

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

**1776 E. Washington Street
Urbana, IL 61802**

**DATE: January 15, 2015 PLACE: Lyle Shield’s Meeting Room
1776 East Washington Street
Urbana, IL 61802**

MEMBERS PRESENT: Debra Griest, Marilyn Lee, Brad Passalacqua, Jim Randol, Eric Thorsland

MEMBERS ABSENT: Catherine Capel

STAFF PRESENT : Connie Berry, John Hall

OTHERS PRESENT : Herb Schildt, Larry Hall, Jean Fisher

1. Call to Order

The meeting was called to order at 6:30 p.m.

2. Roll Call and Declaration of Quorum

The roll was called and a quorum declared present with one member absent and one vacant seat.

Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. He reminded the audience that when they sign the witness register they are signing an oath.

3. Correspondence

None

4. Approval of Minutes (November 13, 2014)

Mr. Thorsland entertained a motion to approve the November 13, 2014, minutes.

Ms. Griest moved, seconded by Mr. Passalacqua to approve the November 13, 2014, minutes.

Ms. Lee stated that she contacted staff and requested that the following be added to Page 22 of the minutes: Mr. Hall asked Ms. Lee if she had measured the distance from where the substation will be located and Ms. Gitz’s property. Ms. Lee stated no.

1/15/15

1 Mr. Thorsland asked the Board if there were any other additions or corrections to the minutes and there were
2 none.

3
4 **The motion carried.**

5
6 Mr. Thorsland entertained a motion to rearrange the agenda and hear Case 791-AT-14 prior to Cases 769-
7 AT-13 and 773-AT-14.

8
9 **Ms. Lee moved, seconded by Ms. Griest to rearrange the agenda and hear Case 791-AT-14 prior to**
10 **Cases 769-AT-13 and 773-AT-14. The motion carried by voice vote.**

11
12 **5. Continued Public Hearing**

13
14 **Case 769-AT-13 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
15 **Ordinance by amending the Champaign County Storm Water Management Policy by changing the**
16 **name to the Storm Water Management and Erosion Control Ordinance and amending the reference**
17 **in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control**
18 **Ordinance as described in the legal advertisement which can be summarized as follows: I. Revise**
19 **existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to**
20 **have authority to prevent pollution of any stream or body of water. (Part A of the legal**
21 **advertisement); and II. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be**
22 **new Section 2 and add purpose statements related to preventing soil erosion and preventing water**
23 **pollution and fulfilling the applicable requirements of the National Pollutant Discharge System**
24 **(NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement); and III. Add new Section**
25 **3 titled Definitions to include definitions related to fulfilling the applicable requirements of the**
26 **National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of**
27 **the legal advertisement); and IV. Revise existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11,**
28 **12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance**
29 **activities including a requirement for a Land Disturbance Erosion Control Permit including Minor**
30 **and Major classes of Permits that are required within the Champaign County MS4 Jurisdictional**
31 **Area; add a requirement that land disturbance of one acre or more in a common plan of development**
32 **must comply with the Illinois Environmental Protection Agency’s ILR 10 Permit requirements; add**
33 **fees and time limits for each class of Permit; add requirements for administration and enforcement**
34 **Permits; and add new Appendices with new standards and requirements for both Minor and Major**
35 **Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement); and V. Revise existing**
36 **Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation onto adjacent**
37 **properties and add minimum erosion and water quality requirements for all construction or land**
38 **disturbance; and VI. Revise existing Section 5 to be new Section 8 and add a Preferred Hierarchy of**

1/15/15

1 **Best Management Practices. (Part H of the legal advertisement); and VII. Revise and reformat**
2 **existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18. (Parts G, I, J, P, Q, R,**
3 **S and W of the legal advertisement).**

4
5 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
6 the witness register for that public hearing. He reminded the audience that when they sign the witness
7 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
8 time.

9
10 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

11
12 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated January 15, 2015,
13 to the Board for review. He said that the Board has received two previous Supplemental Memorandums
14 regarding this case since the Board last met so there is a lot of information that the Board has not had a
15 chance to discuss. He said that the Supplemental Memorandum distributed tonight includes the revised
16 Technical Appendices D and E and new Appendix F which contains all Standard Details. He said that
17 hopefully with the changes to the technical appendices staff has addressed every comment that was received
18 in the public hearing although some of those comments had to do with whether or not the IDOT form should
19 be used. He said that one thing that the IDOT forms do that no other set of forms does is that they are a
20 comprehensive set specifically intended to respond to the needs related to the NPDES program. He said that
21 as far as he is concerned the use of IDOT forms is not mandatory as long as whatever form is used by an
22 applicant provides at least as much relevant information as the IDOT forms. He said that he knows there are
23 local engineers who prefer to use their own forms and that is fine as long as those forms do everything that
24 the IDOT forms do. He said that he does not want this to be a burden on private sector engineers.

25
26 Mr. Hall stated that Technical Manual Appendix D is for the Minor Land Disturbance Erosion Control
27 Permit. He said that attached to Appendix D is a revised Erosion Control Practices Flow Chart which
28 indicates all of the Standard Details. He said that as long SD1, SD2, SD3, SD5, SD6, SD11, and SD12 are
29 on the site plan that is all that would have to be done. He said that the attached Example Erosion and
30 Sediment Control Plans refer to a one acre lot which is 200 feet wide and should indicate the amount of soil
31 disturbance to that lot. He said that within the area where the Minor or Major LDEC permit may be required
32 he believes that in most cases it will be a lot that is 200 feet wide or a lot that is 150 feet wide in the AG-2
33 district and he does not anticipate anything any smaller but it can't be ruled out. He said that we might have
34 a 10,000 square lot which is already connected to a sanitary sewer in which case the septic field area would
35 not be a concern. He said that the examples deal with the most difficult cases but certainly does not address
36 all cases. He said that the Notes on Installation and Construction Sequence has really changed from what the
37 previous had because the previous version had whatever Champaign and Urbana had come up with but
38 citizens of Champaign and Urbana are completely different than our citizens. He said that Champaign

1/15/15

1 County citizens will have to file both a Zoning Use Permit and a Land Disturbance Erosion Control (LDEC)
2 Permit and will need to do that in the proper sequence. He said that Final Stabilization will come after the
3 Zoning Compliance Inspection. He said that the Notes on Concentrated Flows were kept and if someone is
4 building a new home and a LDEC Permit is obtained the downspouts must be taken care to assure the
5 protection of bare earth. He said that pamphlet versions of Appendices D & E have the Standard Details
6 called out in the Table of Contents but in terms of the Ordinance those Standard Details will be included in
7 Appendix F.

8
9 Mr. Hall stated that Appendix E relates to Major Land Disturbance Erosion Control Permits. He said that all
10 of the forms have been updated from IEPA and IDOT. He said that the Erosion Control Practices Flow
11 Chart was not updated for the Major Land Disturbance Erosion Control Permit as was the Flow Chart for the
12 Minor Land Disturbance Erosion Control Permit because for most Major Land Disturbance Erosion Control
13 Permits there will be an engineer involved and they know this stuff backwards and forwards. He said that on
14 page 4 of 8 of the new IDOT form BDE 2342(Rev.3/20/14) the applicant will need to explain the selection
15 of Permanent Storm Water Management Controls. He said that the guidance in Item II.E.1. indicates that the
16 practices selected for implementation were determined on the basis of the technical guidance in Chapter
17 41(Construction Site Storm Water Pollution Control) of the IDOT Bureau of Design and Environment
18 Manual therefore if you have to provide an explanation if you are using anything other than the IDOT
19 Bureau of Design and Environment Manual. He said that someone using this form on a Major Land
20 Disturbance Erosion Control Permit project had better be referring to the Storm Water Management and
21 Erosion Control Ordinance. He said that a note on the Table of Contents of Appendix E indicates the
22 following: Illinois Department of Transportation Storm Water Pollution Prevention Plan (SWPPP) Form
23 (Note: Under item II.E.1 the technical basis for selection of permanent storm water management controls
24 should be the Champaign County Storm Water Management and Erosion Control Ordinance. He said that we
25 are not really interested in the IDOT Bureau of Design and Environment Manual to the extent that it may be
26 based on the Illinois Urban Manual.

27
28 Ms. Lee asked Mr. Hall to indicate the location of the note again.

29
30 Mr. Hall stated that the note is in the Table of Contents for Appendix E.

31
32 Mr. Hall stated that the Supplemental Memorandum dated January 15, 2015, included Attachments III and
33 JJJ. He said that Attachment III is a list of 15 minor edits that he had received in a message from the State's
34 Attorney's office. He said that in some cases the edits delete an entire sentence and he is hoping that when
35 the Board is ready to take final action on this case the Board will have the Finding of Fact with the proposed
36 amendment that is being recommended. He said that hopefully with enough advance notice he will know
37 how to format the amendment and these changes will all be part of it. He noted that these edits are not
38 included in any version that the Board has seen to date but they are all necessary changes.

1/15/15

1
2 Mr. Hall stated that Attachment JJJ is another revision for stockpiles and he realized that the current
3 requirements for stockpiles really anticipate that in every case there would be enough area for 30 feet of
4 separation from the stockpile to the nearest lot line. He said that if the property is located in the AG-1 and
5 AG-2 districts for new lots there should be no problem meeting that standard. He said that in the MS4
6 jurisdictional area there may be some older lots that are narrower than 150 feet and greater flexibility may be
7 necessary in the MS4 area. He said that in Section 11.5 he proposes to reduce the 30 feet separation to only
8 10 feet from the nearest property under other ownership. He said that if a developer is doing a subdivision
9 he doesn't have to worry about lot lines and if it is a homebuilder that has two lots side by side he won't
10 have to worry about that intervening lot line. He said that Section 11.5 will be for people who are already
11 dealing with the erosion and sediment controls and staff will be at their property every week to complete an
12 inspection therefore they will not have a chance to forget that the silt controls at the base of the stockpile are
13 kept in good condition. He said that the other 99% of our jurisdiction will not be dealing with erosion and
14 sedimentation controls and staff will not be at their property on a weekly basis. He said all of the lots in the
15 AG-1 district should generally be 200 feet wide and in those instances he does not believe that the separation
16 distance to the property line should be reduced to 10 feet and hopes that they maintain the silt fence. He said
17 that Section 6.4, which is only applicable if you are outside of the MS4 area, indicates that if someone is in
18 those areas and they have at least 150 feet in width and at least 30,000 square feet in area the 30 feet
19 separation does not apply. He said that the logic in that instance is that someone is not doing the whole
20 erosion and sedimentation controls and staff will not be there to remind them that the silt fence needs
21 maintained. He said that he believes that for the vast majority of the jurisdiction the separation distance
22 should be 30 feet but there may be some places where there may be old lots and new lots created in zoning
23 districts which are less than 150 feet wide and in those instances they will have an allowable 10 feet
24 separation to the nearest property under other ownership provided that erosion and sedimentation controls
25 are installed and maintained as required in Section 11. He said that his provides for all possibilities but it
26 does not provide maximum flexibility and the reason for that is when you are outside of the MS4 area the
27 property owner is not going to be in tune to the maintenance that the erosion and sedimentation controls
28 require and for that reason he knows that some people will be opposed to this. He said that frankly he would
29 be willing to follow whatever option the Zoning Board thinks should be followed. He said that if the Zoning
30 Board believes that we should always provide the flexibility to go down to a 10 feet separation provided that
31 the proper controls are installed then that is what he will indicate because it is more important to get this in
32 place. He said that the Board needs to decide what it wants to recommend to the County Board and how a
33 particular version of the amendment should be formatted.

34
35 Ms. Lee stated that revised Section 6.4. D.1.(d) indicates: not within a drainage ditch easement. She said
36 that Section 11.5 does not include this text.

37
38 Mr. Hall stated that Section 11.5A does include the text, "not in a drainage ditch easement". He said that

1/15/15

1 paragraph that she is interested in is Paragraph 6.4.E which is not in tonight's memorandum but is indicated
2 on Page 20 of the Draft Storm Water Management and Erosion Control Ordinance dated December 5, 2014.
3 He said that drainage ditch easement does need to be added to Paragraph 6.4.E. He said that separations that
4 apply in Section 6.4.D should apply in Section 6.4.E. He said that tonight's memorandum reformats Section
5 6.4.D so that each separation is on a separate line and has a separate letter designation and Section 6.4.E
6 should be formatted in the same manner except that the separation to the road side ditch and the property line
7 are not relevant in Section 6.4.E. He said that Section 6.4.E discusses where we do not want buildings to be
8 constructed and clearly we don't want buildings to be constructed in a drainage ditch easement. He said that
9 he does not see the need to add anything related to the roadside ditch or to a property line in Section 6.4.E
10 because we can trust our existing required yards for those things.

11
12 Mr. Hall stated that whatever the Board decides to recommend to the County Board as the final version of
13 the Ordinance he would like to go back to a version of the tables that were included in the January 9th
14 mailing. He said that the Board has seen different versions of the table, Attachment BBB, and hopefully
15 when this goes to the County Board there will be a version of this table with the ordinance that the ZBA has
16 recommended. He said that things which are not recommended on Attachment BBB could either be
17 indicated with strikeout or just not included but the table is a handy way to get an idea of what the
18 amendment will do therefore he wants to have a version of this table with whatever the ZBA recommends.
19 He said that he would like to do the same thing with Attachment CCC, Summary of Proposed Amendment
20 Benefits and Costs. He said that the tables can be revised on a hearing night when the Board is ready to take
21 final action and again, the tables are a handy way to indicate to the County Board what the ZBA is
22 recommending.

23
24 Ms. Griest asked Mr. Hall if Attachment BBB is only one page or are the following pages mismarked.

25
26 Mr. Hall stated that the entire packet is Attachment BBB and was created in such a way where there is more
27 than one header and he erroneously forgot to revise the header on each page. He said that this table is also
28 the first version of the table where it does not talk about what Case 773-AT-14 is about. He said that for
29 Case 773-AT-14 there is a version of this table for just grading and demolition.

30
31 Ms. Griest asked Mr. Hall if Attachment BBB also indicates grading because the first column on page 1
32 discusses mass grading not related to other construction.

33
34 Mr. Hall stated no. He said that Case 769-AT-13 does not do anything about mass grading.

35
36 Ms. Griest stated that what she thought she heard Mr. Hall state was that this is the first table which excludes
37 the grading but doesn't Attachment BBB discuss grading.

ZBA

AS APPROVED FEBRUARY 12, 2015

1/15/15

1 Mr. Hall stated yes but there is another table for Case 773-AT-14 which shows what that case proposed to do
2 regarding grading.

3
4 Mr. Thorsland stated that Attachment BBB indicates that Case 769-AT-13 doesn't do anything for mass
5 grading.

6
7 Mr. Hall stated that Attachment BBB is only relevant for Case 769-AT-13 and Case 769-AT-13 does nothing
8 for grading not related to other construction outside of the MS4 area.

9
10 Ms. Lee asked if Case 769-AT-13 is dealing with both inside and outside the MS4 jurisdictional area.

11
12 Mr. Hall stated yes. He said that Case 773-AT-14 has nothing to do with the MS4 jurisdictional area. He
13 said that if the optional minimum requirements are not recommended then Case 773-AT-14 is not required.
14 He said that Attachment CCC for Case 769-AT-13 has footnotes referring to the exact spots in the Finding
15 of Fact that are most relevant to the costs and benefits associated with each of these alternatives. He said
16 that if the Board does not agree with the Finding of Fact then more evidence needs to be added because the
17 one thing that it has to do is reflect the opinion of this Board on this amendment.

18
19 Ms. Lee stated that Attachment BBB for Case 769-AT-13 indicates Proposed Ordinance Requirements
20 Outside the MS4 Area and Inside the MS4 Area therefore should the table be for a different case.

21
22 Mr. Hall stated that the table includes the MS4 area but only to demonstrate that Case 773-AT-14 does
23 nothing in the MS4 area. He said that related Case 769-AT-13 talked about the optional minimum
24 requirements because if you don't recommend the optional minimum requirements in Case 769-AT-13 then
25 the Board would not recommend Case 773-AT-14 but if the Board does recommend Case 773-AT-14 then
26 you recommend the optional minimum requirements in Case 769-AT-13.

27
28 Mr. Thorsland asked Mr. Hall if he wanted to review previous memorandums regarding Case 769-AT-13
29 with the Board.

30
31 Mr. Hall stated that he would be happy to review all of the memorandums with the Board if the Board
32 desires or he can only review the memorandums which the Board has questions on.

33
34 Mr. Thorsland stated that it is clear that the Board is not going to finish Case 769-AT-13 or Case 773-AT-14
35 tonight but he would like the Board to continue reviewing the information. He said that the memorandums
36 from the December meeting and tonight's meeting should be carefully reviewed and any questions or
37 concerns regarding the memorandums should be voiced by the Board. He said that the Board should come
38 to each meeting prepared so that these cases can be moved forward.

1/15/15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Mr. Hall stated that he would be happy to review all of the substantive evidence because it is hard to get motivated to review this information outside of the meeting.

Mr. Passalacqua stated that he would like to review this information now.

Mr. Hall stated that the substantive evidence started back with the Supplemental Memorandum dated September 11, 2014, which included evidence regarding the achievement of Policy 8.4.5 and that memorandum was very long and complicated. He said that Policy 8.4.5 has to do with meeting the relevant NPDES requirements and those are not something that you can just point to and say this is the requirement. He said the evidence indicates what the EPA states the requirements are and then the evidence indicates why our existing policy doesn't do that and why the amendment does. He said that it touches on the fact that we had this suggestion from the EPA staff that we should make the LDEC permits a requirement throughout the County. He said that he appreciates the EPA staff's suggestion but he cannot find anywhere in writing that that is the actual requirement and that makes a huge difference to Champaign County.

Ms. Griest asked Mr. Hall if the difference is economical in that a large number of staff would be required if it were required countywide.

Mr. Hall stated yes, and that is reviewed in Attachment TT, Cost Impact Related to Staffing. He said that the attachment states that regarding the added costs to Champaign County government and taxpayers, the proposed amendment is likely to be cause for adequate staffing in the Department of Planning and Zoning. He said that the attachment indicates all of the new inspections that will be added which would amount to five new inspections for each permit plus a weekly inspection.

Mr. Randol stated that the EPA has no idea what is going on locally.

Mr. Hall stated that this is the Illinois EPA not the Federal EPA.

Mr. Randol stated that the Illinois EPA doesn't have a clue either.

Mr. Hall stated that the attachment also discusses the amount of time that the optional minimum requirements would add, which he believes would be very minimal. He said that any time you add a new requirement you add additional time for explanation to each and every citizen that needs to know. He said that the attachment discusses the amount of time required for ILR10 compliance and that will not be much and currently we should already be explaining ILR10. He said that the attachment discusses the volume of new LDEC permits based on the past 18 months and at the end it states that within the MS4 area there were 41 structures located in the MS4 area and of those 41 only 7 would have required erosion and sediment

1/15/15

1 controls. He said that staff will have a lot of new headaches for 7 permits but outside of the MS4 area there
2 were 137 permits and of those 58 would require new inspections. He said that within a typical year there
3 would be 33 new structures with at least an inspection every week. He said that within the MS4 area with
4 the ordinance that is before the Board staff would be doing 208 additional inspections per year and he
5 believes that staff could do that. He said that these inspections would be elevated to a higher priority than
6 any other activity in the office other than getting the budget and ELUC and ZBA agendas submitted on time.

7
8 Mr. Randol asked if other duties completed by staff would be placed on the side.

9
10 Mr. Hall stated that only a few people in the office would be doing the LDEC inspections and eventually he
11 hopes that all staff would be able to do them but for the first few years there will only be a couple of the staff
12 members who will actually go out and do those inspections and that would probably be himself and the
13 Zoning Officer. He said that the day to day permitting would continue uninterrupted and the zoning cases
14 would be handled by the Senior Planner and will continue uninterrupted therefore the core functions will
15 continue.

16
17 Mr. Passalacqua stated that the hardest pill for him to swallow is that all of this is already required by
18 another entity and yet it is being put on the County as another layer and expense.

19
20 Mr. Hall stated that those rules were adopted for the County's jurisdiction to enforce and the County will
21 directly see the benefits of those rules regardless of the expense. He said that the MS4 area is 1% of our
22 jurisdiction but if you look at the density of permits within that 1% he can't even tell the Board how much
23 greater it is than the rest of the County's jurisdiction and that is why they are targeting that area. He said that
24 there is a greater density of development and it does impact water quality to a much greater extent than the
25 rest of Champaign County.

26
27 Ms. Lee asked Mr. Hall how he justifies doing that regulation for the MS4 into the rest of the County.

28
29 Mr. Hall stated that the evidence that is front of the Board currently indicates that it cannot be done. He said
30 that we are not required to do it and it is a good thing because we could not afford to do it.

31
32 Mr. Passalacqua stated that these rules will not go well with developers and contractors when they drive
33 down the township roads and see row crops right up to the ditch.

34
35 Mr. Randol asked Mr. Hall what will happen if the ZBA does not make a recommendation.

36
37 Mr. Hall stated that the County Board will approve it anyway and if the County Board does not approve it he
38 would guarantee that it will become an enforcement case with the Illinois EPA.

1/15/15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Mr. Passalacqua stated that he is surprised that we have as much flexibility in writing the ordinance and the Illinois EPA didn't just say here is the way your ordinance is going to read.

Mr. Hall stated that he does wish that the Illinois EPA had given us the text of the ordinance and then there would be no uncertainties but this is the best that staff could come up with.

He said that he believes that staff made progress with the exemption of 10' instead of the 30' and it will be very helpful.

Mr. Randol agreed.

Mr. Hall stated that he is not aware of any other numerical requirement in the ordinance which requires editing. He said that if the Board sees anything that they believe requires editing they should notify staff.

Mr. Passalacqua stated that construction or stockpiles in the drainage easements is not allowed anyway therefore it is already covered.

Mr. Hall stated that it is already covered but the Board should not underestimate the blindness of individuals who believe that they can build wherever they want to.

Mr. Passalacqua stated that he understands that but writing two ordinances about the same thing is not going to open their eyes any more.

Ms. Lee stated that Case 773-AT-14 is not required by the Illinois EPA.

Mr. Hall stated no. He said that the only costs related to Case 773-AT-14 is when someone is causing a problem and needs to put up an erosion and sediment control to stop that problem.

Mr. Passalacqua stated that would be covered by ILR10.

Mr. Hall stated no. He said that Case 773-AT-14 does not have a minimum size that it applies to and it applies across the board therefore if you are causing erosion and sedimentation and a neighbor complains you are going to have to stop it. He said that Case 773-AT-14 is a great value for the other 99% of our jurisdiction. He said that some people would probably say that the only way that they guarantee that they are not creating a problem is to put those controls in the first place. He said that we don't get that many complaints today and he doesn't think that we have to go that far but in any given instance there will always be something that you wouldn't otherwise have to do that you have to do.

1/15/15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Mr. Randol stated that if a developer buys 100 acres for development the land belong to him. He asked if the County will still control what the developer is doing on his property when he puts in the streets that the township, County, or village have not accepted. He asked if this ordinance will apply to the developer's construction on his property or will it apply when someone has legal jurisdiction over that construction.

Mr. Hall stated that under the current rules if someone is going to dedicate the street to a public agency they have to build to the standards of that jurisdiction. He said that if someone is developing 100 acres it seems likely that ILR10 is going to be a requirement and that is between the developer and the EPA. He said that in regards to this ordinance, if the Board does not recommend that the County Board make ILR10 compliance a requirement outside of the MS4 area, then the only thing that this ordinance will do is if the Board recommends the optional minimum requirements they will be in place during construction and if the developer makes a mistake and cause erosion or sediment he will have to correct it.

Mr. Randol stated that if the erosion and sediment is running off onto the developer's streets it shouldn't be an issue.

Mr. Hall stated that it is difficult to talk about a development like that in the County's jurisdiction during this day and age because he cannot imagine it happening due to the Rural Residential Overlay. He said that the drainage would presumably send the storm water to the street and into the curb inlet and hopefully the developer would be smart enough to keep those curb inlets from getting full of sediment which is running off the land that he is developing. He said that many times erosion and sedimentation controls save the developers money because stupid things don't happen but it cannot always be guaranteed. He said that he can remember a developer in the Mahomet area who experienced a big storm and a lot of sediment was washed into one of the pools that was connected to the Lake of the Woods and that pool had to be cleaned out. He said that this situation occurred because the Mahomet developer did not have the proper erosion and sedimentation controls in place. He said that the drainage does not always go into the street where it is supposed to go and it all depends upon the design of the development.

Mr. Hall stated that the existing Storm Water Management Policy has a basic requirement that you follow the *Illinois Urban Manual* erosion and sedimentation controls. He said that development done under this ordinance and not within the MS4 area would not be required to comply with ILR10. He said that he cannot imagine a developer not willing to send in notice to the EPA and installing of the erosion and sedimentation controls and even if they are supposed to do it does not mean that the Storm Water Management Policy will make it happen. He said that a lot of erosion and sedimentation controls makes the development project go easier. He said that the last big subdivision completed in the County's jurisdiction was a 10 lot RRO that installed new concrete streets in the rural area; they did terrible erosion controls and the ditches silted in more than one time during construction and had to be cleaned up and at that time. He said that he does not

1/15/15

1 know if the developer even bothered with ILR10 compliance. He said that he does not expect ILR10
2 compliance to be a requirement and this doesn't do anything other than if the highway commissioner
3 complained about his ditches being silted full, staff could do something about that under this ordinance. He
4 said that as it was the Highway Commissioner couldn't even complain about his ditches being silted in.

5
6 Mr. Randol stated that it is hard for a highway commissioner to complain when the farmers fill the ditches as
7 well therefore he would have to complain about everyone.

8
9 Mr. Passalacqua reminded Mr. Randol that agriculture is exempt.

10
11 Mr. Hall stated that he does not see many farm fields where ditches get silted in after a normal rain.

12
13 Ms. Lee stated that the road ditches near the previously approved substation in St. Joseph Township are
14 silted in by the farm field.

15
16 Mr. Hall stated that hopefully the substation will reduce the amount of silt because the area of the substation
17 will be gravel.

18
19 Ms. Lee asked Mr. Hall to explain the purpose of Case 773-AT-14 and what will it accomplish for
20 Champaign County.

21
22 Mr. Hall stated that most erosion complaints staff receives are about people tracking dirt and mud onto the
23 public road while they are grading and Case 773-AT-14 would give staff the tool to stop that practice.

24
25 Ms. Lee asked Mr. Hall if that is the only effect of Case 773-AT-14.

26
27 Mr. Hall stated yes.

28
29 Mr. Passalacqua asked Mr. Hall if Case 773-AT-14 will cover the farmer throwing mud off his tractor tires
30 when moving from field to field.

31
32 Mr. Hall stated no.

33
34 Mr. Randol stated that it is the responsibility of the township highway commissioner to address the farmer
35 throwing mud off of his tractor tires when moving from field to field.

36
37 Mr. Thorsland stated that he rides his motorcycle on the rural roads and 99% of the time the mud and debris
38 on the roads is not from the farmers but from construction activity. He said that very close to his residence

1/15/15

1 he has someone who stages construction activity so that there is always construction activity occurring and
2 they strip the entire lot and when it rains the dirt is in the road. He said that during the construction there are
3 trucks moving in and out of the property therefore they place pebble type gravel on a thin culvert and drag
4 the entire yard out every day onto the road. He said that he supports Case 773-AT-14 if it can stop this
5 nuisance. He said that in the end Case 773-AT-14 is in the best interests of the township highway
6 commissioner, the township and the developer and construction people because there are many people who
7 have had accidents on township roads and have enjoyed wonderful settlements from township insurance due
8 to an accident. He said that eventually Case 773-AT-14 will save municipalities, townships and Champaign
9 County money.

10
11 Ms. Lee asked Mr. Hall if Case 773-AT-14 will include all of Champaign County including the
12 municipalities.

13
14 Mr. Hall stated that Case 773-AT-14 does not include the municipalities or land which is under an
15 annexation agreement with the municipalities. He said that hopefully Case 773-AT-14 will stop the mud
16 from being tracked onto the road but at least by the end of the day it would have to be cleaned off.

17
18 Mr. Thorsland stated that generally 99% of the time the only person who goes back out to the road to clean
19 off the mud is the farmer because he wants his soil in his field. He said that contractor will not go back out
20 and clean off the road because he is off to the next job site.

21
22 Ms. Griest stated that Case 773-AT-14 will not deal with these instances because those are going to be under
23 Case 769-AT-13 because they are not a grading or demolition permit. She said that demolition and grading
24 are separate from construction and if there is construction it would be under Case 769-AT-13.

25
26 Mr. Hall stated that Case 769-AT-13 would address the situation if it is related to other construction and
27 Case 773-AT-14 is only necessary when it is grading that is not related to other construction.

28
29 Mr. Thorsland stated that it tends to be secondary activity.

30
31 Ms. Griest stated that the secondary activity is related to the original construction. She said that what Mr.
32 Thorsland is talking about is still going to be under Case 769-AT-13 because they are not going to come
33 back to obtain a second permit under Case 773-AT-14 for their seeding and grading when they build a new
34 house. She said that personally living in the country close the a municipality she would say that she sees the
35 opposite of what Mr. Thorsland has indicated that occurs in his area because she has the commercial farmers
36 who bring in two combines, four tractors, five semi-trucks and several grain wagons and they come in
37 harvest the field and pull out leaving the road a muddy mess and they never come back to clean the road.
38 She said that the farmers who farm their own ground or who farm less than four or five thousand acres will

1/15/15

1 not leave the roads in a muddy mess but when you see big operators with mass equipment they tend to leave
2 a mess on the roads. She said that there was an accident on High Cross Road recently due to the mud that
3 was tracked out of the field and onto the road by one of these big commercial farm operators. She said that
4 agriculture is exempt therefore this Board is not going to stop these situations. She said that in her area she
5 is not seeing roads left in a muddy mess due to someone putting in a new yard or repairing their lawn and she
6 is not seeing a lot of demolition either. She said that she is in favor of requiring a demolition permit but she
7 is opposed to requiring a grading permit because she is not seeing the value and it puts an unnecessary
8 burden on a segment of the industry that is not causing the problem. She said that she won't say that under a
9 new construction situation they are not as much a problem as the siding and roofing people or the other
10 trucks that come in and out of the property but all of those contractors will not be present if it is only repair
11 to an existing structure.

12

13 Mr. Hall asked Ms. Griest to explain the burden that will be placed on these folks.

14

15 Ms. Griest stated that the documentation indicates that there will be fees for grading and demolition permits.

16

17 Mr. Hall stated that it may state that in the notice but it is not stated in the Ordinance that is before the
18 Board.

19

20 Ms. Griest stated that she is looking at the notice and it isn't uncommon that she has not found it in the
21 Ordinance yet.

22

23 Mr. Hall stated that staff has not proposed any fees for grading permits but that does not mean that 25 years
24 from now we won't add a fee.

25

26 Ms. Griest stated that we are adding costs because it costs them time and money to fill out the application,
27 submit it to the office and that time is money to those contractors.

28

29 Mr. Hall stated that he would say that is a reasonable cost so that staff can answer calls when they are
30 received asking why someone is tracking mud onto the road.

31

32 Mr. Thorsland requested that the Board not go too far into Case 773-AT-14 at this time because we are
33 attempting to review Case 769-AT-13.

34

35 Ms. Lee asked Mr. Hall if a permit was required for the substation which is east of Sidney next to the
36 railroad tracks.

37

38 Mr. Hall stated that the substation is an Ameren Substation which is exempt from County zoning.

1/15/15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Ms. Lee stated that even Ameren will track mud onto the road.

Mr. Hall stated that Ameren is a public utility and is exempt from County zoning.

Mr. Hall stated that Attachment UU, Draft Evidence Regarding Statutory Authority, has evidence that has been reviewed by the State’s Attorney and merely establishes that we have the authority to adopt an erosion control ordinance. He said that Attachment UU. ends with the following paragraph: The Champaign County State’s Attorney Office has also determined that the best alternative to the use of authority provided in 55 ILCS 5/5-15015 is to enter in to an intergovernmental agreement with the Illinois Environmental Protection Agency. Approval of such an agreement would only require a simple majority approval (12 of 22 elected members). He said that this is the best alternative to what staff is proposing and what staff is proposing is to use the authority provided in 55 ILCS 5/5-15015.

Ms. Lee stated that she looked up 55 ILCS 5/5-15015 and the exception is the following: provided that the authority of the Pollution Control Board of the State of Illinois shall not be superseded.

Mr. Hall stated that he will guarantee that the County will be doing that.

Mr. Hall stated that Attachment WW, Draft Evidence Regarding Public Outreach, refers to the draft public handout. He said that if the Board believes that the draft handout is accurate and helpful then he would like to be able to tell that to the County Board. He said that if the Board finds that the revised Zoning Use Permit Application form is adequate then he would also like to share that with the County Board. He said that there are some County Board members who puts a lot of faith into handouts that make sense and that is why staff prepared that evidence.

Mr. Hall stated that Attachment VV, Draft Evidence Regarding County Board Options is probably the most important evidence. He said that this attachment reviews every option that is part of this text amendment. He said that Part A. reviews the optional minimum requirements which involve Paragraph 6.1F, Paragraph 6.4A, Paragraph 6.4B, Paragraph 6.4C, Paragraph 6.4D, Paragraph 6.4E, Paragraph 6.4F and Subsection 6.5. He said that when he wrote this evidence he wasn’t sure if the Board would treat all of those as a single thing or pick and choose therefore at the end of each of these discussions there is a narrative IS/IS NOT included in the recommendation by the ZBA. He said that personally he believes that the Board should take this as an all or nothing and those decision points could be removed. He said that the evidence reviews the changes that have been made since ELUC reviewed it the first time and many times there has been no change. He said that the only change is adding greater flexibility in regards to the stockpiles which is under Paragraph A. He said that Paragraph B. discusses ILR10 compliance. He said that the Ordinance has changed a lot from what ELUC saw so evidence regarding ILR10 compliance, even though it is a very small

1/15/15

1 part of the Ordinance, is two pages long because it reviews every change that is being made. He said that
2 once the Board decides whether it HAS or HAS NOT recommended the alternative the Board does not need
3 to say IS/IS NOT at the end therefore additional editing will be required.
4

5 Mr. Hall stated that the only new fee added in this amendment is for the Minor LDEC Permit and the fee is
6 \$50 in addition to the Zoning Use Permit fee. He said that the fee is not meant to recapture all of the costs
7 because if staff spends more than one hour discussing something with a citizen staff has spent more than \$50
8 of the County's time.
9

10 Ms. Griest asked about the applicability of these permits to those parcels that have a pre-annexation or
11 annexation agreement with the municipalities and how those parcels are exempt. She asked if that
12 exemption further narrows our sampling of permits with respect to Champaign, Urbana and Savoy with
13 respect to if they are within the one and one-half mile jurisdiction to receive approval they have to go
14 through those municipalities and if they have access to or would have access to a sanitary sewer they are
15 required to enter into that pre-annexation agreement before they can obtain a permit. She asked if staff had
16 already factored this situation into the computation of the numbers.
17

18 Mr. Hall stated yes, the numbers indicated already exclude those properties which already have pre-
19 annexation agreements.
20

21 Ms. Griest asked if those parcels will still need to obtain a permit through the County because she has a pre-
22 annexation agreement for her parcel and she obtained her permit through the County.
23

24 Mr. Hall stated that Ms. Griest's permit was approved before the current court decision regarding the
25 *Chatham* decision.
26

27 Ms. Griest stated that she obtained her permit through the County after the court case. She said that she
28 received approval for the creation of the parcel from the City of Urbana but any permitting went through the
29 County.
30

31 Mr. Hall stated that the City of Urbana loves to avoid their responsibilities related to the *Chatham* decision
32 because it requires them to spend time and money on properties for which they do not receive any tax
33 benefits.
34

35 Ms. Griest stated that the City of Urbana would not allow her to create her lot without a pre-annexation
36 agreement.
37

38 Mr. Hall stated that normally the City of Urbana does not require a pre-annexation agreement just for

1/15/15

1 subdivision approval. He said that if Ms. Griest had built her building under a City of Urbana permit, there
2 would have been applicable building codes required and there were no building codes required under the
3 County.

4
5 Ms. Griest stated that there is a big push related to the sanitary sewers and in Urbana Township when a
6 parcel that is connected to the city sewer and was connected prior to the intergovernmental agreement gets
7 sold, the City of Urbana is not requiring that the new homeowners enter into an annexation agreement with
8 Urbana and they are annexing those parcels because they are connected to the sanitary sewer. She said that
9 as this all relates to Case 769-AT-13 will this situation exclude a lot of the parcels that are in the one and
10 one-half mile jurisdiction, because that is a large portion of the MS4 area.

11
12 Mr. Hall stated that our current policies are supposed to be following whether there is a pre-annexation
13 agreement or not. He said that if staff does not know there is a pre-annexation agreement then staff cannot
14 act appropriately. He said that he is not aware of any push by the City of Urbana. He said that it the City of
15 Urbana's call related to whether or not there is a new sewer connection and a new sewer connection triggers
16 the requirement for an annexation agreement. He said that from what he has observed over the years the
17 City of Urbana tries to minimize annexation agreements and they have fewer than the City of Champaign.
18 He said that this will not change that because we are already supposed to be doing it which is to say if there
19 is a pre-annexation agreement staff does not write permits on the property and it is between the landowner
20 and the municipality. He said that if there is construction related clearly that would go to the city but if Case
21 773-AT-14 is adopted and the grading permit you do not have to have a sewer connection to do grading and
22 Case 773-AT-14 would be unrelated.

23
24 Ms. Griest stated that her question was related to Case 769-AT-13 and if it would further reduce our
25 statistics.

26
27 Ms. Lee stated that all of the MS4 area is outside of the jurisdiction of the municipalities.

28
29 Mr. Hall stated no. He said that the MS4 properties are not within the municipal area but they are within the
30 one and one-half mile jurisdictional area and sometimes they will be under a pre-annexation agreement but
31 most times they will not. He said that he would imagine that the municipalities would be willing to take
32 over all of our permitting in the MS4 area but he knows that a selective part of the County Board would not
33 want to turn over that permitting authority because they are the County Board member's constituents and
34 they want to be responsible for permitting their constituents. He said that the County could manage to get
35 out of this MS4 requirement if we would just let the municipalities do all of those permits but he has no
36 reason to believe that the County Board will be interested in that.

37
38 Mr. Herb Schildt requested the opportunity to sign the witness register to present testimony.

ZBA

AS APPROVED FEBRUARY 12, 2015

1/15/15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Mr. Thorsland called Herb Schildt to testify.

Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet, asked Mr. Hall to indicate what sections of the ordinance are optional.

Mr. Hall stated that Draft Version of the Storm Water Management and Erosion Control Ordinance dated December 5, 2014, indicates that parenthetical statement in italics underneath each of the optional sections. He said that sections are as follows: Sections 6.1F, 6.4, and 6.5.

Mr. Schildt stated that he just wanted to be clear that the optional sections are 6.1F, all of 6.4 and all of 6.5.

Mr. Hall stated that Section 6 includes one of the requirements that Mr. Schildt had previously asked questions about regarding the location of the sump pump outlets. Mr. Hall stated that Mr. Schildt's question is addressed in Sections 6.1E and 6.1D and they are not optional.

Mr. Schildt asked Mr. Hall if Technical Manuals D & E only apply to LDEC permits outside of the MS4 area.

Mr. Hall stated no.

Mr. Schildt asked if a LDEC permit only applies within the MS4 area.

Mr. Hall stated yes.

Mr. Thorsland asked the Board and staff if there were any questions for Mr. Schildt and there were none.

Mr. Thorsland stated that the Board will take a five minute break. He said that he understands that there are a lot of documents to review but it would be very helpful if the Board would start from tonight's memorandum and move backwards and then start again ending with tonight's memorandum.

Mr. Hall stated that in the Draft Finding of Fact that was mailed with the January 9, 2015, Supplemental Memorandum there were little sections of new evidence that were added but they are unlined and the Board should do a quick review to see if any of the evidence is significant enough to actually point out when the Board resumes.

The Board recessed at 8:24 p.m.

The Board resumed at 8:30 p.m.

1/15/15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Mr. Hall stated that the Draft Finding of Fact includes new evidence that the Board has not seen. He said that page 5 of the Draft Finding of Fact indicates Policy 8.4.2 which states the following: “The County will require storm water management designs and practices that provide effective site drainage, protect downstream drainage patterns, minimize impacts on adjacent properties and provide for stream flows that support healthy aquatic ecosystems.” He said that the optional minimum requirements would HELP ACHIEVE Policy 8.4.2 and so will ILR10 compliance.

Mr. Hall stated that Page 16 includes evidence regarding Policy 8.5.1 which states the following: “For discretionary development, the County will require land use patterns, site design standards and land management practices that, wherever possible, preserve existing habitat, enhance degraded habitat and restore habitat.” He said that the underlined text indicates that the proposed text amendment will NOT IMPEDE the achievement of Policy 8.5.1. He said that the proposed text amendment will not achieve Policy 8.5.1 because it deals with such a small area that you can’t say that it will actually save habitat.

Mr. Hall stated that page 23 includes shaded text which will be relocated in the Finding of Fact and the area that the text is relocated to is also shaded. He said that item #16.B.(4)a.(b) has been relocated to page 26, item 16.B(5)(b) and item #16.B(4)a.(c) has been relocated to page 27 item 16.B(6)b. He said that the shaded area discusses staffing impacts related to the optional minimum requirements and he believes that it will have little impact on staffing requirements.

Mr. Hall stated that pages 25 and 26 include new evidence about staffing impacts related to ILR10 compliance and text was added regarding the added construction cost related to the optional minimum requirement. He said that he spoke before about how any added cost would be more or less directly related to the problems that have to be fixed with the optional minimum requirements. He said that pages 26 and 27 include evidence about the added cost for ILR10 compliance and theoretically there would be no added cost because ILR10 compliance is already a requirement. He said that the reality is that some people avoid ILR10 compliance today and if we start requiring it for County permits they will no longer be able to avoid it. He said that evidence indicates that there may be some new cost and it would help the EPA enforce ILR10 compliance.

Ms. Lee stated that item # (6) on page 26 indicates that the added cost that could result from requiring ILR10 compliance for county permitting of land disturbance outside of the Champaign County MS4 Jurisdictional Area. She asked if we just discussed that Case 769-AT-13 covers outside of the MS4 area.

Mr. Hall stated that he remembers some question regarding inside and outside of the MS4 area. He said that the ILR10 compliance, the option, is all outside of the MS4 area but inside the MS4 area, we have to require ILR10 compliance.

1/15/15

1
2 Ms. Lee asked if this text indicates that we are going to require it outside of the MS4 area.

3
4 Mr. Randol stated that requiring ILR10 compliance outside of the MS4 is the option and the Board could
5 decide not to require it.

6
7 Mr. Hall stated that the evidence has to be written as if it was to be required and this is what the impact
8 would be. He said that pages 27 and 28 include important evidence regarding the impact of the optional
9 minimum requirements on the Zoning Ordinance's purpose in promoting public health, safety, comfort,
10 morals, and general welfare throughout the County. He said that given that that the optional minimum
11 requirements are what would come into play when staff receives a complaint from a neighbor then requiring
12 those would help achieve or promote public health, safety, comfort, morals, and general welfare throughout
13 the County and the only cost would be whatever you have to do in any given instance. He said that it is a
14 great value for the cost unless he is overlooking something in which case new evidence will need to be
15 added.

16
17 Mr. Hall stated that pages 31 and 32 include evidence regarding the size of the MS4 Jurisdictional Area. He
18 said that the MS4 area is 1% of the County's jurisdiction and it may get larger in the future.

19
20 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

21
22 Mr. Thorsland stated that this text amendment is very important and every member of the Board should have
23 an opportunity to work on it. He said that Mr. Passalacqua will be absent from the January 29th meeting and
24 Ms. Griest will be absent from the February 12th meeting therefore he hopes that everyone will be present for
25 the February 26th meeting. He said that a continuance to January 29th would allow the Board to continue
26 working through the information and the Board can receive input from Ms. Capel with the intent of not
27 finalizing the case but moving it forward.

28
29 Mr. Thorsland entertained a motion to continue Case 769-AT-13 to the January 29, 2015, public hearing.

30
31 **Ms. Griest moved, seconded by Mr. Randol to continue Case 769-AT-13 to the January 29, 2015,**
32 **public hearing. The motion carried by voice vote.**

33
34 Mr. Hall noted that if the first opportunity for the whole Board to vote on Case 769-AT-13 is in fact on
35 February 26th the one month would be worth it to give every Board an opportunity to weigh in on that vote
36 because this is an important amendment.

37
38 **773-AT-14** Petitioner: **Zoning Administrator Request to amend the Champaign County Storm Water**

1/15/15

1 **Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by adding**
2 **the following: A. Add a requirement for a Grading and Demolition Permit for any grading or**
3 **demolition that disturbs an acre or more of land or for any grading or demolition that is part of a**
4 **larger common plan of development in which one acre or more of land disturbance will occur, and**
5 **that is not related to any proposed construction; and B. Add fees for Grading and Demolition Permits;**
6 **and C. Add required information to be provided in the application for a Grading and Demolition**
7 **Permit; and D. Add a requirement that any grading or demolition pursuant to a Grading or**
8 **Demolition Permit shall comply with the Illinois Environmental Protection Agency's ILR 10 General**
9 **Storm Water Permit for Construction; and E. Add a requirement that any demolition pursuant to a**
10 **Demolition Permit shall comply with the Illinois Environmental Protection Agency's regulations**
11 **enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos; and F.**
12 **Add prohibitions against changing the flow of water and blocking the flow of water; and G. Add other**
13 **requirements related to Grading and Demolition Permits.**

14
15 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
16 the witness register for that public hearing. He reminded the audience that when they sign the witness
17 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
18 time.

19
20 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

21
22 Mr. John Hall, Zoning Administrator, stated that these cases have been going on so long that it is easy to
23 forget how long ago it was that the Board reviewed this case. He said that since the last time that the Board
24 has reviewed this case staff has introduced the general exemptions therefore eliminating a lot of text from
25 this particular amendment because a lot those exemptions are part of the general exemptions. He said that in
26 the previous version we had a copy of the ILR10 Notice of Intent but in the current version of Case 769-AT-
27 13 whether or not ILR10 applies is located in Section 4.1.A. it was therefore deleted from Section 6 under
28 Case 773-AT-14. He said that the only thing at issue for Case 773-AT-14 is whether we require a
29 demolition and grading permit or do we not. He said that there are no fees proposed in Case 773-AT-14
30 although fees were proposed in the legal advertisement because we are not going to do a lot on the grading
31 and demolition permit other than taking it in and making sure that it is complete. He said that the only
32 reason he is proposing a demolition and grading permit is so that the optional minimum requirement in Case
33 769-AT-13 can be made to apply in these instances. He said that if we do not require a grading permit he
34 does not believe that the courts would allow us to apply the minimum optional requirements to instances of
35 grading not related to other construction because we are not requiring a permit. He said that the logic of
36 Case 773-AT-14 is that those protections apply in instances of demolition or grading.

37
38 Mr. Passalacqua asked if a contractor is going to do some grading on property and he submits a permit will

1/15/15

1 there be an inspection at some point or will the inspection only be complaint driven.

2
3 Mr. Hall stated that there is no inspection and the contractor will only need to apply for a permit if he is
4 grading one acre or more and anything less that is not related to anything else does not require a permit.

5
6 Mr. Passalacqua asked if he is not satisfied with his property because when he mows it is rough therefore he
7 hires a contractor to grade $\frac{3}{4}$ of an acre of his 1.99 acre parcel. He said that he does not need to apply for a
8 permit but ILR10 will apply.

9
10 Mr. Hall stated that no permit and not ILR10 is required because only $\frac{3}{4}$ of an acre is being disturbed.

11
12 Mr. Passalacqua stated that in this instance this would be grading not related to anything else and no permit
13 is required.

14
15 Mr. Hall stated yes. He said that he believes that the optional minimum requirements would apply if Mr.
16 Passalacqua's grading created problems for his neighbors. He requires grading permits; therefore, that gives
17 us the right to apply the optional minimum requirements. He said that in Mr. Passalacqua's case, however,
18 he is not grading one acre or more but the optional minimum requirement will apply.

19
20 Mr. Passalacqua stated that this is much like his 11.5' x 11.5' shed which did not require a Zoning Use
21 Permit but it was still required to meet the requirements of the Zoning Ordinance for setbacks and yards.

22
23 Mr. Hall stated yes.

24
25 Mr. Randol stated that the only reason why an inspection would be completed would be because a complaint
26 was filed with staff.

27
28 Mr. Hall stated yes.

29
30 Mr. Hall stated that Attachment B. for Case 773-AT-14 is provided for the Board's review. He said that the
31 Board has also received a Preliminary Finding of Fact for Case 773-AT-14 and there is evidence throughout
32 the Finding of Fact.

33
34 Mr. Thorsland asked the Board if there were any questions regarding any of the information included in the
35 Preliminary Finding of Fact for Case 773-AT-14.

36
37 Ms. Griest stated that earlier Mr. Hall indicated that there were no fees proposed for a demolition and
38 grading permit although page 19, item #E, indicates the following: At the time the application is filed for a

ZBA

AS APPROVED FEBRUARY 12, 2015

1/15/15

1 Demolition Permit or a Grading Permit a fee of \$50 shall be paid.

2
3 Mr. Hall stated that Ms. Griest is correct and the last page of the Supplemental Memorandum dated January
4 9, 2015, retains the \$50 fee.

5
6 Ms. Griest asked if the \$50 fee should be stricken.

7
8 Ms. Lee stated that item B. of the description also indicates the following: Add fees for Grading and
9 Demolition Permits.

10
11 Mr. Hall stated that he knows that description creates the case in which the County Board can act.

12
13 Mr. Hall stated that \$50 may capture most of staff's costs for a grading permit because there is so little work
14 involved and if not having a fee is what it takes to get the grading permit requirement in place, then he would
15 say don't add the fee; but this is for the Board to determine.

16
17 Mr. Randol asked Mr. Hall for how small of an area would this be applicable. He asked if he wanted to
18 grade where the downspouts are located, which may be less than ¼ acre, would he be required to obtain a
19 grading permit.

20
21 Mr. Hall stated no. He said that one acre is the threshold.

22
23 Mr. Randol stated that the fee would apply.

24
25 Mr. Passalacqua stated no. He said that if the grading is less than one acre no permit is required although the
26 grading must be in compliance.

27
28 Mr. Hall stated that the grading permit kicks in at one acre or more. He said that currently the County has a
29 three acre parcel outside of Urbana that has been graded with no construction on it but staff received
30 complaints the entire time that the grading took place. Mr. Hall said that the property owner would have
31 paid \$50 and received a permit. He said that eventually the Illinois EPA found out about the grading and
32 made the property owner apply for an ILR10.

33
34 Mr. Randol asked Mr. Hall to indicate the cost of an ILR10.

35
36 Mr. Hall stated that an ILR10 costs more than \$50.

37
38 Ms. Lee asked Mr. Hall when ILR10 applies when doing demolition and grading.

ZBA

AS APPROVED FEBRUARY 12, 2015

1/15/15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Mr. Hall stated that ILR10 applies if the property owner is doing one acre or more. He said that it would require the application fees for the ILR10 and would require erosion and sedimentation controls which could be substantial at a few thousand dollars.

Ms. Lee stated that if it is already required for one acre or more why does the EPA want the County involved as well.

Mr. Randol stated that they want the County involved for enforcement.

Mr. Hall stated that he wants to give the County Board the option to say that they will have their staff go out and enforce erosion and sedimentation controls when a complaint is received. He said that regarding the case near Urbana the neighbors called the EPA and they received action and mud was no longer tracked on their road. He said that when those neighbors called staff we had no idea of what was going on therefore staff had to visit the property.

Ms. Lee asked if a public utility, such as Ameren, is subject to ILR10.

Mr. Hall stated that a public utility is subject to ILR10 but that is between them and the EPA.

Ms. Lee asked if a citizen complained would the EPA do anything about it since it is a public utility.

Mr. Hall stated that the EPA has talked to Ameren about the new power line that they plan to install. He said that as short staffed as the EPA is they always go out and investigate a complaint when it is received.

Ms. Griest asked Mr. Hall if they had ILR10 compliance requirement for a permit Case 773-AT-14 would also require them to get a permit through the County.

Mr. Hall stated yes.

Mr. Passalacqua stated that it is double indemnity.

Mr. Hall stated that they are already subject to the ILR10 requirement.

Mr. Passalacqua stated that they are already subject to the ILR10 requirement regardless of whether we adopt this ordinance.

Mr. Hall stated yes.

ZBA

AS APPROVED FEBRUARY 12, 2015

1/15/15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Mr. Passalacqua asked if the County is doing this for the \$50 or so that the County answers the call instead of the Illinois EPA.

Mr. Hall stated that the Illinois EPA will also answer the call.

Mr. Passalacqua stated that it is his understanding that the State and Federal governments are coming out to the counties requesting that they do this.

Mr. Hall stated that ILR10 only applies and the EPA will only go out when there is one acre or more being disturbed. He said that the main reason for the optional minimum requirements and the grading permit is so that if there is less than one acre the optional minimum requirements still apply and you still cannot cause harm to your neighbors. He said that the EPA will not come out to do anything because ILR10 is not required.

Mr. Passalacqua stated that we have to write this to guarantee compliance even if it is under the minimums.

Mr. Hall stated yes, because he does not believe that the courts would not allow us to apply something to grading when we made the decision not to require a grading permit.

Mr. Passalacqua stated that we will have to have a requirement for building permits on covered buildings to be able to enforce compliance on buildings that do not require a permit. He said that if we did not have a building permit on a home we could not enforce compliance on a structure that did not require a permit. He said that without this amendment we have no enforcement on compliance even if it is under the minimum.

Mr. Hall stated yes.

Ms. Lee asked Mr. Hall if staff had the enforcement power now.

Mr. Hall stated no, the enforcement would fall to the Illinois EPA. He said that to the extent of giving people the recourse when they have a complaint will further the Zoning Ordinance's objective of public welfare.

Ms. Lee stated that currently when staff receives complaints from people regarding the dirt on the road staff cannot do anything about it.

Mr. Hall stated that he cannot do anything about dirt on the road unless it is a County Highway and then he will contact Jeff Blue, Champaign County Highway Engineer, and then Jeff Blue will do something about it.

1/15/15

1 He said that if he knows a highway commissioner is concerned he will let him know but the highway
2 commissioners loath upsetting any member of their constituency, at least in his experience. He said that he
3 hasn't yet met a highway commissioner who is deeply concerned about mud on the road and perhaps that is
4 because they cannot do anything about agricultural mud.

5
6 Mr. Hall stated that the Finding of Fact for Case 773-AT-14 includes the Board decision points and those
7 decision points are indicated in bold italics. He said that he included the \$50 fee just because we know this
8 is a new task that we will be doing but this is much less work than the Minor LDEC permit so he believes
9 that we could justify not having the fee. He said that we all know that if the County Board wants to add a fee
10 later they will. He said that when the Board finally takes action on Case 773-AT-14 the issue of the fee is
11 another part of defining the amendment that can be recommended to the County Board.

12
13 Ms. Griest stated that a multi-acre parcel that is staged in sections less than one acre for grading and seeding
14 will get around the requirement as long as it has re-established before they disturb another section.

15
16 Mr. Hall stated yes. He said that if they could do each of those phases and achieve final stabilization before
17 they have one acre in total disturbed at any time then that is exactly what the NPDES wants which is no
18 more than one acre disturbed at any time.

19
20 Ms. Lee stated that Attachment CCC indicates Case 769-AT-14 therefore should it be Case 769-AT-13 or is
21 the table for Case 773-AT-14.

22
23 Mr. Hall stated that Attachment CCC is the new table and it is only for Case 769-AT-13.

24
25 Ms. Griest stated that the Documents of Record on Pages 14 & 15 in the Finding of Fact for Case 773-AT-14
26 indicates Case 769-AT-14 rather than Case 769-AT-13.

27
28 Mr. Hall stated that he will correct these typos.

29
30 Mr. Thorsland stated that if the Board sees any other typos in the text they should contact staff.

31
32 Mr. Thorsland asked the Board if there were any other questions for Mr. Hall regarding Case 773-AT-14 and
33 there were none.

34
35 Mr. Thorsland entertained a motion to continue Case 773-AT-14 to the January 29, 2015, public hearing.

36
37 **Ms. Lee moved, seconded by Mr. Randol to continue Case 773-AT-14 to the January 29, 2015, public**
38 **hearing. The motion carried by voice vote.**

1/15/15

1
2 **6. New Public Hearings**
3

4 **Case 791-AT-14 Petitioner: Zoning Administrator Request to amend the standard conditions and**
5 **special provisions for a ‘heliport restricted landing area’ and ‘restricted landing area’ in Section 6.1.3**
6 **of the Champaign County Zoning Ordinance to make permanent and to correct the amendment**
7 **adopted in Case 768-AT-13 regarding ‘heliport restricted landing area’ and ‘restricted landing area’,**
8 **as follows: Part A. Revise the standard conditions and special provisions in Section 6.1.3 for a**
9 **‘Heliport or Heliport Restrict Landing Area’ as follows: 1. Replace “runway” with “Final Approach**
10 **and Takeoff (FATO) Area”;** and 2. Delete the paragraph preceding Standard Condition 2. that limits
11 **the time that Standard Conditions 2. and 3. will be in effect to no more than 365 days from the date**
12 **that they were adopted; and 3. Add a new Standard Condition 2. That indicates that the following**
13 **Standard Conditions apply on to a HELIPORT-RESTRICTED LANDING AREA; and 4. Renumber**
14 **existing Standard Condition 2. to be new Standard Condition 2.A.; and 5. Add a new Standard**
15 **Condition 2.B. that requires that no part of a Final Approach and Takeoff (FATO) Area may be**
16 **closer than 1,320 feet from the nearest dwelling under different ownership than the HELIPORT-**
17 **RESTRICTED LANDING AREA; and 6. Add a new Standard Condition 2.C. that requires that no**
18 **part of a Final Approach and Takeoff (FATO) Area may be closer than 280 feet from the nearest**
19 **property under different ownership than the HELIPORT-RESTRICTED LANDING AREA; and 7.**
20 **Delete existing Standard Condition 3. And add a new Standard Condition 2.D. to provide that the**
21 **requirement of Section 4.3.8 notwithstanding, any DWELLING or LOT established after a**
22 **HELIPORT-RESTRICTED LANDING AREA is established is not required to comply with Standard**
23 **Conditions 2.B. or 2.C. for a HELIPORT/RESTRICTED LANDING AREA and no Special Use**
24 **Permit shall be required. Part B. Revise the existing standard conditions and special provisions to**
25 **Section 6.1.3 for a ‘Restricted Landing Area’ as follows: 1. Replace all references to Section 4.3.7 with**
26 **references to Section 4.3.8; and 2. Replace all references to “Table 5.3 note (12)” with references to**
27 **“Footnote 11 in Section 5.3”;** and 3. Delete the paragraph preceding Standard Condition 5. that limits
28 **the time that Standard Conditions 5. and 6. will be in effect to no more than 365 days from the date**
29 **that they were adopted; and 4. Add a new Standard Condition 6 that requires that no part of a**
30 **runway may be closer than 1,320 feet from the nearest dwelling under different ownership than the**
31 **RESTRICTED LANDING AREA; and 5. Add a new Standard Condition 7 that requires that no part**
32 **of a runway may be closer than 280 feet from the nearest property under different ownership than the**
33 **RESTRICTED LANDING AREA; and 6. Delete Standard Condition 6 and add a new Standard**
34 **Condition 8 to provide that the requirement of Section 4.3.8 notwithstanding, any BUILDING or**
35 **STRUCTURE or USE or LOT established after a RESTRICTED LANDING AREA is established is**
36 **not required to comply with Standard Conditions 6 or 7 for a RESTRICTED LANDING AREA AND**
37 **no Special Use Permit shall be required provided there is compliance with Standard Condition 3 for a**
38 **RESTRICTED LANDING AREA.**

1/15/15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. He reminded the audience that when they sign the witness register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this time.

Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

Mr. John Hall, Zoning Administrator, stated that this is the permanent amendment that is intended to replace Case 768-AT-13. He said that Case 791-AT-14 is complete as far as staff is concerned and he generally does not recommend that the Board take final action at the first meeting, but the Board could if the Board is so inclined.

Mr. Hall stated that the one thing that he would like to bring to the Board's attention is that in Case 768-AT-13, the only separation that the Board spent the most time discussing was the separation to a dwelling under other ownership. He said that staff provided information which indicated the average for the County and during the interim amendment the Board was not concerned with the difference between the proposed regulation and the average because Case 768-AT-13 was just an interim amendment. He said that perhaps nothing has happened during the interim to cause the Board to reduce the 1,320 foot separation that was adopted in Case 768-AT-13 but this time it is in the Finding of Fact and like everything else in the Finding of Fact it is for the Board's approval.

Mr. Hall stated that on Page 20 of the Preliminary Finding of Fact dated January 15, 2015, there is an item of evidence #16.E.8 which states the following: This Case 791-AT-14 does not propose any substantive changes to the requirements that were established in the previous related Case 768-AT-13 and adopted in Ordinance No. 944. He said that if item of evidence #16.E. 8 is true then the Board could leave it the way it is but if it is not true staff could possibly obtain additional information for the next meeting or the Board could just debate the current information amongst themselves. He said that this is one thing that he wants to make sure that the Board spends some time on before this case is finalized.

Mr. Thorsland asked the Board if there were any questions for Mr. Hall.

Mr. Randol asked Mr. Hall if this case is pertinent to any one issue or anyone that would desire to install a helicopter landing site.

Mr. Hall stated that Case 768-AT-13 and Case 791-AT-14 relate only to helicopter restricted landing areas and restricted landing areas, not airports, and Case 791-AT-14 only relates to those helicopter restricted landing areas and restricted landing areas that are within a certain distance of the CR District. He said that

1/15/15

1 the CR District was intentionally set up to have mature trees and mature trees and glide ratios don't mix. He
2 said that Case 791-AT-14 also establishes a separation between and HRLA and an RLA and a dwelling
3 under separate ownership so in effect it is adding a protection for all dwellings in the rural area so that no
4 one can get closer than that with an RLA unless this Board would waive that standard condition.

5
6 Mr. Randol asked Mr. Hall how Case 791-AT-14 will affect other operations that are already in existence
7 and may not fit these guidelines.

8
9 Mr. Hall stated that existing operations are grandfathered.

10
11 Mr. Randol stated that there is a crop duster in Seymour that has been in operation for years and he is not
12 sure that this existing crop dusting operation would comply with these guidelines.

13
14 Mr. Hall stated that these guidelines would not affect a bonafide agricultural crop dusting restricted landing
15 area because it is agriculture and is exempt. He said that any existing RLA indicated on Page 20 of the
16 Finding of Fact that is closer than 1,320 feet from a dwelling under separate ownership is nonconforming.
17 He said that an RLA cannot be expanded beyond what IDOT allows it to be and none of those have
18 conditions which limit them to anything less therefore by definition this amendment cannot affect existing
19 restricted landing areas.

20
21 Ms. Lee stated that a previous hearing Mr. Passalacqua suggested that the separation distance be 1,600 feet
22 rather than 1,320 feet. She asked Mr. Hall if the Board could increase the separation distance to 1,600 feet.

23
24 Mr. Hall stated that as long as the Board has evidence to supporting that the Board could set the separation
25 distance at whatever distance the Board thinks it should be but legally the Board needs evidence to support
26 any increase.

27
28 Mr. Passalacqua stated that the Board justified the 1,320 feet separation that was completed in Case 768-AT-
29 13 regardless of the fact there were so many other average numbers. He said that he wasn't moved by the
30 other averages for Case 768-AT-13 and he hasn't seen anything happen since then that would change his
31 mind regard a separation of 1,320 feet. He said that if someone proposes an RLA that doesn't conform they
32 will be before this Board indicating why it doesn't conform therefore he is perfectly comfortable with
33 leaving the separation distance at 1,320 feet.

34
35 Mr. Thorsland stated that he agrees with Mr. Passalacqua. He said that the Board has set a basic framework
36 and if someone has some sort of extenuating circumstance they can come before the Board to request that the
37 separation distance be revised. He said that he agrees with Mr. Hall in that having the separation distance of
38 1,320 feet from the nearest dwelling under different ownership for a year the Board would need to have

1/15/15

1 evidence to support extending the separation distance to 1,600 feet.

2
3 Mr. Passalacqua stated that this is the type of case where separation is the key because there will be two sets
4 of people on separate sides of the fence and separation may be what gets the petitioner their permit. He said
5 that he is perfectly happy with a separation distance of 1,320 feet.

6
7 Mr. Thorsland stated that this is the first public hearing for this case therefore the Board tends not to do
8 everything in one night but because there are not a lot of changes it may be possible to finalize this case
9 tonight. He said that he would like to begin reviewing the changes and decision points in the Finding of
10 Fact. He said that all of the LRMP Goals are the same and personally does not see any reason to change any
11 of those findings. He said that Pages 19 and 20 discusses the 1,320 separation distance and points out that
12 there has been no evidence presented that would cause the Board to reduce or increase the separation
13 distance.

14
15 Mr. Hall stated that there have been one or two accidents in the past year which could be considered
16 evidence.

17
18 Mr. Passalacqua asked Mr. Hall if he was referring to the plane crash in Rantoul.

19
20 Mr. Hall stated that he believed there was an accident in Rantoul and one other one also.

21
22 Ms. Griest stated that there was an accident between Champaign and Mahomet which involved a helicopter
23 crop duster.

24
25 Mr. Passalacqua stated that the accident in the Rantoul area occurred over two years ago.

26
27 Mr. Thorsland stated that neither one of these accidents were in the prevue of this case.

28
29 Ms. Griest stated that the crop duster accident involved a high tension power line and had nothing to do with
30 landing.

31
32 Mr. Thorsland stated that the accident in Rantoul was actually on the Chanute Air Force Base airport landing
33 strip therefore it has nothing to do with this case.

34
35 Mr. Passalacqua stated that even though the Rantoul accident has nothing to do with this case it would be
36 important data for this case in regards to distances.

37
38 Mr. Thorsland asked the Board if they desired to add this accident data to the findings and the Board

1/15/15

1 indicated that they did not. He noted that this case takes Case 768-AT-13 from a temporary one year
2 amendment to a permanent ordinance change. He said that Case 791-AT-14 would be the framework that all
3 new restricted landing areas would be required to operate under but it would not affect any existing restricted
4 landing areas. He said that if someone comes before the Board with a unique circumstance which would
5 require a different separation the Board will have the flexibility to hear their case.

6
7 Mr. Passalacqua asked Mr. Hall if the Board heard testimony regarding the requested Jones' RLA during six
8 hearings.

9
10 Mr. Hall stated that the Board heard testimony regarding that case during more than six hearings.

11
12 Mr. Passalacqua stated that he was just indicating that the Board went over the case with a fine tooth comb
13 and has reviewed almost every angle related to this case. He said that he is comfortable with moving
14 forward with final action for this case tonight.

15
16 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present testimony
17 regarding this case.

18
19 Mr. Thorsland called Jean Fisher to testify.

20
21 Ms. Jean Fisher, who resides at 195 County Road 1600E, Villa Grove, stated that she is one of the parties
22 that gave testimony in Case 768-AT-13. She said that she lives in the CR district and has for over 27 years.
23 She said that a petition consisting of 33 signatures from landowners in a specific area requested that a
24 proposed restricted landing area be denied in the CR district. She said that people were opposed to the RLA
25 due to reasons regarding the protection and preservation of the Conservation-Recreation District, the
26 inhabitants, water shed and trees. She said that while going through the previous case it appeared evident
27 that it would be helpful to have a new ordinance with restrictions in place for the protection of the CR
28 district. She said that a lot of background and research had been completed in determining how other
29 counties address the separation distance from an RLA and a dwelling under different ownership so that a
30 property owner would not have an RLA within 110 feet of his bedroom. She said that proposals were
31 submitted to the Zoning Administrator and staff worked very hard in putting this amendment together. She
32 said that staff had a lot of graphing and technical work to complete for this amendment and she would like to
33 thank staff for their efforts.

34
35 Ms. Fisher stated that she supports Case 791-AT-14 and would request that Case 791-AT-14 be
36 recommended for final action as soon as possible to continue the protection of the CR district. She said that
37 the group of citizens who have been involved in this process is happy with the proposed amendment and
38 would appreciate the Board's support in approving this case.

1/15/15

1
2 Mr. Thorsland asked the Board if there were any questions for Ms. Fisher and there were none.
3
4 Mr. Thorsland asked if staff had any questions for Ms. Fisher and there were none.
5
6 Ms. Lee asked Mr. Thorsland if there is any reason why the Board could not recommend final action tonight.
7
8 Mr. Thorsland stated no.
9
10 Ms. Lee stated that she understands that Mr. Hall stated the generally the Board will not recommend final
11 action within one meeting but the Board has dealt with this before.
12
13 Mr. Thorsland stated that the fundamental question is that the Board did work very hard to come up with the
14 two numbers which establish the entire ground rules. He said that if the Board is comfortable with these
15 numbers, which have been in place for one year with no problems then the Board could move forward
16 tonight. He said that the numbers would stay at 1,320 feet for the dwelling and 280 feet for the property line.
17
18 Mr. Thorsland stated that Page 23 of the Finding of Fact includes the Summary Finding of Fact and item
19 1.B. indicates that the proposed amendment will NOT IMPEDE or is NOT RELEVANT TO the following
20 LRMP Goal(s):1, 2, 3, 4, 5, 6, 7, 9, and 10. He asked the Board if they agreed with Item #1.B. and they
21 agreed. Mr. Thorsland stated that LRMP Goal 8 is the one goal that is most involved in this amendment.
22
23 Mr. Thorsland read item #1 of the Summary Finding of Fact as follows: A. Regarding Goal 8: Objective 8.5
24 requiring the County to encourage the maintenance and enhancement of aquatic and riparian habitats because
25 while it will either not impede or is not relevant to the other Objectives and Policies under this goal, it will
26 HELP ACHIEVE the following the same as for the previous and related Case 768-AT-13: Policy 8.5.1.
27 requiring discretionary development to preserve existing habitat, enhance degraded habitat and restore
28 habitat (See Item 18.A.(2)).; and Policy 8.5.2 requiring discretionary development to cause no more than
29 minimal disturbance to the stream corridor environment (See Item 18.A.(3)).; He said that Objective 8.6 that
30 avoids loss or degradation of habitat will HELP ACHIEVE the following the same as for the previous and
31 related Case 768-AT-13: Policy 8.6.2 requiring new development to minimize the disturbance of habitat or
32 to mitigate unavoidable disturbance of habitat (See Item 19.B.(2)).; and based on achievement of the above
33 Objective and Policies and because it will either not impede or is not relevant to the other Objectives and
34 Policies under this goal, the proposed map amendment will HELP ACHIEVE Goal 8 Natural Resources the
35 same as for the previous and related Case 768-AT-13. Mr. Thorsland asked the Board if they agreed to Item
36 1.A. and the Board agreed.
37
38 Mr. Thorsland stated that Item 1.C indicates that overall, the proposed text amendment will HELP

1/15/15

1 ACHIEVE the Land Resource Management. He asked the Board if they agreed with Item 1.C and the Board
2 agreed.

3
4 Mr. Thorsland continued to Summary Finding of Fact Item #2. as follows: The proposed Zoning Ordinance
5 map amendment will HELP ACHIEVE the purpose of the Zoning Ordinance the same as for the previous
6 and related Case 768-AT-13 because: The proposed text amendment WILL conserve the value of land,
7 BUILDINGS, and STRUCTURES throughout the COUNTY the same as for the previous and related CASE
8 768-AT-13 (Purpose 2.O (b); see Item 16.B.); and the proposed text amendment WILL promote the public
9 health, safety, comfort, morals, and general welfare the same as for the previous and related Case 768-AT-13
10 (Purpose 2.0(3); see Item 16.E.); and the proposed text amendment WILL regulate and limit the intensity of
11 the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings
12 and structures the same as for the previous and related Case 768-AT-13 (Purpose 2.0(h); see Item 16.H.);
13 and the proposed text amendment WILL classify, regulate, and restrict the location of trades and industries
14 and the location of buildings, structures, and land designed for specified industrial, residential, and other
15 land uses the same as for the previous and related Case 768-AT-13 (Purpose 2.0(i); see Item 16.I.); and the
16 proposed text amendment WILL divide the entire County into districts of such number, shape, area, and such
17 different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of
18 open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance
19 the same as for the previous and related Case 768-AT-13 (Purpose 2.0(j); see Item 16.J.); and the proposed
20 text amendment WILL fix regulations and standards to which buildings, structures, or uses therein shall
21 conform the same as for the previous and related Case 768-AT-13 (Purpose 2.0(I); see Item 16.K.); and the
22 proposed text amendment WILL prohibit uses, buildings, or structures incompatible with the character of
23 such districts the same as for the previous and related Case 768-AT_13 (Purpose 2.0(I); see Item 16.L.); and
24 the proposed text amendment WILL protect the most productive agricultural lands from haphazard and
25 unplanned intrusions of urban uses the same as for the previous and related Case 768-AT-13 (Purpose
26 2.0(n); see Item 16.N.); and the proposed text amendment WILL protect natural features such as forested
27 areas and watercourses the same as for the previous and related Case 768-AT-13 (Purpose 2.O (o); see Item
28 16.). Mr. Thorsland asked the Board if they agreed Item #2 of the Summary Finding of Fact and the Board
29 agreed.

30
31 Mr. Thorsland stated that there are no new Documents of Record.

32
33 Mr. Thorsland entertained a motion to adopt the Finding of Fact, Documents of Record and Summary
34 Finding of Fact as amended.

35
36 **Ms. Griest moved, seconded by Mr. Randol to adopt the Finding of Fact, Documents of Record and**
37 **Summary Finding of Fact as amended. The motion carried by voice vote.**

38

1/15/15

1 Mr. Thorsland entertained a motion to move to the Final Determination for Case 791-AT-14.

2
3 **Ms. Lee moved, seconded by Ms. Griest to move to the Final Determination for Case 791-AT-14. The**
4 **motion carried by voice vote.**
5

6 Mr. Thorsland informed the petitioner that currently the Board has one vacant Board seat and one absent
7 Board member therefore it is at his discretion to either continue Case 791-AT-14 until a full Board is present
8 or request that the present Board move to the Final Determination. He informed the petitioner that four
9 affirmative votes are required for approval.

10
11 Mr. Hall requested that the present Board move to the Final Determination.

12
13 **Final Determination for Case 791-AT-14:**

14
15 **Ms. Griest moved, seconded by Mr. Passalacqua that pursuant to the authority granted by Section 9.2**
16 **of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County**
17 **determines that the Zoning Ordinance Amendment requested in Case 791-AT-14 should BE**
18 **ENACTED by the County Board in the form attached hereto.**

19
20 Mr. Thorsland requested a roll call vote.

21
22 The roll was called as follows:

23			
24	Lee-yes	Passalacqua-yes	Randol-yes
25	Capel-absent	Griest-yes	Thorsland-yes
26			

27 Mr. Hall thanked the Board and informed the Board and the audience that Case 791-AT-14 will be
28 forwarded to the Environment and Land Use Committee at their February 5, 2015, meeting.

29
30 **7. Staff Report**

31
32 None

33
34 **8. Other Business**

- 35 A. Review of Docket
- 36 B. 2015 Zoning Board of Appeals Calendar

37
38 Mr. Thorsland entertained a motion to cancel the December 31, 2015, ZBA meeting.

ZBA

AS APPROVED FEBRUARY 12, 2015

1/15/15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Ms. Griest moved, seconded by Mr. Passalacqua to cancel the December 31, 2015, ZBA meeting. The motion carried by voice vote.

Mr. Thorsland requested that to ensure a quorum, any Board member who anticipates an absence of any meeting that they contact staff as soon as possible. He said that currently the following absences have been noted: Mr. Passalacqua – January 29th; and Ms. Griest – February 12th; and Mr. Thorsland – possibly on March 26th.

Mr. Thorsland entertained a motion to approve the 2015 Champaign County Planning and Zoning Calendar as amended.

Ms. Griest moved, seconded by Ms. Lee to approve the 2015 Champaign County Planning and Zoning Calendar as amended. The motion carried by voice vote.

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

None

10. Adjournment

Mr. Thorsland entertained a motion to adjourn the meeting.

Mr. Passalacqua moved, seconded by Ms. Lee to adjourn the meeting. The motion carried by voice vote.

The meeting adjourned at 9:07 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals

ZBA

AS APPROVED FEBRUARY 12, 2015

1/15/15

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33