



**Champaign County Board
Environment and Land Use Committee (ELUC)
County of Champaign, Urbana, Illinois**

MINUTES – Approved as Distributed – 9/5/13

DATE: Thursday, August 8, 2013
TIME: 6:00 p.m.
PLACE: Lyle Shields Meeting Room
Brookens Administrative Center
1776 E Washington, Urbana, IL 61802

Committee Members

Present	Absent
	Ralph Langenheim (Chair)
Aaron Esry (Vice Chair)	
Astrid Berkson	
	Stan Harper
Alan Kurtz	
Patti Petrie	
Jon Schroeder	

County Staff: John Hall (Director of Planning & Zoning), Deb Busey (County Administrator), Beth Brunk (Recording Secretary)

Others Present: Susan Chavarria (Ch Co Regional Planning Commission), Andy Kass (Planning & Zoning), John Jay & Gary Maxwell (Champaign Co Board)

MINUTES

I. Call to Order

In Mr. Langenheim's absence, Mr. Esry as Committee Vice-Chair called the meeting to order at 6:01 p.m.

II. Roll Call

A verbal roll call was taken and a quorum was declared present.

III. Approval of Minutes

A. ELUC Committee meeting – June 6, 2013

MOTION by Mr. Kurtz to approve the minutes for the June 6, 2013 meeting as distributed; seconded by Mr. Schroeder. Upon vote, **the MOTION CARRIED unanimously.**

Ms. Berkson entered the meeting at 6:02 p.m.

IV. Approval of Agenda

MOTION by Ms. Petrie to approve the agenda as distributed; seconded by Mr. Schroeder.

Ms. Petrie wondered if Agenda Item X. should be removed since it has been rescinded by the Office of the State Fire Marshall. Mr. Esry thought it would be prudent to discuss this issue as another Board member, Max Mitchell, would like the County Board to oppose it now so it will be on record.

Upon vote, the **MOTION CARRIED unanimously.**

V. Public Participation

Mr. Esry noted that there was a five minute limit per individual that wishes to speak to the Committee in Public Participation.

Larry Hall, Jean Fisher, Julia Hall, Mark Fisher, Darren Wright supported the denial of petition to amend the Zoning Ordinance by reclassifying a certain property – Case 687-AM-11.

Alan Singleton, Elitsa Dimitrova opposed the denial of petition to amend the Zoning Ordinance by reclassifying a certain property – Case 687-AM-11.

VI. Communications

Mr. Kurtz noted that Stan Harper and Ralph Langenheim contacted him prior to the meeting that they would not be able to attend tonight.

VII. Items to be Approved by ELUC Committee for Recommendation to the County Board

- A. Champaign County Regional Planning Commission (CCRPC) County Planning Contract Proposal for FY2014

MOTION by Mr. Kurtz to approve the Champaign County Regional Planning Commission County Planning Contract Proposal for FY2014; seconded Ms. Berkson.

Ms. Chavarria of CCRPC explained that she had provided the County Planning Contract Proposal FY2014 for Committee review at the June ELUC meeting. Staff did not receive any comments. Ms. Petrie stated that her comments did not pertain to the quality of RPC staff. However, she is unable to support this contract arrangement due to consistency. The separation of long-range planning between CCRPC, County Planning & Zoning and the GIS Consortium is not best practice in urban planning. Ms. Petrie tasked Ms. Chavarria to come up with an organizational structure that would consolidate all planning functions. She also stated that a vital component of this contract is to research grant opportunities.

Mr. Schroeder will support this contract to go to the full County Board for discussion. Mr. Kurtz agreed and hoped that County Board members will give input to Ms. Chavarria before the meeting so she has an opportunity to respond appropriately. Ms. Berkson agreed with Ms. Petrie that pursuing grants should be a high priority.

Upon vote, the **MOTION CARRIED unanimously.**

Even though the vote was unanimous, Ms. Petrie asked that this item not be placed on the Consent Agenda for the County Board meeting on August 22nd.

- B. Case 760-V-13 – Recommendation to Approve a Variance to Zoning Ordinance for Sangamon Valley Public Water District.

MOTION by Mr. Schroeder to approve variance to the Champaign County Zoning Ordinance for Sangamon Valley Public Water District; seconded Mr. Kurtz.

Mr. Kurtz is hoping the Committee will pass this item so the Sangamon Valley Public Water District can move on with their business. Ms. Petrie stated that she will support this but if the Sangamon Valley Public Water District cannot work with the Village of Mahomet on future issues, she will not be able to support them.

Upon vote, **the MOTION CARRIED unanimously.**

- C. Notice of Intent (NOI) from 3/1/14-2/28/19 for National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Storm Water discharge Permit with IEPA

MOTION by Mr. Schroeder to approve the Notice of Intent from 3/1/14-2/28/19 for the National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Storm Water Discharge Permit with Illinois Environmental Protection Agency; seconded Ms. Berkson. Upon vote, **the MOTION CARRIED unanimously.**

VIII. **Item to Receive & Place on File by ELUC Committee to allow for 30 day Review Period**

Preliminary Recommendation from Zoning Board of Appeals (ZBA) for Zoning Ordinance Text Amendment

- A. Case 757-AT-13: Amend Zoning Ordinance as follows:

Part A – Adopt updated Flood Insurance Study effective 10/2/13

Part B – Adopt updated Digital Flood Insurance Rate Maps (DFIRM) for Champaign County effective 10/2/13 – see new maps at www.illinoisfloodmaps.org

Part C – Adopt a new Special Flood Hazard Areas Ordinance based on minimum requirements of the National Flood Insurance Program & State of Illinois

MOTION by Mr. Schroeder to receive and place on file the Champaign County Zoning Ordinance amendment to adopt the updated Flood Insurance Study effective 10/2/13; the updated Digital Flood Insurance Rate Maps for Champaign County effective 10/2/13; and a new Special Flood Hazard Areas Ordinance based on minimum requirements of the National Flood Insurance Program and the State of Illinois; seconded by Mr. Kurtz. Upon vote, **the MOTION CARRIED unanimously.**

IX. **Item on Remand from the County Board for Reconsideration**

- A. Resolution No. 8504 – Deny Petition to Amend the Zoning Ordinance by Reclassifying Certain Property - Case 687-AM-11

MOTION by Mr. Schroeder to approve the denial to amend the Zoning Ordinance by reclassifying a certain property in Case 687-AM-11; seconded by Ms. Berkson.

Ms. Petrie wanted to ask Mr. Joel Fletcher of the State's Attorney's Office a few questions. The Acting Chair affirmed this request. Ms. Petrie understood that the other court case concerning an RLA was different from the Jones' case. Mr. Fletcher explained that in the Gerdes case, crop dusting was the exclusive use of the RLA. The only issue in the Gerdes case was whether crop dusting was an agricultural purpose. In the Jones' case, there is an issue as to whether agriculture use of this RLA is the principal use of the land. This is distinguishable from the Gerdes case.

Ms. Petrie also understood that if the RLA is approved; that land use does not automatically pass to the next owner of the property. Mr. Fletcher was not certain but believed that a new owner would have to apply again with the Illinois Department of Transportation for an RLA.

In planning law, Ms. Petrie noted the primacy for first use of the land which in this case is residences and housing. An RLA use is not appropriate as it does not fall within the original zoning of the area. Mr. Fletcher responded that these are broad principles and cannot be applied reflexively in any context. Generally speaking, it is an uphill battle when applying a new different use to an area.

Ms. Petrie commented on the summary of traffic comparison that Mr. Singleton provided. She felt the analysis is comparing apples to oranges. Airplanes are dangerous but highway noise is not. Mr. Fletcher could not respond to Mr. Singleton's document as he has not had time to review it.

Mr. Kurtz commented that there is no way to enforce the number of landings in a 28-day period as stipulated in the Jones' special conditions. He also had safety concerns about the landing strip abutting Illinois State Route 136. Any miscalculation in landing or takeoff could have tragic consequences with the traffic on that highway. Mr. Kurtz had confidence in the ZBA's decision and will support the denial of the zoning change. Ms. Berkson noted that the public safety use of the RLA was exempted from the special conditions, and that could become a large use. In Mr. Schroeder's experience, RLAs were used in crop dusting which meant a two-month window of usage. He was concerned that the petitioner is trying to expand on the original intent of the RLA which is agricultural use. He will support this resolution.

Upon vote, the **MOTION CARRIED unanimously.**

X. For Information Only

- A. Proposed Rule by the Office of the State Fire Marshall to require Fire Sprinkler Systems to be installed in all new single-family dwellings/duplexes and existing assembly occupancies (100 or more people) within five years

Mr. Esry noted that this proposed rule has been pulled by the State Fire Marshall. Champaign County Board member Max Mitchell would like to see the Board pass a resolution opposing this. Mr. Kurtz did not believe sprinklers should be installed in private homes unless the homeowner wants it. Ms. Berkson commented that it is common to have an occasional smoke alarm from food preparation on the kitchen stove. Imagine the cost of insuring against sprinkler activation from this situation.

Ms. Petrie would not want to support a resolution when it is unknown how any new proposed rule would be worded. Secondly, she thought more safety in private dwellings is positive but perhaps it would need to move forward in smaller incremental steps. Mr. Schroeder would be against a resolution that opposes something that is not there.

XI. Monthly Reports

- A. May 2013
B. June 2013

MOTION by Mr. Kurtz to receive and place on file the Planning & Zoning Monthly Reports for May and June 2013; seconded by Ms. Berkson.

Ms. Petrie was appreciative that the report now contains a table summarizing the conversion of Best Prime Farmland as a result of County zoning approval.

Upon vote, the **MOTION CARRIED unanimously.**

XII. Other Business

None

XIII. Chair's Report

None

XIV. Designation of Items to be Placed on the Consent Agenda

VII B, VII C, IX A

XV. Adjournment

MOTION by Mr. Kurtz to adjourn; seconded by Ms. Berkson. Upon vote, **the MOTION CARRIED unanimously.**

There being no further business, Mr. Esry adjourned the meeting at 7:05 p.m.