and borders the Sangamon River. He said that he has plans to continue planting trees  
8 on his property and it is possible that some day down the road he may wish to harvest some of those trees for  
9 general maintenance. He said that he objects to the proposed text amendments because he feels that the  
10 County is overstepping their authority by using zoning to protect the County's environmental resources. He  
11 said that he believes that there are other things which are fundamentally wrong with the case and most of  
12 those items have been covered by previous testimony therefore he will not review those issues. He urged  
13 the Board to pass this case on with a recommendation of denial.

14  
15 Mr. James Schwartz, who resides at 391 CR 1900E, Longview stated that prior to 1973 he attended a  
16 meeting at the Longview Town Hall when the first mention of zoning was discussed. He said that the  
17 meeting in 1973 had a lot of hostile people in attendance and most of those people probably feel the same  
18 way today. He said that at the time when zoning was first proposed many of the questions included, "Why  
19 the need for zoning in rural districts?" The answer that was given was that zoning would be utilized to  
20 prevent junkyards, mobile home parks, etc, yet since then the County was close to creating a landfill in that  
21 area. He said that his property is located next to a railroad and he does not know if the proposed text  
22 amendments pertains to railroads but it is very hard to get the railroad companies to do anything along the  
23 tracks. He said that along most of the railroads there are trees growing up blocking water flow to the  
24 drainage tiles and ditches. He said that along his property he cleaned up and dredged the railroad area  
25 because water stood all summer long and was unable to drain and it therefore created a mosquito haven. He  
26 said that he did not realize that his property was non-conforming until he applied for a building permit and  
27 was told that he did not own a complete acre. He said that after reviewing the Champaign County  
28 Ordinance he believes that he is probably a criminal because he is sure that he has broken some of the rules  
29 and it appears that a landowner is going to have to hire an attorney every time that they want to do  
30 something on their property or come to the Zoning Board for approval. He said he doesn't want to but he  
31 may spend the rest of his retirement getting fined for doing some of the things that he had always planned to  
32 do on his property. He said that he doesn't want to be a criminal but the proposed text is so restrictive that it  
33 sure makes it hard to something legally. He said that he is to inherit 35 acres when his father passes away  
34 and the railroad and ditch passes through part of the ground which creates four parcels. He said that he did  
35 not understand why the County is encouraging 10 acre parcels when they claim that they desire to preserve  
36 farmland. He said that he does not believe that the proposed text will help in preventing the cities from  
37 stretching out into the rural areas and even worse is that the rules which apply in the cities will apply to the  
38 rural areas of Champaign County. He said that he does not want to have to worry about who is watching  
39 him every time he starts up his chain saw. He said that it will be very easy to become a criminal in  
40 Champaign County with rights that the landowner always thought they had.

41  
42 Ms. Beth Chato, who resides at 714 W Vermont, Urbana stated that she supports the protective buffer

1 around parks and other public areas. She said that she does a lot of volunteer work for the Urbana Park  
2 District and for the Champaign County Forest Preserve District and is aware of the way that the forest  
3 preserve district is becoming surrounded by development. She said that it is very wise for the possibility of  
4 setting some restrictions for structures so that they are not being built right up to the preserve. She said that  
5 it is also a very wise idea to provide some protection along our major rivers. She said that she is pleased  
6 that the County has set aside the agricultural concerns and focused on the uses which are outside the  
7 agricultural use. She said that buffers are very much needed since the cities continue to advance outwards  
8 into the rural area.

9  
10 Mr. Phillip Geil and Ms. Tamara Geil, who reside at 2060B CR 125E, Mahomet indicated that they had no  
11 comment at this time but reserved the right to speak at later time during this hearing.

12  
13 Mr. Ron Adams, Village Board President for the Village of Fisher, distributed a copy of the Village of  
14 Fisher, Illinois, Resolution No. 2006-02, Opposing Zoning Case 522-AT-05 Relating to Text Amendments  
15 to the Champaign County Zoning Ordinance dated January 12, 2006. He said that the Village of Fisher was  
16 contacted by four townships (Newcomb, Brown, East Bend and Condit) requesting that the village issue a  
17 resolution concerning the proposed text amendments. He said that the supervisors from the townships and  
18 the farmers which surround Fisher are good stewards of their property and if they desire to divide their  
19 property so that their children may build a house on it then he does not understand why they should be  
20 restricted from doing so.

21  
22 Ms. Griest asked Mr. Adams to clarify if he was speaking as the Village Board President for the Village of  
23 Fisher or if he was speaking on his own behalf.

24  
25 Mr. Adams stated that he was speaking as the Village Board President for the Village of Fisher.

26  
27 Ms. Mary L. Gannaway, who resides at 4006 N Prospect, Champaign asked if the TR District is still  
28 proposed to be included in Phase 2 of the Comprehensive Zoning Review.

29  
30 Ms. Monte stated that the TR District is to be included in Phase 2 of the Comprehensive Zoning Review and  
31 will occur after the completion of Phase 1. She said that at this time it is not certain that staff will propose a  
32 zoning map change to create a TR District although it will be reconsidered during Phase 2.

33  
34 Ms. Gannaway stated she and her husband own a small acreage and if their children would desire to build on  
35 the land someday she would hope that the Zoning Board would vote so that a landowner could have more  
36 than one home on a 40 acre parcel. She said that perhaps a stipulation could be made for family because the  
37 land has been in her family since 1892.

38  
39 Mr. Ed DeWalt, Researcher for the Illinois Natural History Survey stated that there is so very little of the  
40 natural habitat that is left in Champaign County and some small efforts should be made to save what is left.  
41 He said that most of these will be around the larger streams, such as the Sangamon, Salt Fork and Middle  
42 Fork Rivers as well some other streams which become wide enough within the County to retain some

1 wooded nature. He said that there has been no discussion of putting smaller streams that are intermittent in  
2 flow into any of these restrictions therefore the overall footprint is rather small across the County. He said  
3 that there are some benefits in having some Stream Protection Buffers in that there is a lot more fish food  
4 more game fish and it also provides some habitat for the non-game fish. He said that it also helps to lower  
5 the water temperatures in those streams. He said that you may notice that some of streams which have no  
6 woods along them will have huge growths of algae on the bottom during the summer months. He said that  
7 some of the algae is very noxious and does not allow much of anything to grow in the stream but when there  
8 is a tree canopy above the stream most of the algae disappears. He said that greater buffer widths are  
9 necessary in order to protect the streams that we have and the science indicates that there are a great range of  
10 widths that are important for different kinds of species. He said that if the County is trying to save any of  
11 the tropical migrant birds that come through or the native birds which nest in these wooded areas then wider  
12 widths would be better for them. He said that fish, mussels and insects which support the fish would require  
13 perhaps a little less of a buffer. He said that currently the buffer has been set at 150 feet from the center and  
14 that is enough to meet almost any need which is included in the published literature at present. He said that  
15 this is not a bad size but perhaps there is some compromise which would allow everything to have enough  
16 space and not require the 150 foot from center. He said that most of the larger rivers maintain riparian cover  
17 of 150 foot on center presently without much help because they flood frequently and have a pretty heavy  
18 riparian zone. He said that he supports the changes and there is good science that says that this is the right  
19 thing to do to maintain what small amount of habitat we have to support the species which are here. He said  
20 that many people use these species in some sort of form or the other such as fishing, hunting and trapping  
21 and without some buffers this would not be possible.

22  
23 Mr. Russ Taylor stated that he is a realtor but is speaking at tonight's meeting as a private landowner. He  
24 said that he is supportive of the conservation and the buffer and protecting the habitat and the trees and  
25 believes that most people present tonight are in agreement. He said that the question which needs to be  
26 asked is are private property owners going to go out and cut all of the trees and is an ordinance required to  
27 protect it so that the County can do a better job in protecting and conserving these areas. He said that  
28 private individuals who have a history of owning their property for generations and have their own pride and  
29 desires do not need the County to tell them that they should improve their property and protect their trees.  
30 He said that this type of regulation is overkill. He said that if agriculture is exempt it appears that the  
31 landowner could go out and absolutely wreck that property and clean it completely off and the County could  
32 not do a thing about it therefore what is the point of having all of these rules. He said that it has also been  
33 stated that land which is included in a drainage district is also exempt from the buffer area therefore who are  
34 these rules governing but those who are not included in these two categories. He said that he is concerned  
35 with the value of property and if he is fortunate enough to already have a parcel divided off which complies  
36 with the Ordinance then that property value will automatically increase. He said that if he and his brother  
37 inherited 40 acres and he kept the five acres which included the homesite it appears that his brother would  
38 be unable to build a home on the remaining thirty five acres. He said that in an inheritance the division  
39 cannot be fair if the County limits and restricts availability of construction. He said that in doing this the  
40 County will automatically and artificially inflates the value of some properties and drastically deflate the  
41 value of others. He asked how a future landowner will know if a property is tainted or useless for  
42 development. He said that some of the intent of conservation and not having sprawl all over the County is a

1 good goal but the proposed text amendments do not accomplish it. He said that if the current Zoning  
2 Ordinance was enforced it would be sufficient.  
3  
4 Mr. Neil Malone, Governmental Affairs Director for the Illinois Association of Realtors stated that he works  
5 with seven local associations throughout Central Illinois. He said that he holds a Master's Degree in Public  
6 Administration and served on the Governor's Rural Affairs Council as an honor's graduate fellow in Rural  
7 Economic Development. He said he would speak about the economics of the proposed text. He said that  
8 recently there has been work produced by Professor Robert Brugman called "Sprawl A Compact History."  
9 He said that Professor Brugman would argue that sprawl is not a brand new phenomenon and has existed  
10 throughout history and that people with enough money can live anywhere they want. Mr. Brugman speaks  
11 about excavation of ancient cities where the wealthy folks still had land out in the country where they lived  
12 and the working class or middle class lived in the city or the republic at the time. He said that even in our  
13 own country's history if you know your civics and American History you will see that most of the founding  
14 fathers of this country were gentleman farmers who had land around the established municipalities. He said  
15 that what we are seeing in the last 75 years is more mobility due to advances in transportation of middle  
16 class and working class people and having the ability to own land out in the areas around cities. He said that  
17 for many years this was based on the fact that we are an agrarian society and farms provided most of the  
18 economics that ran this country. He said that farming is very important in our community and our economy  
19 and is a tremendously important land use in Champaign County however it is not the only land use. He said  
20 that this seems to tilt the entire land use equation completely in favor of farming and completely away from  
21 any other possible use. He said that as we discussed at the last meeting strictly on the inability to build  
22 anything on best prime farmland in perpetuity the proposed amendments would take 80% of the land in  
23 Champaign County out of commission entirely and with the additional buffer zones and other requirements  
24 to avoid best prime soils the percentage would be pushed to 90% of the County being non-developable. He  
25 said that when demand stays static and supply is decreased by that much the price of existing sites will climb  
26 sky high and devalue the assets of the folks who own the land that is not sited for development. He said that  
27 a couple of economic arguments could be made if the County takes all of these parcels of land or parts of  
28 these parts of land or limit to the one per 40, will cause a situation where demand is going up and the price is  
29 going to go up but supply is going to go down. He said that this will limit the housing choice and decrease  
30 housing affordability to where only the very wealthy will be able to live out in the County in a residential  
31 capacity. He said that he spoke with a friend who works at the state level for the Farm Bureau and he spoke  
32 about how many farmers view their land value as their 401K, because when they retire from farming their  
33 land is what their retirement will be based upon. He said that by taking development out as a possible use  
34 for this land by definition the County is decreasing the value of that asset. He said that an additional fact  
35 about development is that building houses doesn't just provide homes. He said that the housing sector in the  
36 United States is a \$2.0 trillion dollar industry annually and by stopping development you take away from  
37 Champaign County their portion of the \$2.0 trillion dollars. He said that it has been suggested many times  
38 that if a preserve, by its nature, is intended to preserve and the borders of that preserve is what we have all  
39 agreed to preserve but to create additional zones beyond what is preserved on land that is not owned by  
40 County but owned by a private land holder is kind of preserving land that does not belong to the nature  
41 preserve. He said that he is representing the interests of approximately 500 members of his association and  
42 as an extension of that he is also representing the protecting the property rights of all of the clients of those

1 500 members therefore if the County is interested in purchasing the land around all of the preserves and  
2 parks he is sure that he could find the County a realtor.  
3  
4 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet read a prepared statement to the Board and  
5 submitted the statement as a Document of Record.  
6  
7 Mr. Duane Goodwin, who resides at 1374 CR 2125E, St. Joseph stated that the Board is aware of his views  
8 as stated at the last hearing and requested that it be noted in capital letters that he is AGAINST the proposed  
9 text amendments.  
10  
11 Mr. Eric Thorsland, who resides at 480E CR 2500N, Mahomet stated that the people who oppose the  
12 proposed text amendments have stated their concern on how it will affect their land located in the buffer and  
13 drainageway areas. He said that the proposed text amendments do not appear to have any affect on the  
14 landowners who do not wish to develop their land and he will call them, “undevelopers.” He said that there  
15 is a remake of a movie happening in Newcomb and Mahomet Townships and it is called, “The Blob.” He  
16 said that the movie now stars the Village of Mahomet Board and the late Steve McQueen. He said that he  
17 would like to see the people who are concerned here tonight about what is happening to take their concerns  
18 to the places that are not covered by this Board and attempt to stop the random annexation of land so that the  
19 one and one-half mile jurisdiction is pushed back. He said that there was a *News Gazette*, article which  
20 spoke about the proposed population of this County approaching 200,000 people and that the County needs  
21 these people to keep the high tech jobs. He said that if people do not like the orange glow now just imagine  
22 200,000 people in the County and the glow will become insane. He said that author Edward Abby said,  
23 “Growth for the sake of growth is the ideology of the cancer cell.” Mr. Thorsland stated the he would  
24 compare cigarettes to the developers and matches to the lack of the regulations which are included in the  
25 current ordinance. He said that things continue to grow and if you haven’t seen the development then you  
26 haven’t looked. He requested that the Board pass all if not some of the proposed text amendments. He said  
27 that he believes that the County Board does not feel that they have the teeth that they need to keep things in  
28 the County from becoming worse therefore things are allowed to continue under the existing ordinance. He  
29 said that the Comprehensive Zoning Review is not like putting a boot on your car as soon as you pull into  
30 the parking lot but more like the lines of the parking lot in that there are expected rules of engagement and  
31 requests that everyone park between the lines. He said that the proposed text amendments will not make  
32 everyone a criminal and does not expect everyone to tell on their neighbors for cutting down a tree. He said  
33 that the Highway Department completed a study indicating that from 1969 to 1989 the population was  
34 increased 22% but the car miles traveled increased by 98.4% which is a direct result of sprawl. He said that  
35 people are moving further away from their jobs and traveling further to them and to the store. He said that  
36 recently an 18 story apartment building was approved with only half of the parking being required because  
37 the municipality is trying to get people to not think about cars and utilize the Mass Transit District. He said  
38 that the Edward Abby also stated, “The idea of wilderness needs no defense only defenders.” Mr. Thorsland  
39 stated that he believes that this is the beginning of that and requested that we don’t lose that last ear of corn  
40 and try to clamp down the orange glow.  
41  
42 Mr. John Sapp, who resides at 392E CR 2500N, Mahomet stated that he echoes many of the same



1 sentiments voiced by Mr. Schildt and Mr. Busboom and others. He said that he is speaking for himself and  
2 his family but there are many people in his township which he has spoken with and indicated that they feel  
3 the same way. He said that this has been a long process and the way that the process has evolved everyone  
4 is surprised to know that this is still going on. He said that he is aware that the process has been given  
5 notice but it has been very confusing for a lot of people and many of those people feel very strongly about  
6 the proposed text amendments and are not getting a voice in the process. He said that this is something that  
7 really applies to only a small percentage of rural people and we feel that it is being thrust upon us. He said  
8 that he does not believe that there is a problem because he has been at his residence for 15 years. He said  
9 that he has spoken with many of his neighbors who reside along the Sangamon River and he does not know  
10 of anyone who knows of any significant tree removal in the proposed buffer area therefore this appears to be  
11 a huge effort to solve a problem that has not been shown to exist. He said that there are other axes to grind  
12 to prevent development but it is a huge encroachment on personal property rights. He said that it is one thing  
13 to say that a buffer is needed around the County Forest Preserve and around the rivers and it is great  
14 sentiment and the people who say it feel really good about themselves for saying it but they are not  
15 proposing to contribute one nickel of their own money but pointing at him and telling him that it would be a  
16 great idea for him to give up some of his property rights and assets for this noble idea that they have. He  
17 said that some of the private property owners stand to lose a huge percentage of their assets and they should  
18 be compensated. He said that if you look at the overall land in the County maybe it doesn't seem like a huge  
19 percentage of the County but he knows people all up and down the river which own perhaps 5 or 8 acres and  
20 if they are along the river the Stream Protection Buffer could take up to 40% of their property and they are  
21 wondering if they can even have their kids camp out along the river. He said that he knows that the 15 years  
22 that he has resided along the river that he has walked up and down the river and it really hasn't changed. He  
23 said that a lot of the land is not originally natural and was cleared but it has grown up again and no one else  
24 has a better stake in keeping the land that way other than the private property owners. He said that if he  
25 lived in the city the behavior appears to be that if there is a drainage ditch behind the house that it is filled  
26 with trash but in the rural areas this does not happen because people want to protect their land. He said that  
27 he would not want to do anything to hurt his land anymore than he would want to hurt his children or a  
28 farmer would to hurt his livestock. He said that the private property owners have the biggest stake in their  
29 property. He said that at the last meeting someone asked if they needed the right to kill every living thing in  
30 their property but this is not happening and the current system is not causing that problem. He said that if  
31 anything the property owners in these areas are the best conservationists and defenders of their properties.  
32 He said that he still has a lot of issues as to whether this is all legal and it is certainly not equitable in that it  
33 hurts some people in a very material, financial way and randomly skips over other people. He said that this  
34 punishes the people who have kept things the way they are and rewards the people who have had enough  
35 foresight to quickly clear their land and develop. He said that this is not fair and it is not a good piece of  
36 legislation and it is tyrannical. He said that he is a transplant to Illinois and is a second generation Mainer  
37 and they have a lot of wilderness and riparian area in Maine. He said that what got the Mainer's to fight the  
38 British in the Revolutionary War were not the taxes or teas but the trees. He said that Maine is the Pine Tree  
39 State and it not just because they have a lot of White Pines but it is because of what it means in the identity  
40 and character to the people there. He said that when Maine was a colony pine trees of a certain diameter on  
41 private property did not belong to the property owner but to the crown. He said that when he lived in Maine  
42 he lived on a road called Mast Road which is the road that the king used to take his harvest off of the land to

1 build ships for the British Empire. He said that when Mainers had the chance to go to war against the  
2 British they went because they were angry about the trees and that kind of tyranny in micro-management.  
3 He said that the private property owners today feel that they have no representation in the rural areas and  
4 that a lot of people who have no stake in their land are interfering with them. He said that we are all  
5 neighbors and if we wanted to share with the people in the city then yes the buffers around the public areas  
6 is a good idea but he is not going to point to his next door neighbor and tell them that they are going to take  
7 all of his land and none of his. He said that he was not raised to break another person's rice bowl and that is  
8 what is going on here in that this may only include a few people who do not have much of a voice but this  
9 really hurts some people.

10  
11 Ms. Beverly Seyler, who resides at 2060A CR 125E, Mahomet stated that she and her husband oppose Case  
12 522-AT-05. She said that it is their opinion that the proposed text amendments do not resolve the major  
13 development issues facing Champaign County that include haphazard growth which will still continue on  
14 the fringes of Champaign, Urbana, Savoy, Mahomet and St. Joseph. She said that many residents of  
15 Champaign County are rightly concerned with the proliferation of haphazard development however the  
16 reality of the proposed text amendments is that all but the very wealthy will be excluded from living in rural  
17 areas of Champaign County and the growth of development along the fringes of Champaign and Urbana will  
18 continue unchecked. She said that this is true because the one and one-half mile jurisdiction reach of the  
19 unincorporated areas isn't affected by the proposed amendments and until there is truly comprehensive  
20 zoning in Champaign County this will not change. She said that she totally agrees with Mr. Sapp's  
21 assessment that this is an instance of the residents of the incorporated areas of Champaign County inflicting  
22 their views and their desires on the few who live in the rural areas. She said that the proposed 150 foot  
23 Stream Protection Buffer will not improve water quality or improve any other environmental factors to the  
24 river systems in Champaign County. She said that the major contributors of silt and chemicals in the rivers  
25 and streams of Champaign County are primarily from runoff from tiled farmland which drains into the river  
26 system. She said that the stream buffer which exists along the Sangamon River is 500 to 1000 feet and  
27 every spring there is runoff of silt and it has gone unabated over the last 20+ years that they have been there  
28 and that is with a stream buffer that is far in excess to the one proposed. She said that in looking in the maps  
29 there already exists a stream buffer which far exceeds the 150 foot therefore the proposed Stream Protection  
30 Buffer is not going to do anything to improve the environmental conditions but will however create a  
31 bureaucratic nightmare for the very small minority of residents who must deal with it. She said that it is her  
32 understanding that these zoning regulations apply only to unincorporated areas of Champaign County.

33  
34 Ms. Monte stated that Ms. Seyler was correct.

35  
36 Ms. Seyler stated that it is also her understanding that the Zoning Board of Appeals has had nothing to do  
37 with the writing of the proposed amendments.

38  
39 Ms. Monte stated that the ZBA is reviewing the proposed amendments but they have not authored those  
40 amendments.

41  
42 Ms. Seyler stated that it is her understanding that the Champaign County Board has directed the Champaign

1 County Planning Department to write these regulations.  
2  
3 Ms. Monte stated that this is an accurate assessment.  
4  
5 Ms. Seyler stated that the Champaign County Board consists of 27 members and the majority of the  
6 Champaign County Board members live in the incorporated areas and will not be affected in any way by  
7 these regulations.  
8  
9 Ms. Monte stated that some of the Champaign County Board members may or may not own properties in  
10 unincorporated areas.  
11  
12 Ms. Seyler stated that she reviewed the Champaign County Board members residence addresses and it  
13 appears that their residences will not be affected. She said that it is her understanding that the text  
14 amendments will be approved or disapproved without the opportunity for revision.  
15  
16 Ms. Monte stated that it is correct that we are not changing the Comprehensive Zoning Review Draft 3  
17 which is under review currently. She said that the Board is reviewing the draft as it presently exists but that  
18 does not preclude the opportunity for future adjustment at some point along the review process after it leaves  
19 the ZBA.  
20  
21 Ms. Seyler stated that from her review of the proposed text amendments they appear to be very complicated  
22 and are in need of editing and refinement and at a minimum she would prefer to not see them approved but if  
23 there is a need for some of the proposed amendments why hasn't allowance been made to incorporate the  
24 comments from the public hearings.  
25  
26 Ms. Monte stated that we are meticulously collecting and assessing all comments received and those  
27 comments will be utilized in any kind of future consideration to this draft.  
28  
29 Ms. Seyler asked when the opportunity for revisions to the draft would take place.  
30  
31 Ms. Monte stated that it is possible that once a recommendation is forwarded to the Environment and Land  
32 Use Committee some adjustments may be considered to the draft.  
33  
34 Ms. Griest stated that it is fair to say that there is not a scheduled date for a specific revision or a specific  
35 case scheduled in the future because it would be premature to do so.  
36  
37 Ms. Monte stated that there is a Phase 7, Reconciliation Phase, which is the final phase of the zoning review  
38 process where adjustments are made which may have not been apparent during each of the proceeding  
39 phases.  
40  
41 Ms. Seyler asked if existing structures within the 150 foot buffer could be replaced if they are destroyed by  
42 storm, fire, etc.

1  
2 Ms. Monte stated that an exemption has been proposed. She said that if a landowner has an existing  
3 structure lawfully created and constructed within that 150 foot buffer then the lot is exempt from the Stream  
4 Protection Buffer requirement.  
5  
6 Ms. Seyler asked if existing structures could be modified, enlarged or additions made to those existing  
7 structures.  
8  
9 Ms. Monte stated that if the structure is right on the edge of the Stream Protection Buffer it could be  
10 expanded but not to extend into the Stream Protection Buffer. She said that if a hardship can be proven a  
11 request for a Variance could be submitted.  
12  
13 Ms. Seyler asked if a family member became disabled and the landowner needed to install a handicap ramp  
14 could it be constructed.  
15  
16 Ms. Monte stated that the County does not require permits for ramps.  
17  
18 Ms. Seyler asked if an existing structure required enlargement due to a family member becoming disabled  
19 could it be done.  
20  
21 Ms. Monte stated that it may depend if the addition would encroach into the Stream Protection Buffer and  
22 what option are available. She said that the proposed provision has been targeted to new construction and  
23 not to existing construction.  
24  
25 Ms. Seyler asked if outbuildings could be constructed on parcels located in the Stream Protection Buffer.  
26  
27 Ms. Monte stated that if there is sufficient buildable area outside of the Stream Protection Buffer then the  
28 outbuilding should be built within that area. She said that if a landowner has insufficient buildable area then  
29 the landowner would not be required to have the 150 foot restriction. She said that a very limited part of the  
30 County is affected by the Stream Protection Buffer and only applies to parcels outside of the drainage  
31 district and within the CR Zoning District.  
32  
33 Ms. Seyler stated that she understands that the Stream Protection Buffer is not important unless you are  
34 affected by it and her property is affected by it therefore it is important. She said that the text amendment  
35 states that the Stream Protection Buffer will extend 150 feet of the centerline of the stream. She asked how  
36 the centerline of the river will be determined.  
37  
38 Ms. Monte stated that the digitized stream layer was developed by the Soil and Water Conservation District  
39 Watershed Planner and was based on the USGS maps.  
40  
41 Ms. Seyler stated that the USGS maps are done on a scale of 1 to 24,000 and this is a scale which is not  
42 suitable for site development.

1  
2 Ms. Monte stated that she could obtain and share with Ms. Seyler any protocol that was used for mapping.  
3 She said that it is her understanding that a type of three dimensional scoping process was used in digitizing  
4 the stream centerline based on aerial photographs. She said that the Champaign County GIS Consortium has  
5 fined tuned the stream centerline layer and has taken over development and maintenance of that layer.

6  
7 Ms. Seyler asked who the Champaign County GIS Consortium was comprised of.

8  
9 Ms. Monte stated that the Champaign County GIS Consortium is partially comprised of Champaign County  
10 Regional Planning Commission staff.

11  
12 Mr. Hall stated that he is not aware of all of the entities that are involved in the Champaign County GIS  
13 Consortium but he does know that the County pays a yearly membership fee as well as the municipalities.  
14 He said that staff has limited techniques in determining information and if a landowner does not agree with  
15 staff's finding they are free to supply their own data from their own private surveyor. He said that when you  
16 are within 150 feet of a major stream we are probably already dealing with topographic concerns and a  
17 surveyor is probably already involved. He said that this will be added tediousness but it is already tedious  
18 when a property is within 150 feet of a stream. He said that such a parcel does use a lot of the department's  
19 resources and what staff is doing now is to protect people from creating added flood hazards. He said that  
20 whether it is worth doing this to protect the vegetation which exists is an issue for the County Board to  
21 decide when this is presented to them. He said that as the Zoning Administrator he has concerns about some  
22 parts of the proposed text but will do whatever the County Board directs him to do but no matter what we do  
23 we are only going to have limited technology and limited data and depending upon a landowner's location  
24 they may have to provide better information.

25  
26 Ms. Seyler stated that the elevation will determine whether or not a parcel is located in the floodplain.

27  
28 Ms. Griest stated that the important message in Mr. Hall's comments is that the landowners would retain the  
29 right to dispute any claim made by the zoning office and could provide independent verified data from  
30 certified sources that could supersede there assessment.

31  
32 Ms. Seyler stated that this is a process which could become very expensive.

33  
34 Ms. Griest stated that this could be expensive but this is how it is done under the current ordinance as well.

35  
36 Ms. Seyler stated that under the current ordinance if a landowner provides elevation information it is usually  
37 sufficient for determining placement or non-placement within the flood plain. She said that you are not  
38 required to survey the centerline of the river which is a lot more expensive and a lot more involved than  
39 providing an elevation. She asked how the percent of tree canopy will be calculated.

40  
41 Ms. Monte stated that the intention is to utilize the 2005 Digital Ortho Photos and a calculation of area  
42 covered by tree canopy versus non-tree cover canopy.

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Ms. Seyler asked how this would be accomplished. She asked if staff would look at the maps and make an estimate. She said that we are talking 49% vs. 51% and asked how that determination would be made.

Ms. Monte stated that it is not an easy estimation to make when it is that close.

Ms. Seyler stated that this does not answer the question.

Ms. Monte stated that staff would come up with a figure of 49% or 51% based on a calculation of area using the Arc Map software and digitizing the outline of the tree canopy versus the non-tree canopy area within the 150 foot Stream Protection Buffer.

Ms. Griest stated that it will be based on a mathematical formula based on the polygons which are digitized in the GIS system.

Ms. Monte stated that Ms. Griest was correct.

Ms. Seyler stated that she does not know how the tree canopy will be digitized when using a gray scale within the digital ortho photo quarter quadrangles and that gray scale isn't something that can be extracted.

Ms. Monte stated that this is not a perfect system and there may be some evaluation that is done during the digitizing process which proves inaccurate.

Ms. Griest asked Ms. Seyler if it was fair to note her concern and objection to that process and conclude this portion of her questioning.

Ms. Seyler stated that the methodology which is described is unacceptable.

Mr. Hall stated that staff already has a situation like this in regard to identifying best prime farmland for the maximum lot size. He said that currently staff does a quick assessment using very crude techniques and if someone desires to create a lot on best prime farmland and they want to make it bigger than 3 acres and staff finds that it is within the 49% to 51% the landowner is informed that they can obtain information from the Soil and Water Conservation District with a Natural Resource Report which indicates differently.

Ms. Griest asked Ms. Seyler if it would be possible for her to submit her questions in writing so that staff may respond to those questions in written replies and distribute them to the people on the mailing list.

Ms. Seyler asked who will certify a qualified natural area scientist who would be qualified to prepare the NIAI.

Ms. Monte stated that the intention is to have a list of these types of natural area scientists available although staff cannot make a recommendation.

1  
2 Ms. Seyler asked if Champaign County staff was going to certify natural area scientists.  
3

4 Mr. Hall stated that if someone comes to staff and they are with a developer and they indicate that they are  
5 going to prepare a NAIA report and the person indicates that they have worked for five years with this  
6 agency staff is going to take that person at their word. He said that if someone would like to question that  
7 then that could be at issue at the public hearing but staff is not going to get into the practice of performing  
8 background checks on natural area scientists. He said that the text indicates that the County reserves the  
9 right to have any NAIA reviewed by the State Natural History Survey or by other qualified natural area  
10 scientists. He said that he would always try to obtain comments from the Natural History Survey because  
11 they are a state agency and are the ones that staff turns to when advice is required.  
12

13 Ms. Seyler stated that the text amendment states that prime farmland with a rating of 85 or greater is to be  
14 protected. She asked how the rating of 85 is determined.  
15

16 Ms. Griest stated that it is based on the analysis of the State Soil Survey which is a published document.  
17 She said that they will provide specific parcel ratings and assessments.  
18

19 Ms. Seyler asked what the percentage of land in Champaign County with this rating.  
20

21 Ms. Griest stated that it is in excess of 80% of the parcels located within Champaign County.  
22

23 Ms. Monte stated that she believes that it is 81% of the parcels in the unincorporated areas of Champaign  
24 County.  
25

26 Ms. Seyler asked where is most of the farmland with a rating of lower than 85 located.  
27

28 Ms. Monte stated that they are located primarily along the major streams and the northeast portion of the  
29 County.  
30

31 Ms. Seyler asked why this approach is not regarded as a map amendment.  
32

33 Ms. Monte stated that what is being proposed is a text amendment. She stated that no boundaries are  
34 proposed to be changed of any existing zoning districts.  
35

36 Ms. Griest stated that staff is not proposing to change the classification of any existing parcels at this time.  
37

38 Mr. Phillip Geil, who resides at 2060B CR 125E, Mahomet stated that he had a few simple questions based  
39 upon previous testimony. He said he got the impression that Ms. Monte suggested that downed trees could  
40 be cut without a permit. He said that as he read the proposed regulations the text does not discuss a downed  
41 tree but it does indicate that a permit must be obtained to cut a leaning tree if the third tree limit has been  
42 reached. He said that he has a number of trees which were partially blown down by the wind storm last

1 summer which are leaning on other trees and if he does not cut those trees down they will damage the other  
2 trees yet a permit must be obtained.

3  
4 Ms. Monte stated that the way the text is written a permit would be required to remove leaning trees that  
5 were not diseased or were not imposing an immediate safety hazard.

6  
7 Mr. Geil stated that it seems rather counter productive to retaining the forest area because it means that the  
8 trees that they are leaning on are being damaged.

9  
10 Ms. Monte stated that Mr. Geil would be required to apply for a permit and would probably receive it.

11  
12 Mr. Geil stated that he must obtain a survey of all the trees located on his lot of 35 acres.

13  
14 Ms. Monte stated that the text indicates that a general description of the relative size and species of  
15 remaining trees within the limits of the Stream Protection Buffer on the lot must be provided. She said that  
16 this could be a verbal description comprised of one sentence.

17  
18 Mr. Geil stated that he could not imagine what the one sentence would be for a ½ mile along the Sangamon  
19 River.

20  
21 Ms. Monte stated that some description of the characteristics and size and species of the trees in that area.

22  
23 Mr. Geil stated that he has a large variety and a large range of sizes. He said that it is his understanding that  
24 farmers are allowed to cut as many trees as they desire within the Stream Protection Buffer.

25  
26 Ms. Monte stated that if they are harvesting trees as part of an agricultural operation then they are exempt  
27 from this requirement.

28  
29 Mr. Geil asked if they are merely expanding their field are they still exempt.

30  
31 Ms. Monte stated that if they require a field for the agricultural operations then they are exempt from this  
32 requirement.

33  
34 Mr. Geil asked how this preserves the trees.

35  
36 Ms. Monte stated that the County has no regulations which control or restrict agricultural activities.

37  
38 Mr. Geil stated that there used to be a hayfield in the “S” bend of his property along the Sangamon River  
39 which has mostly grown up with second growth trees and they have a garden area located in that hay field.  
40 He asked if he will be destroying the natural vegetation if he expands his garden.

41  
42 Ms. Monte stated that if the garden is located within the Stream Protection Buffer area he would be



1 restricted to only introducing native species.

2

3 Mr. Geil stated that this would mean that he could not plant corn or tomatoes in this garden.

4

5 Ms. Monte stated that this would qualify as an agricultural operation and the County does not want to  
6 regulate vegetable gardens.

7

8 Mr. Geil stated that the regulations indicate that he cannot disturb the natural vegetation. He asked if he  
9 could plant pine trees or dogwood trees within the Stream Protection Buffer area because they are not a  
10 native plant.

11

12 Ms. Monte stated that if those trees are not included on the native species then no.

13

14 Mr. Geil stated that he does not believe that very many pine trees nor dogwoods are native to the area but  
15 there are many things such as this that he could not plant within this area if so desired. He asked what the  
16 penalty was for cutting down the fourth tree without a permit.

17

18 Ms. Monte stated that if it got to the point where it was considered an offense he would be working with the  
19 Zoning office and the Zoning Administrator initially to try to remedy the situation and then once it is  
20 categorized as an offense then it would move to a court situation where a fine would be assessed.

21

22 Mr. Geil asked again what the penalty would be for cutting down the fourth tree over the lifetime of not only  
23 his holding of the land but from anyone who may purchase his property.

24

25 Mr. Hall stated that the State law provides a \$500 per day fine for zoning violations for each day that the  
26 violation occurs. He said that those fines must be assessed by a judge and not by the Zoning Administrator.

27

28 Mr. Geil stated that if he cuts down the tree and cannot put it back he must be permanently in violation of  
29 this regulation at a rate of up to \$500 per day. He said that this does not seem like a reasonable regulation.  
30 He said that in all of these meetings that he has attended he has yet to hear a question from a member of the  
31 Zoning Board. He asked how much land has been lost to the expansion of the cities, expansion of farmland  
32 versus what fraction has been lost to individual building single family residences.

33

34 Ms. Monte stated that she does not have those statistics available at tonight's meeting.

35

36 Mr. Geil stated that he suspects that most of the land has been lost either to the expansion of the cities or the  
37 farmers clearing the land for farming and certainly has not been lost to the individual homeowners who in  
38 general are expanding the wooded areas and detracting from them. He asked why the County is proposing  
39 to implement these regulations to prevent the individual from building there homes.

40

41 Ms. Monte stated that the nature of a zoning regulation is to restrict activities that are not desirable and if  
42 you are not doing undesirable activities these zoning restrictions will not apply to you. She said that most of

1 the persons who have spoken will be minimally impacted if at all by these proposed regulations.

2  
3 Mr. Hall stated that Mr. Geil brought up some good questions and if you look at the Soil Survey of  
4 Champaign County and map the areas of soils formed under forests you will find that most of those soils  
5 were apparently clear cut for farming and this ordinance would have affect on that. He said that more  
6 importantly if you look at where houses have been built along the stream corridors since zoning was adopted  
7 in 1973 and you consider that until 1998 there was no limit on the number of rural lots that could be created  
8 in Champaign County and you consider that most of those lots were created in the river corridors that is why  
9 the CR District did nothing to protect the river corridors. He said that the attitude of Champaign County  
10 since the inception of zoning was that it was better to have homes go into the wooded areas than on best  
11 prime farmland and he thinks that it would be an easy thing to prove if staff had the time to do it but staff  
12 has never been given the time to conduct such research. He said that if you review the Sidwell Tax Atlas  
13 from 1980 compared to the Sidwell Tax Atlas dated January 1, 2004, you can see how many more lots have  
14 been created in the wooded areas.

15  
16 Mr. Geil stated that they created four lots from the ground that they purchased and if anything there are  
17 more trees located on those lots than when originally purchased.

18  
19 Mr. Hall stated that the premise that staff has been following since the policy guidance was received from  
20 the County Board is that to the extent that we can come up with zoning regulations that would preserve large  
21 intact areas of woodlands with no encroachment of homes that would protect that woodland and in fact there  
22 are not that many such areas out there because these rules have been proposed so late in the history of our  
23 zoning ordinance.

24  
25 Mr. Geil stated that it appears that Mr. Hall is stating that there really is not much left to protect so why are  
26 we trying to protect it. He said that he does understand that staff has been told to do so by the County Board  
27 and hopefully the Zoning Board will tell staff that this is not an appropriate thing to be doing.

28  
29 Mr. Les Gioja, who resides at 1689 CR 400E, Champaign stated that he works for the Village of Mahomet  
30 although he is not speaking on behalf of the Village. He said that he is also a member of the Champaign  
31 County GIS Consortium and would like to clear up a few things that were misunderstood. He said that the  
32 current aerial photos are color photos and not gray scale however they were taken when the leaves were just  
33 beginning to come out so it is not very easy to see a leaf canopy. He said that the photos are nearly at the  
34 same scale as the USGS quad sheets and are taken in the rural areas at 1"=400 feet and in the urban areas  
35 they are taken at 1"=100 feet except where there is some interest in doing some contouring and photos were  
36 taken at a greater, more intense scale. He said that he understands that the ZBA has a great deal of  
37 information to go through and he really appreciates all of their work. He said that he also appreciates the  
38 intent of trying to protect our natural resources and farmland and trying to confine the sprawl of the cities to  
39 the area around the cities. He said that he has a 6 acre farm on which he raises livestock. He said that he  
40 has a grass pasture which he tries to maintain as organically as he can and as such he has done a lot of  
41 research on this process. He said that an increase in temperature causes problems with the soil in that  
42 having more trees cools off the temperature of the ground and maintains moisture. He said that there is a

1 general concept that a person living next to a farm does not affect that farm which is not true. He said that  
2 when people build roads and houses and come closer to farmland it actually raises the temperature of the  
3 nearest farmland. He said that whenever there is a dust bowl occurrence it happens fairly quickly after  
4 cutting down all of the trees and developing and farming edge to edge. He said that protecting streams,  
5 waterways and planting and protecting trees are good. He said that he does agree with the issue of private  
6 property rights and the question as to whether or not the proposed text amendments are legal. He said that  
7 he has a problem in reading the Zoning Ordinance with regard to agriculture because in the front it indicates  
8 that agriculture is exempt yet there are a number of things throughout the Ordinance which you are actually  
9 governing what happens on agricultural property. He said that he is a farmer because he does raise a wide  
10 variety of animals and grass and believes that these things are all covered under agriculture. He said that  
11 someone else may be raising something else that may not be in the Ordinance which they consider  
12 agriculture. He said that he also slaughters animals and sells things from his property although he does not  
13 have what he would call a Roadside Stand yet people come to his property every week to his property to  
14 purchase goods from him. He said that if the definitions of the agriculture districts are reviewed it will be  
15 noticed that there is a difference between AG-1 and AG-2. He said that AG-2 indicates that a Produce Sales  
16 Stand is allowed under a conditional use yet it is not included under AG-1 therefore is it considered separate  
17 from agriculture. He asked if he has a farm and he has a garden and he is selling his produce from his  
18 property is it considered agriculture.

19  
20 Ms. Monte stated that staff would like to provide more information regarding a Produce Sales Stand because  
21 it could be a lot more than an agricultural operation. She said that a Produce Sales Stand could be a retail  
22 sales operation if it is not done by a person that owns the property. She said that she agrees that more  
23 clarification is required to better describe that use category.

24  
25 Mr. Gioja said that the value of his land is not necessarily tied to money. He said that as an organic farmer  
26 he has a different concept of his land and to have someone come in and try to regulate things based on  
27 money or to be allowed to do things based on their monetary gain is not exactly advantageous to him or any  
28 other farmer. He said that he started farming 13 years ago and he has helped a number of others get started  
29 as well therefore he is not alone in his opinion. He said that he would love to purchase additional land but  
30 finds it impossible because prices are sky high. He asked if there were any map amendments being  
31 proposed because he looked at the maps during the last hearings and the interstate intersection which is  
32 close to his property was zoned agriculture but tonight when he reviewed the map it appears that there is a  
33 business district around that same intersection. He said that he would certainly hope that if there was any  
34 such map amendment that it would have been at the request of the owner.

35  
36 Ms. Monte stated that the maps on the panels are of the existing districts.

37  
38 Ms. Griest stated that perhaps that was handled through the City of Champaign and not the County.

39  
40 Ms. Monte stated that there should be clear distinction on these panels indicating if a property is located  
41 within the city limits.

42

1 Mr. Gioja stated that this is between Bondville and Seymour therefore it is on the opposite side of Bondville  
2 and is within Bondville’s jurisdiction. He said that the intersection is for I-72 and Illinois 47 in Scott  
3 Township.

4  
5 Mr. Hall stated that those parcels have had that zoning since the adoption of zoning. He said that last year’s  
6 map amendments would not have affected those parcels.

7  
8 Mr. Gioja stated that the County must be careful in telling someone that they must plant something in an  
9 area and not touch it. He said that California has had a lot of fires spring up because they have regulated  
10 these lands and said that no one could do anything here and this is an issue which has been discussed in  
11 Illinois. He said that fires in Illinois have been natural and have caused a natural cleansing of the land and if  
12 you legislate it and say that you can never do anything with this those fires can happen spontaneously and a  
13 number of homes will be destroyed.

14  
15 Mr. Louis Wozniak, who resides at 401C CR 2425N, Mahomet stated that there is a concept of taxing  
16 wooded parcels in Champaign County. He said that if someone has a property with adjacent woods which  
17 qualifies for the additional tax then he would be restricted from removing these trees if they are in a target  
18 area and would therefore be subject to a taxation that changes the balance of what his economics and  
19 intentions of the land might be.

20  
21 Mr. Ross Brower, who resides at 1535 CR 2200E, St. Joseph stated that he and his wife own property on the  
22 Salt Fork on the south edge of the Village of St. Joseph. He asked if the regulations are adopted what is the  
23 earliest possible date that these regulations would be implemented.

24  
25 Ms. Monte stated that the entire sequence of the future events is unknown at this time but one scenario is  
26 that if an additional public hearing is held on January 31<sup>st</sup> and if ELUC receives this proposal on February  
27 13<sup>th</sup> and ELUC decides to not hold the text amendment for one month the County Board could see these  
28 amendments on February 23<sup>rd</sup>. She said that another scenario could be that ELUC could receive the text  
29 amendments on February 13<sup>th</sup> and be held at the Committee for one month, typical practice for a text  
30 amendment, this could reach the County Board on March 23<sup>rd</sup>.

31  
32 Mr. Brower asked if those scenarios are true, then how soon will the landowner see these regulations  
33 enforced.

34  
35 Ms. Monte stated that it would be the effective date of County Board’s action.

36  
37 Mr. Brower asked if a landowner is found in violation of some component of the regulations and the  
38 landowner must defend themselves for this violation at a cost and during the reconciliation phase these  
39 violations are found to be negated is there recourse for those costs.

40  
41 Mr. Hall stated that this is a fair question but at this time he has no answer.

42

1 Mr. Brower stated that it is a question which should be thought out and addressed.

2  
3 Ms. Griest asked Mr. Hall if it is the intent that all existing parcels will be in compliance with the provisions  
4 that have been proposed in the draft therefore it would be fair to say that if Mr. Brower and others had  
5 questions regarding their individual parcels and not being compliant if this was to pass it would be  
6 beneficial to them and staff to contact Ms. Monte soon prior to adoption of the amendments.

7  
8 Mr. Hall stated that Ms. Griest was correct but he believes that Mr. Brower was concerned if these rules  
9 were adopted what was the first date when someone could get in trouble for cutting too many trees. He said  
10 that staff has done everything possible to assure that any parcel which is currently a lawful lot will remain a  
11 lawful lot upon adoption. He said that the only other way that he could see someone being in trouble  
12 immediately would be if they created a lot incorrectly and did not check with staff prior to its creation or the  
13 tree issue.

14  
15 Mr. Rob Parker, who resides at 467 CR 2500N, Mahomet stated that it appears that staff is minimizing the  
16 affects that these amendments have on his property versus looking at the whole County. He said that some  
17 comments have been made which seem to trivialize the impact that it has on certain individuals. He said  
18 that the zoning will affect him and some comments have been made to indicate that since it does not affect  
19 the whole County it isn't a big deal. He asked if the comments from staff were a matter of record.

20  
21 Ms. Griest stated that the comments are part of the record.

22  
23 Mr. Parker stated that some of the comments stated by staff have been offensive. He said that there are  
24 people that live out in the County and when some say that the amendments will not affect you, so go on your  
25 way, that is offensive.

26  
27 Ms. Griest stated that the Board takes this as a very serious impact on the residents of the County therefore  
28 the Board understands his concerns and does not take those concerns as being trivial. She said that an  
29 impact is an impact and as one of the earlier speakers stated it is a huge impact when it affects your personal  
30 property. She thanked the audience for the candor and commitment to coming forward and sharing their  
31 thoughts on this very complex and difficult issue. She said that the Board has heard many diverse points of  
32 view and appreciates hearing that diversity and hearing all of those issues. She said that it was mentioned  
33 that the Board does not ask a lot of questions but the Board does listen carefully and they have done their  
34 homework therefore they do understand the speaker's point of view.

35  
36 **Mr. Bluhm moved, seconded by Mr. Goldenstein to continue Case 522-AT-05 to January 31, 2006.**  
37 **The motion carried by voice vote.**

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40 **7. Staff Report**

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42 None

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**8. Other Business**

None

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

None

**10. Adjournment**

The meeting adjourned at 9:38 PM.

Respectfully submitted

Secretary of Zoning Board of Appeals

**AS APPROVED JANUARY 31, 2006**

**ZBA 1/17/06**

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