



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

MINUTES – APPROVED AS AMENDED ON NOVEMBER 3, 2016

DATE: Thursday, October 6, 2016
TIME: 6:30 p.m.
PLACE: Lyle Shields Meeting Room
Brookens Administrative Center
1776 E Washington, Urbana, IL 61802

Committee Members

Present	Absent
Aaron Esry (Chair)	
	C. Pius Weibel (Vice Chair)
Astrid Berkson	
	Stan Harper
Matt Hiser	
Patti Petrie	
Jon Schroeder	

County Staff: Rick Snider (County Administrator), John Hall (Zoning Administrator), Brian Nolan (Recording Secretary)
Others Present: Susan Monte (Regional Planning Commission), Kathleen Oldrey (Regional Planning Commission)

MINUTES

I. Call to Order

Committee Chair Esry called the meeting to order at 6:34 p.m.

II. Roll Call

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

III. Approval of Agenda and Addendum

MOTION by Ms. Petrie to approve the agenda as distributed; seconded by Ms. Berkson. Upon vote, the **MOTION CARRIED** unanimously.

IV. Approval of Minutes

A. ELUC Committee meeting – September 8, 2016

Mr. Snider noted that Ms. Berkson voted both Aye and Nay on page five of the September 8th minutes, and he asked the clerk to check the record and correct the vote in the minutes.

MOTION by Ms. Petrie to approve the minutes of the September 8, 2016 ELUC meeting as amended; seconded by Ms. Berkson. Upon vote, the **MOTION CARRIED** unanimously.

V. Public Participation

Steve Platt opposes a blanket burning ban. He commented that one of his major concerns is that the ban is justified based on a small number of complaints within the cities of Urbana and Champaign. He is happy to see there has been discussion by the board recognizing that not all county residents have the same options available for getting rid of this type of landscape waste. He questioned whether the restriction area could be modified to accommodate those with legitimate health concerns and those who do not have economical options for landscape waste removal. He commented he does not see the need for the buffer in the current proposal.

MOTION by Ms. Petrie to suspend the rules to allow for clarification to Mr. Platt's comments; seconded by Ms. Berkson. Upon vote, the **MOTION CARRIED** unanimously.

Ms. Petrie referenced a map in the agenda packet. She asked Mr. Platt to clarify his request regarding the non-enclosed areas in Urbana. Mr. Platt acknowledged that his recommendation did not encompass the particular areas Ms. Petrie identified. He stressed that most of the documented complaints regarding burning have been in the Southwest area of Champaign.

Jean Fisher stated there were seven hours' worth of manure put on her property line, in addition to the fifty dump truck loads of manure that were previously dumped there. She provided a handout to the committee. According to Ms. Fischer, on July 30, there was an illegal fireworks show; at the Jones residence. She stated it began at 7:30 pm with consumer fireworks, which spooked her animals (sheep, horses, and ponies). She commented the show escalated with professional fireworks and music. She filed a complaint and was informed that METCAD had been notified of the event; and proper paperwork and professional licensing was in place. She stated she found no evidence that proper permits were obtained; not in Champaign County or with the Villa Grove fire marshal. She also stated a Champaign County deputy was dispatched to the Jones residence that evening. Ms. Fischer requested the committee modify the ordinance to restrict fireworks in conservation areas. Mr. Schroeder asked for a copy of the other documents Ms. Fischer had with regard to the incident (police report, fire marshal report, etc.)

Mark Fisher stressed the danger of displaying large fireworks in areas where livestock are living. He stated it causes them to run through fences and is dangerous for both the livestock and for people; if the livestock get out onto the highway.

Larry Hall commented he lives immediately in front of the (previously mentioned) Jones residence. His complaint is also in reference to Ordinance 808. He stated he spoke with State Fire Marshal Bob Wetzel and was told the investigation has not gone any further because there is a lack of evidence in identifying the difference between consumer and pyrotechnic fireworks. Mr. Hall stated he did not have physical evidence (containers, labels, etc.) to show what type of fireworks were being used. Mr. Hall said there is a history of no consequences for violations. He requested the County take action.

Gina Pagliuso stated she works right across the street from Champaign Township burn pit. She stated she has made several trips to the Township offices and Board meetings to complain about the smoke and smell on burn days. She stated it is unbearable for her coworkers with asthma. She said her next step will be to visit the EPA office in Research Park to see what can be done to mitigate the problem.

Joshua Johnson noted there are now three proposals for the landscape waste issue. He stated he wants the corrected version B proposal to move forward.

Kylene Gilbert thanked the committee for the time spent for the proposals. She stated she feels the buffer is important. She stressed that the number of complaints has been reported to be low; and she feels that is because when a person does complain, they are told that nothing can be done.

Keith Padgett, Champaign Township Highway Commissioner, stated the landscape waste pickup has been in place since 2003. He commented that he tries to schedule burns on days when wind blows out of the township, but he can't control wind shifts. He believes the system currently in place is a good one.

VI. Communications

None

VII. Items to be Recommended to the County Board

A. Proposed Landscape Waste Burning Ordinance

MOTION by Ms. Petrie to approve Proposal B; seconded by Ms. Berkson.

Mr. Hall stated this is a corrected and enhanced Option B; prohibiting burning in Champaign Township because there's an alternative and in other townships to allow burning under certain conditions. He commented that it includes rules to help ensure burning is done only under the best conditions. He stated there is no way to define "excessive smoke" in words. Mr. Hall said there are not three options. There's an Option B; there's an Option A and then for both, there's an Attachment C which provides language to allow for burning of woody landscape waste.

Ms. Petrie talked about her conversations with the staff in the Planning & Zoning office. She stated that either of the proposals would result in weekend staff hours for that department. She discussed the County budget and the lack of available resources to implement this type of ordinance.

Ms Berkson and Mr. Hiser both stressed that this is an issue of public health and safety.

Mr. Klatt was invited to clarify earlier statements made with regard to the maps.

Mr. Schroeder noted that agricultural burning only happens annually (in the spring). He commented that 1000 feet is just short of a quarter-mile. He commented that he rarely sees people in the county burning. Mr. Schroeder stated there will be a learning curve in association with whatever is put into place. He asked about the role of the fire protection district and Sheriff's department in the enforcement of the ordinance. He commended Mr. Hall and the Planning & Zoning department for their work on the proposals.

Mr. Hall responded that the Sheriff currently enforces the Nuisance Ordinance. He also noted he anticipates other Planning & Zoning items getting a lower priority or being postponed during the burning season; as the follow up on those complaints will become the higher priority.

MOTION amended by Ms. Petrie to approve Proposal B with an addition of language to include a follow up report by Planning and Zoning in one year; seconded by Ms. Berkson. Upon vote, **MOTION CARRIED** unanimously.

MOTION by Ms. Berkson to approve an amended Attachment C by removing the language regarding leaves; seconded by Mr. Schroeder. Upon vote, **MOTION CARRIED** unanimously.

B. Proposed Adjustment to Financial Assurance for the California Ridge Wind Farm (Special Use Permit Case 696-S-11)

Mr. Hall noted the State's Attorney has reviewed this and agrees with the values. If the committee recommends this, Mr. Hall will provide a revised letter of credit prior to the County Board vote. He stated the County Board will only be approving the values. He believes this process is working exactly as the board wanted it to.

Ms. Petrie commended the Planning and Zoning Department and all the work they have put into this.

MOTION by Ms. Petrie to approve the Adjustment to Financial Assurance for the California Ridge Wind Farm; seconded by Ms. Berkson. Upon vote, **MOTION CARRIED** unanimously.

VIII. Monthly Reports

A. *August 2016*

MOTION by Mr. Esry to accept and place on file the August 2016 Monthly Reports.

IX. Other Business

None

X. Chair's Report

None

XI. Designation of Items to be Placed on Consent Agenda

VII. A. and VII. B.

XII. Adjournment

MOTION by Ms. Berkson to adjourn; seconded by Ms. Petrie. Upon vote, the **MOTION CARRIED** unanimously. There being no further business, Mr. Esry adjourned the meeting at 8:26 p.m.