

AS APPROVED APRIL 14, 2008

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3 **MINUTES OF REGULAR MEETING**

5 **Champaign County Environment** **DATE:** **March 10, 2008**
6 **& Land Use Committee** **TIME:** **7:00 p.m.**
7 **Champaign County Brookens** **PLACE:** **Lyle Shields Meeting Room**
8 **Administrative Center** **Brookens Administrative Center**
9 **Urbana, IL 61802** **1776 E. Washington Street**
10 **Urbana, IL 61802**

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14 **MEMBERS PRESENT:** Chris Doenitz, Steve Moser, Brad Jones, Ralph Langenheim, Carrie Melin,
15 Jan Anderson, Barbara Wysocki (C), Jon Schroeder (VC)

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17 **OTHER COUNTY**
18 **BOARD MEMBERS** None
19 **PRESENT:**

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22 **MEMBERS ABSENT:** Matthew Gladney

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24 **STAFF PRESENT:** John Hall, Leroy Holliday

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26 **OTHERS PRESENT:** Brent Rose (Regional Planning Commission), Susan McGrath (Senior
27 Assistant States Attorney), Susan Chavarria (Regional Planning
28 Commission)

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32 **1. Call to Order, Roll Call**

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34 Ms. Wysocki called the meeting to order at 7:00 p.m. The roll was called and a quorum declared present.

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36 **2. Approval of Agenda**

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38 **Mr. Langenheim moved, seconded by Ms. Melin to approve the agenda as submitted. Motion carried**
39 **by voice vote.**

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42 **3. Approval of Minutes (February 11, 2008)**

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44 **Ms. Anderson moved, seconded by Mr. Jones to approve the minutes dated February 11, 2008, as**
45 **amended. Motion carried by voice vote.**

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48 **4. Public Participation**

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None

5. Correspondence

Mr. Langeheim moved, seconded by Mr. Jones to accept and place on file the Mahomet Aquifer Meeting No. 57, December 10, 2007, and Mahomet Aquifer Meeting No. 58, February 19, 2008, agenda. Motion carried by voice vote.

6. CDAP Loan: Copeland Brothers, Inc.

Brent Rose of the Regional Planning Commission said that this is a new company and is in need of a new heavy duty truck and working cash. He said that the truck would be either a ¾ ton or a one ton diesel with low miles with a compressor and crane. He said that it cost about 40 to 50 thousand dollars but they are still shopping around. He asked if there were any questions.

Ms. Anderson asked Mr. Rose if the funds they approved at the last meeting have already been obligated.

Mr. Rose said that loan had not closed yet and we are waiting for additional funds. He said that the RPC has another fund that could be used if we need to until additional CDAP funds are received.

Ms. Wysocki asked Mr. Rose if the current work force of this company is the two brothers.

Mr. Rose said yes because it is slow but they pick up in the summer. He said that they normally have four fulltime workers with a lot of detasseling jobs. He said that there are part time employees as well but he would have to figure up the hours because they are seasonal.

Ms. Wysocki asked if this is more than a two person operation.

Mr. Rose said yes.

Ms. Wysocki said that she has done detasseling work before and asked Mr. Rose if it had changed much over the years.

Mr. Rose said not really

Ms. Melin asked Mr. Rose who is Jennifer Copeland.

Mr. Rose said that she is the wife and a 50% owner but she does not work there they were using her money to help guarantee the loan as well although she is not involved in the business.

Ms. Melin asked Mr. Rose if the brother invested any money in the business.

1 Mr. Rose said that the brother did not invest any money he just works there.

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3 **Mr. Doenitz moved, seconded by Mr. Jones to approve the CDAP loan for Copeland Brothers, Inc.**
4 **Motion carried by voice vote.**

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6 **7. Zoning Case 596-AT-07 Petitioner: Champaign County Zoning Administrator**

7 Request: **Amend the Champaign county Zoning Ordinance as follows:**

8 **A. Add as a standard condition for any Special Use Permit that all exterior**
9 **lighting must be full cutoff type lighting fixtures with limited output and**
10 **other relevant restrictions.**

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12 **B. Add the use “Township Highway Maintenance Garage” to Section 5.2 Table**
13 **of Authorized Uses and authorize as follows:**

- 14 **1. Authorize by-right in the B-1, B-4, B-5, I-1 and I-2 Zoning Districts.**
- 15 **2. Authorize by-right in the AG-1, AG-2, B-2, and B-3 Zoning Districts only**
16 **if: (a) the use is not located within 150 feet of an existing dwelling unless**
17 **separated by a public right-of –way; and (b) only if located more than**
18 **one and one-half miles from the corporate boundary of a municipality**
19 **that has adopted a comprehensive plan; and (c) the use complies with**
20 **other standard conditions that may apply to all Special Use Permit; and**
21 **otherwise authorize Special Use Permit.**
- 22 **3. Authorize only by Special Uses Permit in the CR and all R Zoning**
23 **Districts.**

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25 Mr. Hall said that this was before the Committee a few months ago for direction and at the time the
26 Committee’s direction was based on the staff proposal to establish lighting requirements for Special Use
27 Permits within 1000 feet of any residence and to make this change for Township Highway Maintenance
28 Garages. He said that the ZBA thought that the lighting requirements should apply for all Special Use
29 Permits anywhere in the County’s zoning jurisdiction and they felt strongly about that so it was re-
30 advertised and what’s in front of the Committee is not based on any 1,000 foot separation but any Special
31 Use Permit in any zoning district regardless of how close it is to a residence would be required to have full
32 cutoff type exterior lighting. He said that this condition could be waived by the Zoning Board if the
33 petitioner makes the case.

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35 Mr. Hall said that in regards to the maintenance garage amendment it is exactly as it was seen originally. He
36 said that any Township Highway Maintenance Garage that is at least 150 feet from a dwelling and is not
37 located within a municipal ETJ area and complies with the other standard conditions would be a “by right”
38 use and would not need a public hearing. Mr. Hall said that there are two facilities that were anticipating
39 Special Use Permits this year and the memo in front of you would make those things happen without a
40 hearing. Mr. Hall said that neither the City of Champaign nor the City of Urbana had commented on this but
41 we have to wait thirty days after the ZBA hearing to give Townships a chance to comment although he
42 didn’t expect them to.

1 Ms. Anderson asked Mr. Hall to explain full-cutoff lighting.

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3 Mr. Hall said that full-cutoff lighting means all the lighting is directed down with none being allowed to go
4 up, so if the lamp is set back into the fixture that would be a full cutoff. He said that fully-shielded lighting
5 could still allow light to go upward into the sky. He said that he had spent some time trying to identify the
6 cost impact of the full cutoff verses the fully shielded and we could not identify what that cost impact would
7 be. He said that the main thing is that there are fewer lighting fixtures that are full-cutoff type but it is a
8 growing trend and it is easier now to find full-cutoff type lighting fixtures but they are a little more
9 expensive but it is impossible to characterize what the price difference is.

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11 Mr. Hall said that with certain uses like ball parks and outdoor recreational facilities there would have to be
12 a waiver because you cannot illuminate large areas with full-cutoff lighting but you would expect other
13 conditions regarding how late the lights are on and things like that so we would have to deal with those on a
14 case by case bases.

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16 **Mr. Schroeder moved, seconded by Mr. Doenitz to defer Zoning Case 596-AT-07 until next month.**
17 **Motion carried by voice vote.**

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19 **8. Proposed Intergovernmental Agreement regarding development pursuant to municipal**
20 **annexation agreement that is more than one-and-one half miles from the municipality**

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22 Mr. Hall said that they had the legislative reception and most of the representatives were there. He said that
23 he apologized for not putting it on the County’s schedule. He said that he went to Springfield last week with
24 Trisha Crowley and thought that the bill would be on the House Committee agenda but it was not. He said
25 that he found out today that the bill they had requested will be HB2518 and it will not be at a committee
26 hearing and that it would have to be amended on the floor. Mr. Hall said that he and Ms. Crowley are
27 working with Representative Jakobsson. Mr. Hall said that Representative Rose has co-sponsored a bill
28 with Representative Poe from Sangamon County which would if passed fix most of our problems but will
29 not include the language about the intergovernmental agreement and that bill will be opposed by the Illinois
30 Municipal League.

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32 Mr. Langeheim asked Mr. Hall why would the Illinois Municipal League object to this.

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34 Mr. Hall said that the reason they are not objecting for our county is because we have the support of our
35 local municipalities and those municipalities are clients of the municipal league and in regards to the bill for
36 all counties, most of the counties in Illinois do not have zoning so he could see why they would oppose that
37 rather than just limiting that to just counties that have zoning.

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39 Ms. Melin asked Mr. Hall when did he think this will be back before the Board.

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41 Mr. Hall said that he had no idea but he will keep in touch with representative Jakobsson’s Office.

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43 **9. Champaign County Land Resource Management Plan**

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Susan Chavarria said that they are in Stage Two Policy Framework of the Land Resource Management Plan. She said that there will be two public workshops the first week of April and she put flyers in the Board member’s mail boxes today. She said that the first workshop will be Tuesday April 1st from 6:00pm to 8:30pm and the second one on Saturday April 5th from 9:00am to 11:30am and the goal is to get some input about policy statements and a future land use map for the County.

Ms. Melin asked Ms. Chavarria if there will be an electronic version of this as well.

Ms. Chavarria said yes, it has been out there for about a week now.

Ms. Chavarria said that they also put out yard signs throughout the area about the workshop.

Mr. Schroeder said that he thanks Ms. Wysocki for writing a letter to the editor clarifying what the Land Resource Management Plan is.

10. Champaign County Pre-Disaster Mitigation Plan

Ms. Chavarria said that they have a twelve member planning team with Bill Keller from ESDA being the Chair. She said that they have representation from Parkland, City of Champaign, CU Public Health, City of Urbana, Village of Savoy, Village of Mahomet, Village of Rantoul and Village of St. Joseph. She said that Planning Team Meetings are the first Thursday of each month with the first meeting on April 3rd at 10:30am. Ms. Chavarria said that they don’t have a location for the meeting as of yet but she will send out notification as soon as a location is confirmed. She said that there are five other communities that had not responded to the invitation to participate for this multi jurisdictional plan so they are following up on that as well. She said that they are getting the agenda prepared and also putting the website together and to see what the content should be for this mitigation plan process.

Ms. Wysocki asked the Committee if there were any questions regarding Item 10 and there were none.

11. Update on County Electronics Recycling Event

Ms. Chavarria said that the 2nd annual County Electronic Recycling Day will be April 19th from 9:00am to 3:30pm. at the U of I Materials Recycling Facility at 10 E. St, Mary’s Road in Champaign. She said that for the first time the University will be collaborating and helping us out with this event.

12. Senate Bill 2022

Mr. Hall said that Senate Bill 2022 was put on the agenda not because it poses any type of immediate action or concern for the County but it is proposing to amend the municipal code not the county code but it is targeted at zoning cases in the unincorporated area so there is a chance that it might be amended to be applicable to the Counties Code. He said that the proposed bill would require notification by certified mail of all landowners within one and one- half miles of any parcel in the unincorporated area on which a zoning

1 change or a Special Use is proposed. Mr. Hall said that the County spent approximately \$99.84 in 2006 on
2 notices but if this bill passes and is applied to the Counties Code that amount would have been
3 approximately \$27,545.00 and after talking with the States Attorney a return receipt would be required so
4 that number would double to over \$54,000.00. He said that this change goes beyond the postcard notices and
5 legal ads which we are presently doing at this time.
6

7 Mr. Langenheim asked Mr. Hall if he knew how many cases this would apply to in the unincorporated area.
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9 Mr. Hall said that at this point the cost would only apply to municipalities but he is not sure how many cases
10 this would actually apply to but it would not affect anything that we do right now.
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12 Mr. Langenheim asked if this only applies to the people who live in the one and one- half mile area.
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14 Mr. Hall said that it would apply to any unincorporated area so if any municipality that goes outside the mile
15 and a half this would apply too.
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17 Mr. Jones asked Mr. Hall if anyone asked Mr. Frerichs why he sponsored this or what is the advantage of it.
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19 Mr. Hall said that he did not know.
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21 Mr. Jones asked Mr. Hall if anyone shared the concern regarding the cost with Mr. Frerichs.
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23 Mr. Hall said that these costs were put together by the RPC and he is not sure if they shared this information
24 with Mr. Frerichs.
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26 Ms. Wysocki said that Mr. Frerichs was at the last Farm Bureau meeting and she heard Mr. Frerichs say that
27 the reason he was going for certified mail was because often times people most affected by changes don't
28 seem to get regular mail notices if in fact they are sent out so therefore, it encourages them to be active after
29 the fact. She said that this way if they got notification they could respond at the beginning of the process.
30 She said that there were several around the table at the meeting who thought that this would not be an
31 effective way to make that happen and some expressed some concern that if this has an impact on our
32 situation to the point of going from \$100.00 to \$27,000.00 it would certainly have an impact in some of the
33 collar counties that are more densely populated.
34

35 Mr. Schroeder said that he understands what Mr. Frerichs is getting at but what is good for the goose is good
36 for the gander. He said that he has the same thing we fight out here as local legislators and tax payers. He
37 said that they should notify us the people before they take anything to Committee and how it affects
38 everybody. He said that often times we do not have any idea what's coming through legislation before it's
39 too late and then when we try to get our representatives involved they tells us it is too late it has already
40 gone through Committee.
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42 Ms. Wysocki asked Ms. McGrath if the Municipal Code takes precedence over the Counties Code.
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1 Ms. McGrath said that it does not take precedence and there are different parts of the statutes that control
2 different jurisdictions. Ms. McGrath said that the Municipal Code does not trump the Counties Code and she
3 thinks that it was intended not just outside of the mile and a half but for within the one and one-half mile as
4 well. She said that although they are saying certified mail that still does guarantee the people are going to
5 receive the certified mail either because some people do not pick up certified mail. She said that there are
6 other ways certified mail can be sent for instance, restricted certified mail, certified mail return receipt
7 requested, certified mail can't be forwarded, so there should be clarity as to what they mean. Ms. McGrath
8 said that even when they say landowners are they talking about anyone that is a landowner of record or the
9 land owner who pays the taxes which is sometimes different. She said that there are definitely some
10 problems with this even if it only applies to the Municipal Code.

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12 Ms. Wysocki asked would it be appropriate to draft a letter to Mr. Frerichs raising some of these concerns.

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14 Ms. Melin said that if we were to do that we could offer some suggestions.

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16 Mr. Schroeder said that for \$54,000.00 we could hire someone to go around and knock on doors and to
17 contact the people and even still you may not reach everyone. He said that you can only do so much for
18 people and they have to give a little effort too.

19
20 Mr. Langeheim asked Mr. Hall what is the stimulus behind all of this.

21
22 Mr. Hall said that he is not sure but in the rural areas when you have rezonings and Special Use Permits
23 there is one good reason to send notices for at least a mile around the subject property because a mile is the
24 greatest distance for the separation under the Illinois Livestock Management Facilities Act. Mr. Hall said
25 that we always miss them in RRO cases and do send the notices once we know about them but that would be
26 one good reason to send notices for up to a mile. He said that in his view it does not have to be anymore than
27 just a postcard.

28
29 Mr. Schroeder said that if a postcard is not going to get to them how will a certified letter get to them
30 because the address would be the same.

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32 **Mr. Schroeder moved, seconded by Mr. Moser for Mr. Hall and Ms. McGrath to draft a letter to**
33 **Senator Frerichs regarding the concerns the County has with Senate Bill 2022. Motion carried with**
34 **voice vote.**

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36 **13. Monthly Report**

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38 Mr. Hall distributed copies of the monthly report. Mr. Hall said that this February was like last February in
39 terms of the number Zoning cases and the number of permits.

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41 Ms. Wysocki asked Mr. Hall if there was anything out of the ordinary.

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43 Mr. Hall said that in February our inspection staff had been ill and we had a lot of people out in February.

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14. Determination of items to be placed on the County Board Consent Agenda

Ms. Wysocki said that Item #6 would be on the Consent Agenda.

15. Adjournment

Mr. Langenheim moved, seconded by Ms. Anderson to adjourn the meeting. Motion carried by voice vote.

The meeting adjourned at 7:42pm.

Respectfully submitted,

Secretary to the Environment and Land Use Committee

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