



1 Ms. Lee stated that prior to the meeting she discussed two very minor corrections to the February 26, 2015,  
2 minutes with staff.

3

4 **The motion carried.**

5

6

7

5. Continued Public Hearing

8

9 **Case 769-AT-13 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**  
10 **Ordinance by amending the Champaign County Storm Water Management Policy by changing the**  
11 **name to the Storm Water Management and Erosion Control Ordinance and amending the reference**  
12 **in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control**  
13 **Ordinance as described in the legal advertisement which can be summarized as follows: I. Revise**  
14 **existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to**  
15 **have authority to prevent pollution of any stream or body of water. (Part A of the legal**  
16 **advertisement); and II. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be**  
17 **new Section 2 and add purpose statements related to preventing soil erosion and preventing water**  
18 **pollution and fulfilling the applicable requirements of the National Pollutant Discharge System**  
19 **(NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement); and III. Add new Section**  
20 **3 titled Definitions to include definitions related to fulfilling the applicable requirements of the**  
21 **National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of**  
22 **the legal advertisement); and IV. Revise existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11,**  
23 **12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance**  
24 **activities including a requirement for a Land Disturbance Erosion Control Permit including Minor**  
25 **and Major classes of Permits that are required within the Champaign County MS4 Jurisdictional**  
26 **Area; add a requirement that land disturbance of one acre or more in a common plan of development**  
27 **must comply with the Illinois Environmental Protection Agency’s ILR 10 Permit requirements; add**  
28 **fees and time limits for each class of Permit; add requirements for administration and enforcement**  
29 **Permits; and add new Appendices with new standards and requirements for both Minor and Major**  
30 **Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement); and V. Revise existing**  
31 **Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation onto adjacent**  
32 **properties and add minimum erosion and water quality requirements for all construction or land**  
33 **disturbance; and VI. Revise existing Section 5 to be new Section 8 and add a Preferred Hierarchy of**  
34 **Best Management Practices. (Part H of the legal advertisement); and VII. Revise and reformat**  
35 **existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18. (Parts G, I, J, P, Q, R,**  
36 **S and W of the legal advertisement).**

37

38 **773-AT-14 Petitioner: Zoning Administrator Request to amend the Champaign County Storm Water**  
39 **Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by adding**  
40 **the following: A. Add a requirement for a Grading and Demolition Permit for any grading or**

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

12

13 Mr. Thorsland called Cases 769-AT-13 and 773-AT-14 concurrently.

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, distributed a version of the Storm Water Management and Erosion  
23 Control Ordinance dated March 6, 2015, to the Board for review. He said that this version should represent  
24 the current version of the Ordinance. He said that this version of the Ordinance includes all of the optional  
25 paragraphs and only indicates two kinds of changes to the existing Ordinance. He said that the single  
26 underline is new text that was included in the Draft Policy that ELUC reviewed in December, 2013 and the  
27 double underline is all of the new text that has been added during the public hearings. He said that the  
28 March 6, 2015, version of the Ordinance has been formatted to make sense to ELUC and this is the example  
29 of the Ordinance that will be attached to the Final Determination pending the ZBA's final recommendations  
30 regarding those optional parts. He said that Appendices E, D and F are not included with the text.

31

32 Mr. Thorsland stated that the mailing included all of the things that the Board discussed at the last meeting  
33 regarding abandoned wells and demolition. He said that staff did a fine job in obtaining all of the  
34 information that the Board requested and he hopes that the Board had time to review that information. He  
35 asked the Board if there were any questions or comments regarding this information.

36

37 Mr. Hall stated that regardless of what happens with Case 773-AT-14, it is very common for staff to receive  
38 calls about whether approvals are needed for demolition and staff has never had the need to prepare a  
39 checklist for what happens at demolition. He said that even if Case 773-AT-14 is not recommended this  
40 information will be useful for the department.

1  
2 Mr. Passalacqua asked if this information is only about well abandonment. He said that the Board discussed  
3 the possibility of an existing well that is being preserved.  
4  
5 Mr. Hall stated that information regarding well preservation is in the handouts.  
6  
7 Mr. Thorsland stated that it is very possible that all of the Board's questions regarding wells have been asked  
8 before by someone else and were answered in this information. He said that staff gathered all of the  
9 pertinent information and distributed it to the Board for review.  
10  
11 Ms. Lee stated that Mr. Hall previously indicated that if Champaign County doesn't do anything regarding  
12 storm water that the EPA will probably take the County to court. She asked if there was any way that the  
13 ZBA could make a recommendation on Case 769-AT-13 and exclude anything outside the MS4  
14 Jurisdictional Area and only do the MS4 Jurisdictional Area as required by the EPA.  
15  
16 Mr. Hall stated that the ZBA can recommend whatever the Board believes is reasonable. He said that the  
17 approach he followed while drafting the Ordinance was that once the County has the infrastructure necessary  
18 for what is required in the MS4 Jurisdictional Area, why not use it when it is necessary to respond to  
19 complaints outside the MS4 Jurisdictional Area.  
20  
21 Ms. Lee stated that if the Board does not agree with utilizing the Ordinance outside the MS4 Jurisdictional  
22 Area then the Board will be forced to deny the request even though they may agree that it should only be for  
23 the MS4 Jurisdictional Area.  
24  
25 Mr. Hall stated no.  
26  
27 Mr. Thorsland stated that the Board will be going through the Finding of Fact for Case 769-AT-13 and there  
28 are decision points regarding other portions of the County but that does not mean that the Board would not  
29 recommend the sections that don't apply to the MS4 Jurisdictional Area and the rest it will move forward.  
30 He said that a yes vote minus the additional parts means that the case still moves forward and satisfies the  
31 EPA requirement and it means that the ZBA does not recommend to the County Board the Ordinance outside  
32 of the MS4 Jurisdictional Area. He said that if the ZBA recommends the entire package, inside and outside  
33 the MS4 Jurisdictional Area, the County Board will take the ZBA's recommendation under advisement and  
34 either approve or deny it, send it back to the ZBA, or make their own recommendations.  
35  
36 Mr. Thorsland stated that this will be a process of reviewing Case 769-AT-13 and including or not including  
37 the parts that are in addition to what is required. He said the parts that are required will more than likely be  
38 recommended by this Board because they are required and it is a matter of what the Board does beyond that  
39 requirement as to what is recommended to the County Board.  
40

1 Ms. Lee asked Mr. Thorsland if the Board's discussion will be noted in the recommendation.

2  
3 Mr. Thorsland stated that the two final determinations have places where the Board either recommends or  
4 does not recommend or includes or does not include and the Board will go through those places tonight.

5  
6 Mr. Hall reminded the Board of the draft evidence under item #16.E on page 27. He said that item #16.E  
7 deals with the Ordinance's purpose promoting public health, safety, comfort, morals, and general welfare.  
8 He said that the evidence that he has proposed for the Board simply states that once the Board has all of the  
9 requirements for the MS4 Jurisdictional Area in place, not using them to solve problems that come up in the  
10 rest of the jurisdiction is not promoting public welfare because the Board will be preventing staff from  
11 promoting public welfare. He said that if the Board disagrees with the evidence under item #16.E then he  
12 will do everything he can to bring it in line with what the Board believes will be a more reasonable statement  
13 of fact. He said that if the finding is not up to the Board's satisfaction the case can be continued to a later  
14 date but he wants to make sure that if the Optional Minimum Requirements are not recommended by this  
15 Board that there is some evidence that he can point to when this case gets to the County Board as to why it  
16 was not recommended. He said that it does not establish any new requirement unless there is a valid  
17 complaint and it does not add any new fees. He said that the only cost that it imposes upon anyone is the  
18 cost to stop damage on other property and he cannot put into words why someone would not recommend that  
19 but he would be happy to try if the Board provides guidance.

20  
21 Ms. Griest stated that in the Summary of Evidence does not specifically read like the testimony that Mr. Hall  
22 just presented.

23  
24 Mr. Hall stated that usually his verbal statements are not as grammatical as he would like them to be and it is  
25 difficult to write the way you speak.

26  
27 Mr. Thorsland stated that item #16.E specifically states that one purpose of the zoning regulations and  
28 standards that have been adopted and established is to promote the public health, safety, comfort, morals and  
29 general welfare. The proposed amendment with the Optional Minimum Requirements in Section 6 and  
30 disregarding ILR10 compliance outside of the MS4 Jurisdictional Area, WILL promote the public health,  
31 safety, comfort, morals, and general welfare throughout the County, based upon the following. (1) The  
32 Optional Minimum Requirements do not require erosion and sedimentation controls to be put in place until  
33 there is a valid complaint of erosion and/or sedimentation on adjacent land. Mr. Thorsland stated that the  
34 text is a distinct version of what Mr. Hall said in that it does not put any burden upon anyone until they do  
35 something wrong. Mr. Thorsland stated that the Optional Minimum Requirements are not applicable to  
36 MS4 compliance and the intent of paragraph 6.1F and subsection 6.4 and 6.5 is to authorize the Zoning  
37 Administrator to require actions to be taken for land disturbance pursuant to a Zoning Use Permit if that land  
38 disturbance causes erosion or sedimentation on adjacent land. He said that this is a backstop on something  
39 that should not be done in the first place and is a more grammatically correct version of what Mr. Hall  
40 summarized. Mr. Thorsland suggested that the Board review item #16.E(6).

1  
2 Ms. Griest stated that she did review item #16.E(6) but it does not jump out at her. She said that when Mr.  
3 Hall summarizes item #16.E as a specific point it becomes very significant but it is buried in the text. She  
4 asked if all of the text could be left as written and highlight “do not require” in item #16.E(1).  
5  
6 Mr. Hall stated that there will be no underlined text in the final version. He asked Ms. Griest if she would  
7 like to keep the underlined text, add double underlined text or indicate specific text in bold lettering.  
8  
9 Ms. Griest stated that she would like something to make the text jump off the page to where it stands out that  
10 only when there is a complaint does this begin to become a tool.  
11  
12 Mr. Passalacqua agreed with Ms. Griest. He said that if it could be clearly stated that there is no net change  
13 unless there is a complaint then everyone could swallow this a lot easier.  
14  
15 Ms. Capel stated that one thing that Mr. Hall stated was that it won’t add any additional public expense  
16 which is a clear and positive statement.  
17  
18 Mr. Thorsland stated that perhaps the “do not require” in item #16.E(1) should be indicated in bold italics or  
19 underlined.  
20  
21 Mr. Hall stated that the following statement could be added to the last sentence in item #16.E(1): only a valid  
22 complaint triggers enforcement of the Optional Minimum Requirements. He said that he would also add this  
23 statement as a new #16.E(7).  
24  
25 Ms. Griest stated that she would make the statement as a new item #16.E(1) and renumber everything else  
26 because much like a flow chart if there is no complaint everything else becomes irrelevant.  
27  
28 Mr. Thorsland stated that if the Board is comfortable the Board could begin reviewing the Finding of Fact  
29 for Case 769-AT-14.  
30  
31 Ms. Griest asked Mr. Hall if the Board will be reviewing the Draft Finding of Fact dated January 15, 2015.  
32  
33 Mr. Hall stated yes. He said that it is up to the Board whether they would like to take some time during the  
34 meeting to verify that the Draft Ordinance dated March 6, 2015, represents all of the changes to date. He  
35 said that if there is something in particular that a Board member was interested in that has been changed then  
36 he encouraged the Board to take the time to verify that the text is in the Draft Ordinance as it should be. He  
37 said that most of the changes had to do with Section 4 and the last changes that are mentioned on the pink  
38 sheet, Guide to Case 769-AT-13, are the minor edits from the State’s Attorney’s office (Attachment III to the  
39 Supplemental Memorandum January 15, 2015); and the Revised Requirement for Stockpiles (Attachment  
40 JJJ to the Supplemental Memorandum dated January 15, 2015; and Proposed Revisions to Paragraphs 4.1.B.

1 and C. (Supplemental Memorandum dated March 6, 2015). He said that the revisions to Paragraphs 4.1.B  
2 and C. have always been one of the more problematic of this Draft Ordinance. He said that the present Draft  
3 Ordinance is the simplest version that there ever has been distributed to the Board for review and he believes  
4 that it does convey everything that it needs to convey. He said that he wants to make sure that every member  
5 on the Board is convinced that this is the version that they expect the public to see.  
6

7 Mr. Hall stated that on page 49 of the Draft Finding of Fact dated January 15, 2015, indicates the proposed  
8 amendment and is what will be recommended to the County Board.

9 1. Revise Section 4.3.10 of the Zoning Ordinance to be as follows:

10 4.3.10 Storm Water Management and Erosion Control Ordinance

11 A. Any USE or CONSTRUCTION for which a Zoning Use Permit is required shall  
12 also comply with the relevant requirements of the *Champaign County Storm Water*  
13 *Management and Erosion Control Policy*.

14 B. The limits on maximum LOT COVERAGE contained in Section 5.3  
15 notwithstanding, no more than 16 percent of the surface of any LOT or LOTS in  
16 common ownership on January 1, 1998, shall consist of impervious area,  
17 including paving consisting of gravel and rock and including any specific impervious  
18 area addition adjacent public STREETS that is required to accommodate the USE  
19 or CONSTRUCTION, unless the LOT is exempt pursuant to, or complies with , the  
20 *Storm Water and Erosion Control Policy*.  
21

22 2. Change the title of the Champaign County Stormwater Management Policy to be Champaign County  
23 Storm Water Management and Erosion Control Ordinance and revise the text to be as follows:  
24

25 Mr. Thorsland stated that if the Board has any questions during their review of the Ordinance then now  
26 would be a good time to voice those questions to staff.  
27

28 Ms. Lee asked if page 49 of the Draft Finding of Fact only changes the name of the Policy and nothing else.  
29

30 Mr. Passalacqua asked Mr. Hall if he increased the stockpile from 100 cubic yards to 150 cubic yards. He  
31 said that Section 11.5 of the *Draft Storm Water and Erosion Control Policy* still states 100 cubic yards.  
32

33 Mr. Hall stated that Section 11.5 is the part that applies to the MS4 Jurisdictional Area and that was left at  
34 100 cubic yards because it is really what the EPA would expect to see.  
35

36 Ms. Lee stated that Paragraph 13.A.(2)a.(b) on Page 5 of the Draft Finding of Fact for Case 769-AT-13,  
37 discusses land disturbance. She said that previously the Board and staff discussed that the Policy would only  
38 be for land disturbance of one acre or more but Subparagraph 13.A.(2)a.(b) states the following: If adopted,  
39 the minimum erosion control and water quality requirements will authorize the Zoning Administrator to  
40 require actions to be taken for land disturbance pursuant to any Zoning Use Permit if that land disturbance

1 causes erosion or sedimentation on adjacent land and thereby minimize impacts on adjacent properties.  
2  
3 Mr. Hall stated that the Optional Minimum Requirements apply to any Zoning Use Permit Application. He  
4 said that the Optional Minimum Requirements only apply when there is a violation.  
5  
6 Mr. Passalacqua stated that it is confusing because it is included in Case 769-AT-13 and Subparagraph  
7 13.A.(2)a.(b) begins with the following: "If adopted." He said that it is an option in Case 773-AT-14.  
8  
9 Mr. Hall stated that Case 769-AT-13 has three optional parts and they are as follows: 1. Optional Minimal  
10 Requirements; and 2. Requiring ILR10 compliance outside of the MS4 Jurisdictional Area; and 3. Requiring  
11 the minimum \$50 fee for the Minor LDEC Permit. He said that Case 773-AT-14 has no optional parts  
12 because the entire thing is optional and it would only be recommended if the Optional Minimum  
13 Requirements are recommended. He said that he now realizes that calling the Optional Minimum  
14 Requirements as requirements makes it sound like they require something to be done but that is the way it is.  
15  
16 Ms. Griest asked Mr. Hall if renaming the Optional Minimum Requirements to Optional Minimum  
17 Standards would be a less confusing nomenclature.  
18  
19 Mr. Hall stated that he would be more than happy to bring this back using that nomenclature if that would  
20 help. He said that if everywhere that states requirements would be changed to standards the idea might get  
21 across that something only happens if it needs to happen.  
22  
23 Ms. Griest stated that changing requirements to standards might clarify it.  
24  
25 Mr. Hall stated that he would be more than happy to just state right now that anywhere where it says  
26 Optional Minimum Requirements or Minimum Requirements to change it to Optional Minimum Standards  
27 or Minimum Standards.  
28  
29 Mr. Randol agreed.  
30  
31 Mr. Thorsland asked the Board if they were comfortable with this proposed change the Board indicated yes.  
32  
33 Ms. Lee stated that she still believes that Subparagraph 13.A.(2)a.(b) on page 5 of the Draft Finding of Fact  
34 still makes it in the all of the unincorporated areas of the County and not just in the MS4 Jurisdictional Area.  
35  
36 Mr. Hall stated that Subparagraph 13.A.(2)a.(b) is dealing with the Optional Minimum Standards which only  
37 kick in when there is a valid complaint. He asked Ms. Lee if there is some reason that the Board can put  
38 down on paper as to why we shouldn't have an enforceable standard when one landowner is causing land  
39 erosion or sedimentation on an adjacent landowner.  
40

1 Ms. Lee stated that she feels that this was originally done for the MS4 Jurisdictional Area which is what the  
2 County is required to do, but this goes beyond the MS4 Jurisdictional Area therefore the Board is being  
3 forced to decide that if they do not like everything that is in the Policy then they should say no. She said that  
4 she is in favor of doing all of this in the MS4 Jurisdictional Area because that is what the County is required  
5 to do but when we get into the entire unincorporated area we are dealing with an area that isn't just the MS4  
6 Jurisdictional Area.

7  
8 Mr. Passalacqua stated that with the wording that Mr. Hall has presented to the Board it does not make any  
9 change on anyone unless there is a complaint filed.

10  
11 Mr. Hall stated that the County has development which occurs next to drainage ditches in organized drainage  
12 districts and for example, in Hensley Township someone needed fill for their construction and rather than  
13 getting the fill material from the 12 acres that was outside the drainage ditch easement they got it next to the  
14 Beaver Lake Drainage Ditch. He said that the person who did this received a letter from the Beaver Lake  
15 Drainage District within one week indicating that they do not want anything happening to their drainage  
16 ditch where the fill material was removed. He said that removing fill from a drainage ditch easement is  
17 probably not something that he could do anything about under this Ordinance but if they had made a  
18 stockpile next to the drainage ditch when they excavated the fill causing sedimentation into the ditch he  
19 could require them to correct that with the Optional Minimum Standards. He said that without the Optional  
20 Minimum Standards he could not do a thing. He said that back in the 90's there was a subdivision  
21 constructed near Lake of the Woods and one summer weekend there was big rain storm which caused  
22 sedimentation into the Lake of the Woods and no one had any regulations that could do anything about it.  
23 He said that the only thing that the Optional Minimum Standards would do is presumably make sure that it  
24 didn't happen again because that is the problem with having something that kicks in when there is a  
25 complaint. He said that he would never propose anything more than this for the other 99% of the County's  
26 jurisdiction.

27  
28 Mr. Thorsland asked Ms. Lee if she would be more comfortable with the Ordinance if the "Optional  
29 Minimum Requirements" were changed to "Optional Minimum Standards". He asked if Mr. Hall's  
30 explanation regarding the drainage districts helped.

31  
32 Mr. Hall stated that his point was that we have no protection for drainage ditches unless we have the  
33 Optional Minimum Standards in the other 99% of our jurisdiction and it will be between the drainage district  
34 and the landowner.

35  
36 Mr. Thorsland stated that, as an example, his pet peeve as a two-wheeled traveler is a dirt covered road when  
37 a new house is started. He said that once the construction begins you can look forward to about four months  
38 of three acres of dirt in the street rather than on the lot, thus creating a mess. He said that the Ordinance  
39 would give staff the mechanism to require the contractor to clean up the road.

1 Ms. Lee stated that it is being said that this is all complaint driven although Subparagraph 13.A.(2)a.(a)  
2 indicates the following: The “minimum erosion control and water quality requirements” in Section 6.1, 6.4  
3 and 6.5 are proposed to be required in the entire unincorporated area for any land disturbance and/or  
4 construction.

5  
6 Mr. Hall stated that perhaps the following revision will help: The “minimum erosion control and water  
7 quality requirements” in Section 6.1, 6.4 and 6.5 are proposed to be required in the entire unincorporated  
8 area for any land disturbance and/or construction that causes erosion and sedimentation on adjacent land.

9  
10 Ms. Griest asked Mr. Hall if he is carefully choosing those words so as to indicate that by causing erosion  
11 and sedimentation on adjacent land that staff has probably received a complaint.

12  
13 Mr. Hall stated that Ms. Griest was absolutely correct. He assured everyone that staff will not be cruising the  
14 County’s roads looking for erosion and sedimentation.

15  
16 Ms. Lee agreed with Mr. Hall’s revision of Subparagraph 13.A(2)a.(a).

17  
18 Mr. Hall stated that he wants to be clear that the stockpile requirements in Section 6.4 of the Draft Policy  
19 that applies to 150 cubic yards. He said this is a requirement that states that staff is going to make sure that  
20 150 cubic yard stock stockpiles are no closer than 50 feet to the top of a stream or drainage ditch and no  
21 closer than 30 feet to a property line or township highway ditch. He said that this is something that applies  
22 even if there is no problem but the whole point is that if you provide that much separation then there really  
23 should not be a problem.

24  
25 Mr. Passalacqua stated that this makes perfect sense because that is the worst type of material for moving  
26 around.

27  
28 Mr. Thorsland stated that there are two things that create the biggest problems which are the stockpiles when  
29 they go forward with construction and when a good gravel base is not put down to provide a parking and off  
30 -loading area.

31  
32 Mr. Passalacqua stated that the County does not require it.

33  
34 Mr. Hall stated that Mr. Passalacqua was correct in that the County does not require the good gravel base but  
35 when they are tracking mud onto the street and do not clean it off at the end of the day and staff receives a  
36 complaint staff can contact them. He said that a repeated occurrence will cause him to recommend the  
37 installation of a stabilized construction entrance or they will receive a Notice of Violation.

38  
39 Mr. Thorsland stated that during recent construction near his farm a two foot culvert and two small loads of  
40 gravel was placed onto the grass and driven across and within one day the culvert was converted to two

1 vertical stovepipes with very little gravel and it stayed like that for approximately four weeks. He said that  
2 every night the entire front yard was in the street. He said that this would be the kind of thing that would  
3 trigger a complaint to staff.

4  
5 Mr. Hall stated that there is nothing in this Ordinance which states that if the Zoning Administrator is driving  
6 in the County and sees construction without a stabilized construction entrance or dirt on the road during the  
7 day outside of the construction entrance that it is a problem but what is a problem or violation is if there is  
8 dirt on the road after the job site is shut down for the day. He said that staff will not be driving around the  
9 County looking for things like that and staff has to receive a complaint. He noted that this is all complaint  
10 driven.

11  
12 Ms. Lee asked Mr. Hall if he or the Board has the authority to file a complaint to staff if they find dirt on the  
13 road after a job site is shut down for the day.

14  
15 Mr. Hall stated that he would not want to take this to a court of law and indicate that the complaint came  
16 from the Zoning Administrator because that is not the intent. He said that he will not say that a future  
17 Zoning Administrator would not do so but he believes that it would be foolish to do so because it is clearly  
18 not the intent.

19  
20 Mr. Thorsland stated that this is not a police action ordinance but is merely setting minimum standards and  
21 using them as tools to solve complaints in the rest of the County. He said that it doesn't give authority for  
22 the office to go out there and catch you in the act or patrol the area but is a way to address a complaint with a  
23 definition and a standard. He said that someone is going to call staff and indicate that his neighbor's entire  
24 front yard is in his in-ground pool and currently staff could only indicate that it is a civil matter between the  
25 two landowners. He said that if there is a minimum standard for controlling more than one acre of land  
26 disturbance that may end up in the neighbor's pool then staff could notify the neighbor and indicate why this  
27 cannot happen.

28  
29 Ms. Lee asked Mr. Hall if the Board could file a complaint.

30  
31 Mr. Hall stated that he would leave it up to the Board members but if they would file a complaint against a  
32 property and the property becomes the subject of a zoning case the filing Board member would need to  
33 abstain from the case.

34  
35 Mr. Thorsland stated that since the Board members have accepted their position on the Board they have to  
36 filter themselves. He said that every property could potentially wind up before the Board. He said that the  
37 Zoning Administrator and the Board should never be the police of the County. He said that there have been  
38 many times that he would like to file a complaint but it would not be appropriate for him to do so as a  
39 member of this Board.

40

1 Ms. Griest asked Mr. Hall if the remedy for the pool situation is still a matter between the two neighbors  
2 because the Ordinance is only giving the Zoning Administrator the authority to indicate that they should stop  
3 doing it.

4  
5 Mr. Hall stated that the only tool that he has is to tell the landowner to cease sedimentation into the pool and  
6 if it happens again they will be required to install erosion controls. He said that if the landowner refuses to  
7 install the erosion controls then staff could take them to court.

8  
9 Ms. Griest asked Mr. Hall if the Ordinance gives the Zoning Administrator the authority to require the  
10 erosion controls after the first incident.

11  
12 Mr. Hall stated yes, but he has been in Champaign County long enough to know that he is not going to make  
13 anyone do anything over something that happens one time but two times is the trigger. He said that he will  
14 tell them once but he is not going to try to make anyone do anything if they refuse to until it happens a  
15 second time.

16  
17 Mr. Thorsland asked the Board if they were ready to review the Finding of Fact for Case 769-AT-13 and the  
18 Board indicated yes.

19  
20 Mr. Thorsland asked Mr. Hall why “morals” is included in Paragraph 2.0 (e) of the Ordinance.

21  
22 Mr. Hall stated that back in 1920 when President Hoover was writing the model *Zoning Enabling Act* there  
23 were a lot of moral issues that zoning ordinances were intended to address. He said that obviously we do not  
24 do a lot with morals in the modern zoning regulation and it has to be objectified into some bizarrely named  
25 use that can only occur in certain locations.

26  
27 Mr. Thorsland read LRMP Goal 1 as follows: Champaign County will attain a system of land resource  
28 management planning built on broad public involvement that supports effective decision making by the  
29 County. He said that staff has recommended that the proposed text amendment will NOT IMPEDE the  
30 achievement of LRMP Goal 1.

31  
32 The Board agreed with staff’s recommendation for LRMP Goal 1.

33  
34 Mr. Thorsland read LRMP Goal 2 as follows: Champaign County will collaboratively formulate land  
35 resource and development policy with other units of government in areas of overlapping land use planning  
36 jurisdiction. He said that staff has recommended that the proposed text amendment will NOT IMPEDE the  
37 achievement of LRMP Goal 2.

38  
39 The Board agreed with staff’s recommendation for LRMP Goal 2.

40

1 Mr. Thorsland read LRMP Goal 3 as follows: Champaign County will encourage economic growth and  
2 development to ensure prosperity for its residents and the region. Goal 3 has three objectives and no  
3 policies. The proposed text amendment WILL/WILL NOT IMPEDE the achievement of Goal 3 in a similar  
4 manner as for the Purpose of the Zoning Ordinance.

5  
6 Mr. Hall stated that the Board may want to review item #16.B before making a recommendation that way if  
7 the Board believes there is a problem with item #16.B it should be reflected in item #8. He said that item  
8 #16.B is the purpose statement regarding conservation of the value of land, buildings and structures  
9 throughout the County. He said that the evidence under item #16.B. summarizes the fact that the USEPA  
10 did do a national level cost analysis using whatever information that they had in 1998. He said that he does  
11 not believe that the analysis is terribly relevant to this although one of the first questions asked when we  
12 proposed this ordinance was, will there be a benefit cost analysis. He said that we updated the Bloomington  
13 cost for a typical lot and found out that regardless of what the USEPA found out in 1998 the costs to an  
14 individual lot owner are a lot higher than what they predicted. He said that these things are already in place  
15 in the City of Champaign and it is up to the Board to decide how much of a brake that has put on  
16 development.

17  
18 Ms. Lee asked if he is just talking about the MS4 Jurisdictional Area.

19  
20 Mr. Hall stated that he is talking about everywhere in the City of Champaign, City of Urbana and Savoy.

21  
22 Ms. Lee stated that the only argument that she can see regarding Champaign County not encouraging  
23 development is that adjacent counties do not have these rules and they are not required to have these rules in  
24 their MS4 Jurisdictional Area therefore the developers may move to the adjacent counties for their  
25 development.

26  
27 Mr. Passalacqua stated that the entire State of Illinois is required to have these rules.

28  
29 Ms. Griest asked Mr. Hall if the adjacent counties already have these rules related to the ILR10 in place and  
30 Champaign County is the last county to be implementing this.

31  
32 Mr. Hall stated that the ILR10 applies everywhere and the only other county which borders Champaign  
33 County that has an MS4 Jurisdictional Area is McLean County. He said that Douglas and Vermilion  
34 counties do not have zoning and there is a variation in standards. He said that Piatt and Ford counties do  
35 have zoning but they do not have an MS4 Jurisdictional Area requirement although ILR10 does apply.

36  
37 Mr. Passalacqua stated that these requirements are not going to be a reason for a developer to leave  
38 Champaign County.

39  
40 Ms. Griest stated that a developer is not going to drive that far to build in an adjacent county just because of

1 this regulation because the cost to locate at that distance and commuting back and forth to a work location in  
2 Champaign County would far exceed the additional cost.

3  
4 Mr. Thorsland agreed.

5  
6 Mr. Hall stated that the cost analysis is only relevant to our MS4 Jurisdictional Area because these standards  
7 do not apply outside of the MS4 Jurisdictional Area.

8  
9 Ms. Griest recommended that the proposed text amendment WILL NOT IMPEDE the achievement of Goal 3  
10 in a similar manner as for the Purpose of the Zoning Ordinance and the Board agreed.

11  
12 Mr. Thorsland read LRMP Goal 4 as follows: Champaign County will protect the long term viability of  
13 agriculture in Champaign County and its land resource base. He said that staff recommends that the  
14 proposed text amendment will NOT IMPEDE the achievement of Goal 4.

15  
16 The Board agreed with staff's recommendation for LRMP Goal 4.

17  
18 Mr. Thorsland read LRMP Goal 5 as follows: Champaign County will encourage urban development that is  
19 compact and contiguous to existing cities, villages, and existing unincorporated settlements. He said that  
20 staff recommends that the proposed text amendment will NOT IMPEDE the achievement of Goal 5 in  
21 general.

22  
23 The Board agreed with staff's recommendation for LRMP Goal 5.

24  
25 Mr. Thorsland read LRMP Goal 6 as follows: Champaign County will ensure protection of the public health  
26 and public safety in land resource management decisions. He said that staff recommends that the proposed  
27 text amendment will NOT IMPEDE the achievement of Goal 6.

28  
29 The Board agreed with staff's recommendation for LRMP Goal 6.

30  
31 Mr. Thorsland read LRMP Goal 7 as follows: Champaign County will coordinate land use decisions in the  
32 unincorporated area with the existing and planned transportation infrastructure and services. He said that  
33 staff recommends that the proposed text amendment will NOT IMPEDE the achievement of Goal 7.

34  
35 The Board agreed with staff's recommendation for LRMP Goal 7.

36  
37 Mr. Thorsland read LRMP Goal 8 as follows: Champaign County will strive to conserve and enhance the  
38 County's landscape and natural resources and ensure their sustainable use. He continued to read Objective  
39 8.4 as follows: Champaign County will ensure that new development and ongoing land management  
40 practices maintain and improve surface water quality, contribute to stream channel stability, and minimize

1 erosion and sedimentation. He said that staff recommends that the proposed text amendment will HELP  
2 ACHIEVE LRMP Goal 8 and Objective 8.4 and Policy 8.4.2. He noted that Mr. Hall previously added new  
3 language to Policy 8.4.2 making it clear that it helps achieve Policy 8.4.2 because it provides a standard that  
4 can be applied when a complaint is received to assist staff in resolving that complaint.  
5

6 Mr. Thorsland read Objective 8.4.5 as follows: Champaign County will ensure that non-point discharges  
7 from new development meet or exceed state and federal water quality standards. He said that staff  
8 recommends that the proposed amendment WITH OR WITHOUT the Optional Minimum Requirements in  
9 Section 6 and WHETHER OR NOT ILR10 compliance will be required by the County outside of the MS4  
10 Jurisdictional Area, WILL ACHIEVE Policy 8.4.5.  
11

12 Mr. Thorsland read Objective 8.5 as follows: Champaign County will encourage the maintenance and  
13 enhancement of aquatic and riparian habitats. He said that staff recommends that the proposed text  
14 amendment will NOT IMPEDE the achievement of Objective 8.5 and Policy 8.5.2.  
15

16 Mr. Thorsland read Objective 8.6 as follows: Champaign County will encourage resource management  
17 which avoids loss or degradation of areas representative of the pre-settlement environment and other areas  
18 that provide habitat for native and game species. He said that staff recommends that the proposed  
19 amendment will NOT IMPEDE the achievement of Objective 8.6, Policy 8.6.1 and Policy 8.6.2.  
20

21 Mr. Hall stated that an alternative view of Policy 8.5.1 would be that since we are not requiring it to apply  
22 by-right throughout our whole jurisdiction, why would it not be impeding the achievement of that objective;  
23 we are avoiding doing it so why isn't it impeding.  
24

25 Ms. Lee asked what we would be avoiding.  
26

27 Mr. Passalacqua stated that we would be avoiding it by not making it a requirement but an optional standard.  
28

29 Mr. Thorsland stated that if we do not adopt the option then we are impeding.  
30

31 Mr. Hall stated no. He said that even in adopting the option we are impeding because we are not making it a  
32 requirement. He said that there is something to be said for this view and he is not arguing for it but he wants  
33 to make sure that we have as good a product to present to the County Board as possible and as long as the  
34 ZBA has considered it and does not believe that it is not relevant then he would be happy.  
35

36 Mr. Passalacqua stated that the wording could be revised to state that the Optional Minimum Standards  
37 provides the Zoning Administrator with the tools to enforce the protection of those things. He said that the  
38 County Board could not indicate that we are not protecting it because we are but we are not making it  
39 another layer of requirements.  
40

1 Mr. Hall stated that the first underlined sentence in item #13.B(2) could be revised as follows: The proposed  
2 text amendment will NOT IMPEDE the achievement of Policy 8.5.1 because the erosion and sedimentation  
3 controls required by this Case 769-AT-13 are not intended to preserve existing habitat, enhance degraded  
4 habitat, or restore habitat but the Optional Minimum Standards will prevent damage to habitat when a valid  
5 complaint is received. He said that this will assist staff if the Champaign County Forest Preserve District  
6 complains about someone causing erosion or sedimentation or a drainage district complains about erosion  
7 sedimentation into their ditch. He said that the primary purpose is not to protect but when we are made  
8 aware of damage being done this will allow something to be done about it.

9  
10 The Board agreed with staff's recommendation.

11  
12 Ms. Griest asked Mr. Hall if the second underlined sentence in item #13.B(2) should be stricken or does it  
13 become repetitive.

14  
15 Mr. Hall stated no, because it reinforces the point.

16  
17 Mr. Thorsland stated that the Board should keep in mind that the recommendation for Policy 8.4.2 indicates  
18 that if the Optional Minimum Standards in Section 6 are approved the proposed text amendment will HELP  
19 ACHIEVE Policy 8.4.2. He said that this text means that should the Board approve it this will HELP  
20 ACHIEVE it.

21  
22 Mr. Hall asked if the Board does not recommend the Optional Minimum Standards, should we change  
23 anything that is written in Policy 8.4.2. He said that hopefully nothing would need to be changed but if the  
24 Optional Minimum Standards are not recommended that would not be available and likewise for item  
25 #13.A.(2)(a)b) at the top of page 6. He asked if the Board does not recommend ILR10 compliance outside of  
26 the MS4 Jurisdictional Area should the sentence at the top of page 6 be changed. He said that he would  
27 recommend that the Board work through the Finding of Fact and then make a decision regarding those kinds  
28 of things.

29  
30 Mr. Thorsland stated that if the Optional Minimum Requirements are not approved then it no longer HELPS  
31 ACHIEVE. He said that the Board can come back to this.

32  
33 Mr. Thorsland read Policy 8.5.2 as follows: The County will require in its discretionary review that new  
34 development cause no more than minimal disturbance to the stream corridor environment. He said that staff  
35 recommends that the proposed text amendment will NOT IMPEDE the achievement of Policy 8.5.2 for the  
36 same reasons as for Policy 8.5.1.

37  
38 The Board agreed with staff's recommendation for Policy 8.5.2.

39  
40 Mr. Thorsland read Objective 8.6 as follows: Champaign County will encourage resource management

1 which avoids loss or degradation of areas representative of the pre-settlement environment and other areas  
2 that provide habitat for native and game species. He said that staff recommends that the proposed  
3 amendment will NOT IMPEDE the achievement of Objective 8.6. He said that staff also recommends that  
4 the proposed text amendment will NOT IMPEDE Policy 8.6.1 and 8.6.2.

5  
6 Mr. Thorsland asked the Board if, with the revisions and additions, are they happy with all of the  
7 recommendations for the LRMP Goal 8 and the Board stated yes.

8  
9 Mr. Thorsland read LRMP Goal 9 as follows: Champaign County will encourage energy conservation,  
10 efficiency, and the use of renewable energy sources. He said that staff recommends that the proposed text  
11 amendment will NOT IMPEDE the achievement of LRMP Goal 9 and the Board agreed.

12  
13 Mr. Thorsland read LRMP Goal 10 as follows: Champaign County will promote the development and  
14 preservation of cultural amenities that contribute to a high quality of life for its citizens. He said that staff  
15 recommends that the proposed text amendment will NOT IMPEDE the achievement of Goal 10 and the  
16 Board agreed.

17  
18 Mr. Thorsland asked the Board if, with the revisions and additions, they are happy with all of the  
19 recommendations for all of the LRMP Goals, Policies and Objectives and the Board stated yes.

20  
21 Mr. Thorsland stated that the Board will now review the evidence regarding the purpose of the Zoning  
22 Ordinance.

23  
24 Mr. Thorsland read item #16.B as follows: The proposed amendment WITH OR WITHOUT the Optional  
25 Minimum Requirements in Section 6 and WHETHER OR NOT ILR10 compliance will be required by the  
26 County outside of the MS4 Jurisdictional Area, WILL/WILL NOT conserve the value of real estate  
27 throughout the County.

28  
29 Ms. Griest stated that she believes that it WILL conserve the value of real estate throughout the County.  
30 She said that she doesn't think that the factor changes with or without the optional requirements in the  
31 outlying jurisdictions, but within the MS4 Jurisdictional Area where there is infrastructure it is vitally  
32 important to help conserve the value of those real estate parcels.

33  
34 The Board agreed with Ms. Griest.

35  
36 Ms. Lee asked Mr. Hall if he can do anything about water pollution that travels into the unincorporated area  
37 as a result of something that has occurred inside the City of Champaign, City of Urbana or Savoy.

38  
39 Mr. Hall stated that a lot can be done as long as it is done with the proper approvals. He said that our  
40 Ordinance accepts anything that is a similar or a better ordinance would allow therefore if the City of

1 Champaign decided to reroute a stream and they received the necessary approvals from IDNR and the Corps  
2 of Engineers then there would be nothing that the County could do about it.

3  
4 Ms. Lee asked Mr. Hall if he would have any authority if there were no approvals from a governmental  
5 entity and the water pollution from these municipalities affected the rural areas.

6  
7 Mr. Hall stated that he doubts it because our rules do not apply inside the incorporated area.

8  
9 Mr. Thorsland stated that the recourse would probably be with that entity.

10  
11 Ms. Lee stated that something could travel to the rural areas that did not originate from the rural area.

12  
13 Mr. Hall stated that a perfect example was after they built Lowe's they were putting so much storm water  
14 into the farm tiles that it showed up in the farm fields causing serious erosion. He said that it is just like all  
15 of the plastic sacks that blow from all of the development along north Prospect onto the surrounding fields.

16  
17 Mr. Thorsland read item #16.E. as follows: the proposed amendment WITH Optional Minimum  
18 Requirements in Section 6 and disregarding ILR10 Compliance outside of the MS4 Jurisdictional Area,  
19 WILL promote the public health, safety, comfort, morals, and general welfare throughout the COUNTY.

20  
21 Mr. Hall reminded the Board of the added text to Subparagraph (1) and read revised Subparagraph (1) as  
22 follows: The Optional Minimum Standards *do not* require erosion and sedimentation controls to be put in  
23 place until there is a valid complaint of erosion and/or sedimentation on adjacent land. Only a valid  
24 complaint triggers the enforcement of the Optional Minimum Standards.

25  
26 The Board agreed.

27  
28 Mr. Thorsland read item #19 as follows: Regarding the alternative versions of the text amendment that the  
29 County Board may adopt: A. As described in the ELUC Memorandum dated 10/29/13, the Draft Ordinance  
30 includes certain "minimum erosion control and water quality requirements". He noted that "requirements  
31 should be changed to "standards".

32  
33 Mr. Hall stated that in this instance he would place (standards) in parenthesis after "requirements" because  
34 the previous document did refer to those as requirements.

35  
36 Mr. Thorsland continued to read item #19.A as follows: in Section 6.1, 6.4 and 6.5 that are proposed to be  
37 required in the entire unincorporated area for any land disturbance and/or construction. These minimum  
38 erosion control requirements (standards) are not required for compliance with the NPDES requirements  
39 outside of the MS4 Jurisdictional Area and that is why the County Board has the option of not requiring  
40 these minimums outside of the MS4 Jurisdictional Area. The Zoning Board of Appeals HAS/HAS NOT

1 included paragraph 6.1F. and Sections 6.4 and 6.5 in their recommendation to the County Board.

2  
3 Mr. Passalacqua recommended that the Zoning Board of Appeals HAS included paragraph 6.1F. and  
4 Sections 6.4 and 6.5 in their recommendation to the County Board.

5  
6 The Board agreed.

7  
8 Ms. Lee requested that Mr. Thorsland pause the review for a moment so that she may review Section 6.1.

9  
10 Mr. Hall noted that Section 6.1 appears on page 18 of the Draft Ordinance dated 3/6/15.

11  
12 Mr. Hall stated that he would recommend striking Subparagraph e. at the top of page 33 of 49 of the Draft  
13 Finding of Fact. He said that he recommends striking the second Subparagraph e. in the middle of page 33  
14 of 49 as well as Subparagraph e. on page 34, Subparagraph f. on page 35, Subparagraph e. at the top of page  
15 36 and Subparagraph f. at the bottom of page 36, Subparagraph e on page 37, Subparagraph e. at the top of  
16 page 38.

17  
18 Mr. Thorsland informed Ms. Lee that she does not have to agree with Mr. Passalacqua's recommendation.

19  
20 Ms. Lee stated that during a previous meeting the Board discussed being more than 30 feet from the  
21 centerline of a drainage swale. She said that Section 6.4.D.1(b) of the Draft Storm Water Management and  
22 Erosion Control Ordinance dated 3/6/15, states that a stockpile shall be not less than 30 feet from the  
23 centerline of a drainage swale that is indicated as an intermittent stream on a United States Geological  
24 Survey 7.5 Minute Quadrangle Map. She said that Section 6.4.D.1(b) states that the Stockpiles shall not be  
25 less than 50 feet from the top of the bank of a drainage ditch or stream.

26  
27 Mr. Thorsland stated that these are things that the Board just hammered through and Mr. Hall indicated that  
28 the MS4 Jurisdictional Area is a little different than the rest of it.

29  
30 Mr. Hall stated that everything is standardized in that it is within 50 feet of the top of the bank of a drainage  
31 ditch or stream and 30 feet within the centerline of a drainage swale.

32  
33 Mr. Passalacqua asked Mr. Hall why 30 feet within the centerline of a drainage swale.

34  
35 Mr. Hall stated that 30 feet is a common dimension that we see for things like easements for just a dry swale.

36  
37 Mr. Thorsland read item #19.B as follows: The ELUC Memorandum dated 10/29/13 and the Draft  
38 Ordinance that was attached did not adequately address compliance with the Illinois EPA's ILR10 General  
39 Stormwater Permit but compliance with the ILR10 Permit was included in the legal advertisement for this  
40 text amendment. The County Board has the option of not requiring compliance with the ILR10 outside of

- 1 the MS4 Jurisdictional Area except for Floodplain Development Permits and the Zoning Board of Appeals  
2 HAS/HAS NOT recommended requiring compliance with the ILR10 outside of the MS4 Jurisdictional Area.  
3
- 4 Ms. Griest stated that this means that it gives the Zoning Administrator the tools for enforcement because the  
5 language indicating “requiring compliance” triggers a thought in her mind that there is an automatic action  
6 that must take place rather than it being complaint driven.  
7
- 8 Mr. Hall stated that the option is whether to have staff require documentation regarding ILR10 compliance  
9 from someone who comes in for a permit and indicates that they are disturbing more than one acre.  
10
- 11 Ms. Griest stated that if they are subject to ILR10 they should have to submit evidence of their permits.  
12
- 13 Mr. Hall stated that the EPA website is pretty easy to use for staff to determine if someone has an ILR10  
14 permit or not.  
15
- 16 Mr. Passalacqua stated that this is just the State making the County more of a long arm of the law on their  
17 behalf.  
18
- 19 Mr. Hall stated that the question is whether we want to assist in that or not. He said that it is completely  
20 optional that we assist outside of the MS4 Jurisdictional Area.  
21
- 22 Ms. Lee stated that ILR10 is only required when there is more than one acre of disturbance.  
23
- 24 Mr. Thorsland stated that this is asking if the County wants to assist in making sure that people are held to  
25 that requirement.  
26
- 27 Mr. Hall stated that the way that the Draft Ordinance is written, staff will always tell someone when ILR10  
28 applies but this is taking the next step in requiring a copy of the documentation proving that they have  
29 applied. He said that he is not expecting this part of the Ordinance to be recommended or adopted by the  
30 County Board but he thinks that some people would think that if it is a requirement then why is it a big deal.  
31
- 32 Mr. Passalacqua stated that this is just going to slow up staff and place another layer on them for review of  
33 something that someone has or hasn’t done and he disagrees with it.  
34
- 35 Mr. Hall stated that this will not make them comply but means that staff could not grant a permit until we  
36 know that they comply.  
37
- 38 Mr. Passalacqua stated that this will just slow things down in the office to a screeching halt.  
39
- 40 Mr. Randol stated that if they are supposed to do it then they should have done it.

1

2 Ms. Griest asked Mr. Hall to indicate what the downside to staff is if this is not recommended for approval  
3 by the ZBA or approved by the County Board.

4

5 Mr. Hall stated that he does not believe that there is any downside but on the other hand it is not a  
6 tremendous benefit either. He said that if it applies staff will ask for a piece of paper and nothing will be  
7 processed until staff receives it and if it doesn't apply staff still has to inform them about ILR10 because we  
8 want them to know. He said that we don't want someone to not know that they are violating ILR10.

9

10 Mr. Thorsland stated that the aspect remains whether we ask Mr. Hall to verify it or not.

11

12 The consensus of the Board was the following: The County Board has the option of not requiring  
13 compliance with the ILR10 outside of the MS4 Jurisdictional Area except for Floodplain Development  
14 Permits and the Zoning Board of Appeals HAS NOT recommended requiring compliance with ILR10  
15 outside of the MS4 Jurisdictional Area.

16

17 Mr. Hall recommended that item #19.2(c)(9) be stricken and the Board agreed.

18

19 Mr. Thorsland read item #19.C. as follows: The ELUC Memorandum dated 10/29/13 and the Draft  
20 Ordinance that was attached included an optional \$50 fee for the proposed Minor Land Disturbance Erosion  
21 Control (LDEC) Permit. The Zoning Board of Appeals HAS/HAS NOT recommended requiring a fee for  
22 the Minor LDEC Permit. He recommended that item #19.C(1)(e) be stricken and the Board agreed.

23

24 Mr. Hall stated that the Board could recommend a higher fee because the legal advertisement only discussed  
25 a fee.

26

27 Ms. Lee asked Mr. Hall if we are discussing one acre or more again.

28

29 Mr. Hall stated that we are discussing that in the MS4 Jurisdictional Area it is one acre or more or less than  
30 that if it is part of a larger plan of development. He said that going back to one of the very first things that  
31 we found out, if we get an application for a rural house in the MS4 Jurisdictional Area that is one acre and is  
32 being converted from farmland, we would require them to comply with ILR10. He said that a small  
33 subdivision, which is very unlikely that it would be with the County if it were in the MS4 Jurisdictional  
34 Area, that is less than one acre on a lot and is part of a larger part of a planned development a LDEC Permit  
35 will be required and staff will have to help that person draft their own erosion and sedimentation control  
36 plan. He said that one of our zoning technicians already has a seat for a training class this year so that they  
37 can indeed help someone with their erosion and sedimentation control plan and the \$50 will help offset some  
38 of those costs.

39

40 Ms. Lee asked Mr. Hall to explain the difference between this and getting the ILR10.

1  
2 Mr. Hall stated that the option for the ILR10 is only for outside of the MS4 Jurisdictional Area but this is a  
3 fee for a Land Disturbance Permit which will only happen inside the MS4 Jurisdictional Area.  
4

5 Mr. Thorsland asked Mr. Hall how often staff will have something like this.  
6

7 Mr. Hall stated that he does not know if staff will ever do a Minor LDEC Permit because minor means that  
8 you are part of a larger development and that generally means that you are doing it pursuant to a municipal  
9 approval and not part of our jurisdiction. He said that if the Board does not recommend this fee it isn't like  
10 the County is going to lose a huge amount of money for those permits because it is hard to say how often  
11 they will even apply but on the other hand if we ever see one, staff will be putting much more time in to it.  
12 He said that for a minor permit staff will have to review for a silt fence, a stabilized construction entrance  
13 and make sure that stockpiles are in the right location.  
14

15 Mr. Thorsland asked if staff has already developed a checklist or guide for this process.  
16

17 Mr. Hall stated no. He said that portions of staff are already slated for training this year.  
18

19 Mr. Thorsland asked Mr. Hall if the training costs money.  
20

21 Mr. Hall stated yes.  
22

23 Mr. Thorsland stated that \$50 will not make people run away from the MS4 Jurisdictional Area.  
24

25 Mr. Hall stated that at times staff discovers that people have either over or under paid their permit fee  
26 therefore if \$50 is the only difference it will be fairly minor compared to what the real costs will be.  
27

28 Mr. Randol stated that more than likely the cities will annex it anyway. He said that he is in favor of the \$50  
29 fee and recommends that the Zoning Board of Appeals HAS recommended requiring a fee for the Minor  
30 LDEC Permit and the Board agreed.  
31

32 Mr. Thorsland read item #20.A(1)(e) as follows: The Zoning Board of Appeals has reviewed the Draft  
33 handout and found it to be ACCURATE/INACCURATE in summarizing the proposed amendment and  
34 anticipate that the proposed DRAFT handout will be HELPFUL/UNHELPFUL in communicating the  
35 erosion and sediment control requirements.  
36

37 Mr. Thorsland recommended that the Draft handout is ACCURATE and is HELPFUL and the Board agreed.  
38

39 Mr. Thorsland read item #20.A(2)(c) as follows: The Zoning Board of Appeals has reviewed the revised  
40 application form and determined that the revised application form should be ADEQUATE/INADEQUATE

1 for use upon adoption of the proposed amendment.

2  
3 Mr. Thorsland recommended that the application form should be ADEQUATE and the Board agreed.

4  
5 **Summary Finding of Fact for Case 769-AT-13:**

6  
7 From the documents of record and the testimony and exhibits received at the public hearing conducted on  
8 February 13, 2014; March 13, 2014; May 29, 2014; June 12, 2014; July 13, 2014; September 11, 2014;  
9 December 11, 2014; January 15, 2015; the Zoning Board of Appeals of Champaign County finds that:

10  
11 1. Regarding the effect of the proposed text amendment on the Land Resource Management Plan  
12 (LRMP):

13 A. **Regarding Goal 8 Natural Resources:**

14 • It will **HELP ACHIEVE** Objective 8.4 that states “**Champaign County will work**  
15 **to ensure that new development and ongoing land management practices**  
16 **maintain and improve surface water quality, contribute to stream channel**  
17 **stability, and minimize erosion and sedimentation.”** because it will **HELP**  
18 **ACHIEVE** the following:

19 • Policy 8.4.5 states “**The County will ensure that non-point discharges**  
20 **from new development meet or exceed state and federal water quality**  
21 **standards.” WITH OR WITHOUT the Optional Minimum Standards in**  
22 **Section 6 and WHETHER OR NOT ILR10 Compliance will be required**  
23 **by the County outside of the MS4 Jurisdictional Area; and**

24 • Policy 8.4.2 that states “**The County will require stormwater management**  
25 **designs and practices that provide effective site drainage, protect**  
26 **downstream drainage patterns, minimize impacts on adjacent properties**  
27 **and provide for stream flows that support healthy aquatic ecosystems.”**  
28 **but ONLY IF the Optional Minimum Standard in Section 6 are**  
29 **approved.**

30  
31 • Based on achievement of the above Objectives and Policies and because it will either  
32 not impede or is not relevant to the other Objectives and Policies under this goal, the  
33 proposed map amendment will **HELP ACHIEVE Goal 8 Natural Resources.**

34  
35 B. **The proposed text amendment will NOT IMPEDE the following LRMP goal(s):**

- 36 • **Goal 1 Planning and Public Involvement**  
37 • **Goal 2 Governmental Coordination**  
38 • **Goal 3 Prosperity**

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- **Goal 4 Agriculture**
- **Goal 5 Urban Land Use**
- **Goal 6 Public Health and Safety**
- **Goal 7 Transportation**
- **Goal 9 Energy Conservation**
- **Goal 10 Cultural Amenities**

C. Overall, the proposed text amendment will **HELP ACHIEVE** the Land Resource Management Plan.

2. The proposed Zoning Ordinance text amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:

- The proposed amendment **WITH or WITHOUT the Optional Minimum Standards in Section 6 and WHETHER OR NOT ILR10 compliance will be required by the County outside of the MS4 Jurisdictional Area, WILL** conserve the value of real estate throughout the COUNTY (Purpose 2.0 (b); see Item 16.B).
- The proposed amendment **WITH the Optional Minimum Standards in Section 6 and disregarding ILR10 compliance outside of the MS4 Jurisdictional Area, WILL** promote the public health, safety, comfort, morals, and general welfare throughout the (Purpose 2.0 (e); see Item 16.E).

3. Regarding the alternative version of the text amendment:

- A. The Zoning Board of Appeals **HAS** recommended the optional “minimum erosion control and water quality requirements” and included paragraph 6.1F. and Section 6.4 and 6.5 in their recommendation to the County Board.
- B. The Zoning Board of Appeals **HAS NOT** recommended requiring compliance with the ILR10 outside of the MS4 Jurisdictional Area and subparagraph 4.1A.4.c. in the 12.5.14 Draft **IS NOT** included in the recommendation to the County Board.
- C. The Zoning Board of Appeals **HAS** recommended requiring a fee for the Minor Land Disturbance Erosion Control Permit and paragraph 12.4B. **IS** included in the recommendation to the County Board.

4. Regarding public outreach to implement the amendment:

- A. The Zoning Board of Appeals has reviewed a Draft handout for the proposed amendment and found it to be **ACCURATE** in summarizing the proposed amendment and anticipate that the proposed Draft handout will be **HELPFUL** in communicating the erosion and sediment

1 control requirements.

- 2 B. The Zoning Board of Appeals has reviewed the revised Land Disturbance and Zoning Use  
3 Permit application form and determined that the revised application form should be  
4 **ADEQUATE** for use upon adoption of the proposed amendment.  
5

6 Mr. Thorsland asked the audience if anyone desired to present testimony regarding Case 769-AT-13.  
7

8 Mr. Thorsland called Herb Schildt to testify.  
9

10 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet, stated that in the 3/6/15 Draft Storm Water  
11 Management and Erosion Control Ordinance one of the issues during previous discussion was whether the  
12 enforcement was based on complaints. He said that Section 6.4.A., located on page 19, includes the  
13 following: However, the lack of EROSION and SEDIMENT controls shall not itself be a violation of this  
14 Ordinance unless such controls are required pursuant to either the requirements of Section 6.4.D, or a LAND  
15 DISTURBANCE EROSION CONTROL PERMIT, or a STORM WATER DRAINAGE PLAN, or as such  
16 controls may be required by the ZONING ADMINISTRATOR pursuant to an enforcement action. Mr.  
17 Schildt stated that in order to be consistent the following text should be added at the end of the sentence:  
18 “based on a valid complaint”.  
19

20 Mr. Hall stated that Mr. Schildt’s recommendation sounds reasonable.  
21

22 Mr. Schildt stated that Section 6.5, General Enforcement, located on page 21, should also include the same  
23 text at the end of the sentence.  
24

25 Mr. Hall stated that Section 6.5 could read as follows: In the event that any CONSTRUCTION or LAND  
26 DISTURBANCE that is not subject to the requirement for a LAND DISTURBANCE EROSION  
27 CONTROL PERMIT causes EROSION or SEDIMENTATION on any adjacent property or any adjacent  
28 street or adjacent drainage ditch, roadside ditch, or stream, the ZONING ADMINISTRATOR shall take such  
29 enforcement actions, pursuant to a valid complaint, as are necessary and authorized by Section 9.1.1 and  
30 Section 10 of the Zoning Ordinance and consistent with Land Disturbance Erosion Controls (Section 11) in  
31 this Ordinance to prevent continued EROSION or SEDIMENTATION.  
32

33 The Board agreed with the revision to Section 6.5.  
34

35 Mr. Hall thanked Mr. Schildt for his comments.  
36

37 Mr. Thorsland asked the audience if anyone else desired to present testimony regarding Case 769-AT-13 and  
38 there was no one.  
39

40 Mr. Thorsland closed the witness register.

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Mr. Thorsland asked Mr. Hall if there were any new Documents of Record.

Mr. Hall stated that there are a lot of new Documents of Record which need to be added. He said that new item #15: Supplemental Memorandum for Case 769-AT-13 dated January 15, 2015, with attachments: FFF thru JJJ; and new item #16: Supplemental Memorandum for Case 769-AT-13 dated March 6, 2015, with attachments: BBB thru MMM; and new item #17: Supplemental Memorandum for Case 773-AT-14 dated March 6, 2015, with attachments: A and B; and new item #18: Supplemental Memorandum for Case 773-AT-14 dated March 12, 2015, with attachment A; and new item #19: Supplemental Memorandum for Case 773-AT-14 dated March 20, 2015, with attachments: A-H; and new item #20: Revised Draft *Storm Water Management and Erosion Control Ordinance* dated 3/6/15 (with annotations).

Mr. Hall stated that regarding item #2 of the amendment, located on page 49 of the Draft Preliminary Finding of Fact dated January 15, 2015, the italicized statement under all of the optional parts, included in the 3/6/15 Draft *Storm Water Management and Erosion Control Ordinance* which were recommended by the Zoning Board of Appeals will indicate that the ZBA has recommended adoption of the optional paragraph but will be removed if the County Board chooses not to adopt. He said that for ILR10, Paragraph 4.1.A.4.c. which is on page 14 of the 3/6/15 Draft *Storm Water Management and Erosion Control Ordinance*, will show up as stricken and the note underneath will indicate that Paragraph 4.1.A.4.c is optional and was not recommended for approval by the ZBA. He said that the County Board will be able to see what was stricken and if they want to add it back in it will be easy for them to do so.

Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended.

**Ms. Griest moved, seconded by Ms. Capel to adopt the Summary of Evidence, Documents of Record and Findings of Fact as amended. The motion carried by voice vote.**

Mr. Thorsland entertained a motion to move to the Final Determination for Case 769-AT-13.

**Mr. Passalacqua moved, seconded Ms. Griest to move to the Final Determination for Case 769-AT-13. The motion carried by voice vote.**

**Final Determination for Case 769-AT-13:**

**Ms. Griest moved, seconded by Ms. Capel that pursuant to the authority granted in Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:**

**The Zoning Ordinance Text Amendment in Case 769-AT-13 should BE ENACTED by the County Board in the form attached hereto.**

Mr. Thorsland requested a roll call vote.

The roll was called as follows:

<b>Lee-yes</b>	<b>Passalacqua-yes</b>	<b>Randol-yes</b>
<b>Capel-yes</b>	<b>Griest-yes</b>	<b>Thorsland-yes</b>

Mr. Hall stated that the following dates should be added at the beginning of the Findings of Fact and the Summary of Evidence: February 26, 2015; March 12, 2015; and March 26, 2015.

Mr. Thorsland called for a five minute recess.

**The Board recessed at 8:52 p.m.**  
**The Board resumed at 9:00 p.m.**

Mr. Thorsland stated that the Board will now review Case 773-AT-13.

Mr. John Hall, Zoning Administrator, stated that the Board has not discussed the changes that were made to this amendment and perhaps the Board has no concerns but he wanted to touch base before the Board got too deep in the finding.

Mr. Thorsland asked Mr. Hall if he is referring to the Board’s concerns regarding water wells.

Mr. Hall stated yes. He said that as it happens a requirement has recently been established for abandoned septic tanks. He said that when he checked last fall there were no requirements for abandoned septic tanks but now there are requirements. He said that an abandoned septic tank has to be pumped out and made dysfunctional which is already a requirement that is being enforced by the health department but the draft amendment states that if a principal building is being demolished and is not being replaced then the water well and septic tank must be addressed. He said that if the principal building is not a single family dwelling or a multi-family building with four or fewer units then the asbestos abatement requirements will also apply. He said that if someone is not disturbing one acre then no permit is required but these optional minimum standards still apply. He said that most of the demolition that staff will see will either be demolition of an old home after a new home is constructed or an old garage or shed that is being demolished. He said that for the most part, he does not expect staff to see very many demolition permits or even grading permits. He said that the way that this amendment is structured is that the optional minimum standards apply even if you are not disturbing an acre. He said that he has done his best to not make the other parts of this amendment any more burdensome than they already are.

1  
2 Mr. Passalacqua stated that this is much like a 10' x 10' garden shed in that even though a permit is not  
3 required it must be built within the requirements of the Zoning Ordinance.  
4  
5 Mr. Hall stated yes.  
6  
7 Ms. Lee asked Mr. Hall to explain any exceptions with this amendment.  
8  
9 Mr. Hall stated that agriculture would be exempt. He said that if a farmer is tearing down an old farmstead  
10 and is going to reclaim the land for farming it would be called agriculture and would be exempt.  
11  
12 Mr. Randol asked if a farmer has to seal the existing water well.  
13  
14 Mr. Hall stated that sealing the existing water well still applies but staff is not issuing a permit therefore staff  
15 does not have to ask about it. He said that the way that this Ordinance is written, all of the exemptions that  
16 apply in Case 769-AT-13 also apply here.  
17  
18 Ms. Lee asked if utility companies have to comply with this ordinance.  
19  
20 Mr. Hall stated that utility companies do not have to do anything with us.  
21  
22 Mr. Thorsland stated that at the last public hearing for this case the Board requested that staff obtain  
23 information regarding wells and septic systems. He asked the Board if there were any questions regarding  
24 the information that staff distributed to the Board for review.  
25  
26 Mr. Passalacqua stated that the only commentary about reuse is in the first paragraph of the Administrative  
27 Code Section 920.120.  
28  
29 Mr. Hall stated yes. He said that the *Administrative Code* mentions reuse and he did not believe that Case  
30 773-AT-14 needed to be burdened by it.  
31  
32 Mr. Thorsland stated that Mr. Burdin gave testimony at the last public hearing regarding the care that he took  
33 to protect his well. Mr. Thorsland stated that he believes that people will take care of their existing wells  
34 because they are a big investment.  
35  
36 Mr. Hall stated that staff did find an example of one county health department that has made explicit  
37 provisions for reuse but our own health department does not have any explicit rules, although they are open  
38 to that idea. He said that this is all up to the Health Department.  
39  
40 Mr. Thorsland asked the Board if there were any further questions and there were none.

1  
 2 Mr. Thorsland stated that the Board could now review the Summary Finding of Fact on page 13 of the  
 3 Preliminary Draft Finding of Fact dated January 15, 2015.  
 4

5 **Summary Finding of Fact for Case 773-AT-14:**  
 6

7 From the documents of record and the testimony and exhibits received at the public hearing conducted on  
 8 May 29, 2014; June 12, 2014; July 13, 2014; September 11, 2014; December 11, 2014; January 15, 2015,  
 9 the Zoning Board of Appeals of Champaign County finds that:

10 1. Regarding the effect of the proposed text amendment on the Land Resource Management Plan  
 11 (LRMP):

12 A. **Regarding Goal 8 Natural Resources:**

- 13 • **If the Optional Minimum Standards in Related Case 769-AT-13 are approved, It**  
 14 **WILL HELP ACHIEVE** Objective 8.4 that states “**Champaign County will work**  
 15 **to ensure that new development and ongoing land management practices**  
 16 **maintain and improve surface water quality, contribute to stream channel**  
 17 **stability, and minimize erosion and sedimentation.”** because it **WILL HELP**  
 18 **ACHIEVE** the following:
  - 19 • Policy 8.4.2 that states “**The County will require stormwater management**  
 20 **designs and practices that provide effective site drainage, protect**  
 21 **downstream drainage patterns, minimize impacts on adjacent properties**  
 22 **and provide for stream flows that support healthy aquatic ecosystems.”**
  - 23 • Based on achievement of the above Objectives and Policies and because it will either not  
 24 impede or is not relevant to the other Objectives and Policies under this goal, the proposed  
 25 map amendment will **HELP ACHIEVE Goal 8 Natural Resources.**

26  
 27 B. The proposed text amendment will **NOT IMPEDE** the following LRMP goal(s):

- 28 • **Goal 1 Planning and Public Involvement**
- 29 • **Goal 2 Governmental Coordination**
- 30 • **Goal 3 Prosperity**
- 31 • **Goal 4 Agriculture**
- 32 • **Goal 5 Urban Land Use**
- 33 • **Goal 6 Public Health and Safety**
- 34 • **Goal 7 Transportation**
- 35 • **Goal 9 Energy Conservation**
- 36 • **Goal 10 Cultural Amenities**

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C. Overall, **IF the Optional Minimum Standards in Related Case 769-AT-13 are approved**, the proposed text amendment will **HELP ACHIEVE** the Land Resource Management Plan.

2. The proposed Zoning Ordinance text amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance but only **IF the Optional Minimum Standards in Related Case 769-AT-13 are approved**, because:

- The proposed text amendment will HELP conserve the value of land, BUILDINGS, and STRUCURES throughout the COUNTY (Purpose 2.0(b); see Item 16.B.).
- The proposed text amendment will HELP promote the public health, safety, comfort, morals, and general welfare (Purpose 2.0 (e); see Item 16.E.).

The Board agreed with the Summary Finding of Fact as written.

Ms. Griest noted that item #8 on page 3 of the Finding of Fact for Case 773-AT-14 should indicate WILL NOT IMPEDE.

Mr. Hall stated that item #16.B. on page 7 should indicate that the Zoning Board of Appeals HAS included Sections 6.1, 6.4 and 6.5 in their recommendation to the County Board in related Case 769-AT-13.

Mr. Hall stated that the following dates should be added to the Summary Finding of Fact: February 26, 2015; March 12, 2015; and March 26, 2015.

Mr. Thorsland asked Mr. Hall to indicate the new Documents of Record for Case 773-AT-14.

Mr. Hall stated that it would be sufficient to indicate during this public hearing that the same new Documents of Record for Case 769-AT-13 are relevant to Case 773-AT-14.

Ms. Griest stated that the Documents of Record should be revised to indicate Case 769-AT-13 and not Case 769-AT-14.

Mr. Hall stated that the Documents of Record for Case 773-AT-14 will be made similar to the Documents of Record for Case 769-AT-13.

Mr. Thorsland asked the Board if there were any additional questions related to Case 773-AT-14.

Mr. Thorsland stated that there are no names on the witness register for Case 773-AT-14 and asked the audience if anyone desired to sign the witness register to present testimony at this time and there was no one.

1 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings  
2 of Fact as amended.

3  
4 **Ms. Capel moved, seconded by Mr. Randol to adopt the Summary of Evidence, Documents of Record  
5 and Findings of Fact as amended. The motion carried by voice vote.**

6  
7 Mr. Thorsland entertained a motion to move to the Final Determination for Case 773-AT-14.

8  
9 **Ms. Griest moved, seconded by Ms. Capel to move to the Final Determination for Case 773-AT-14.  
10 The motion carried by voice vote.**

11  
12 **Final Determination for Case 773-AT-14:**

13  
14 **Ms. Capel moved, seconded by Mr. Randol that pursuant to the authority granted by Section 9.2 of  
15 the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County  
16 determines that:**

17 **The Zoning Ordinance Text Amendment to amend the Storm Water Management and  
18 Erosion Control Ordinance requested in Case 773-AT-14 should BE ENACTED by  
19 the County Board in the form attached hereto.**

20  
21 Mr. Thorsland entertained a roll call vote.

22  
23 The roll was called as follows:

24			
25	<b>Griest-yes</b>	<b>Lee-yes</b>	<b>Passalacqua-yes</b>
26	<b>Randol-yes</b>	<b>Capel-yes</b>	<b>Thorsland-yes</b>
27			

28 Mr. Hall thanked the Board and indicated that both cases will be at the Environment and Land Use  
29 Committee Meeting on April 9, 2015, in the John Dimit Meeting Room.

30  
31 Ms. Lee stated that page 1 of the March 20, 2015, Supplemental Memorandum for Case 773-AT-14  
32 indicates an item D.

33  
34 Mr. Hall stated that item D was included in the legal advertisement but was not included in the Ordinance  
35 because after it was included in the legal advertisement for Case 773-AT-14 the issue was dealt with in a  
36 different manner in Case 769-AT-13 therefore item D. was not part of the recommendation for Case 773-  
37 AT-14.

38  
39 Ms. Lee stated that the legal advertisement is still out there.

40

1 Mr. Thorsland stated that sometimes the initial legal advertisement does not accurately reflect what is done  
2 by the Board six months or more after it is published.

3  
4 Mr. Hall stated that he will let the ZBA know if the County Board decides to add it.

5  
6 Ms. Lee asked Mr. Hall if he believes that is a possibility.

7  
8 Mr. Hall stated no.

9  
10 **6. New Public Hearings**

11  
12 None

13  
14 **7. Staff Report**

15  
16 None

17  
18 **8. Other Business**

19 A. Review of Docket

20  
21 Mr. Thorsland stated that he will be absent from the April 16, 2015, meeting. He noted that since there will  
22 only be five members scheduled for the April 16<sup>th</sup> meeting it is very important for the Board to notify staff of  
23 any absences. He said that he will be present for the April 30<sup>th</sup> meeting although Mr. Passalacqua and Ms.  
24 Capel will be absent therefore only four members are scheduled to be present for that meeting. He requested  
25 that the Board call staff immediately if they are unable to attend the April 30<sup>th</sup> meeting so that the meeting  
26 can be cancelled.

27  
28 Mr. Hall stated that there may reason to cancel the April 30<sup>th</sup> meeting anyway because staff has not received  
29 a complete application for Case 795-S-14. He said that he is hoping that the petitioners can work with the  
30 Village of Savoy but he will continue to indicate the case on the docket until he finds out something  
31 otherwise. He said that the only case that could be ready for the Board's review on April 30<sup>th</sup> would be Case  
32 685-AT-11. He said that Cases 799-AM-15, 800-S-15 and 801-V-15 will open on April 16<sup>th</sup> but will not be  
33 completed at that hearing. He said that the Board could decide at the April 16<sup>th</sup> meeting if Cases 799-AM-  
34 15, 800-S-15 and 801-V-15 should be continued to the April 30<sup>th</sup> meeting and if not there may not be a need  
35 for the April 30<sup>th</sup> meeting.

36  
37 Ms. Lee asked Mr. Hall if staff has received any new information regarding Case 792-V-14.

38  
39 Mr. Hall stated that Ms. Chavarria has received a few things regarding Case 792-V-14 and the petitioner is  
40 working on the requested information for the Board.

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Mr. Thorsland stated that the Board should consider cancelling the April 30<sup>th</sup> meeting tonight.

Mr. Hall stated that at the County Board meeting last week the text amendment for Case 791-AT-14 received a protest from the City of Urbana although he personally believes that it was a misguided protest. He said that the County Board approved Case 791-AT-14 and Case 797-AM-15 at their March 19, 2015. He noted that only one County Board member did not vote for approval of Case 791-AT-14.

Mr. Thorsland stated that considering the possibility of at least two Board members being absent for the April 30<sup>th</sup> meeting the Board may want to cancel the meeting tonight.

Ms. Lee asked staff if they knew the status of the vacant Board seat.

Mr. Hall stated that whether or not the April 30<sup>th</sup> meeting should be cancelled should not be based on the presence of a new Board member. He said that what is critical is that it is possible that only a bare quorum of experienced Board members could be present at the April 30<sup>th</sup> meeting.

Ms. Griest stated that even if Cases 799-AM-15, 800-S-15 and 801-V-15 were continued to the April 30<sup>th</sup> meeting she cannot believe that with a bare quorum present that the petitioner would want to move to a final determination because it certainly limits their opportunities for a successful outcome.

Mr. Thorsland stated that even if a new Board member was present for the April 30<sup>th</sup> meeting that new member was not present for the opening of Cases 799-AM-15, 800-S-15 and 801-V-15 therefore it would be difficult for them to be involved in a final determination.

Mr. Thorsland entertained a motion to cancel the April 30, 2015, Zoning Board of Appeals meeting.

**Ms. Griest moved, seconded by Ms. Capel to cancel the April 30, 2015, Zoning Board of Appeals meeting. 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.

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

1 The meeting adjourned at 9:24 p.m.

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5 Respectfully submitted

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10 Secretary of Zoning Board of Appeals

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*DRAFT    SUBJECT TO APPROVAL    DRAFT            ZBA    //*

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