



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

MINUTES – Approved as Amended 4/4/13

DATE: Thursday, March 7, 2013
TIME: 6:00 p.m.
PLACE: Lyle Shields Meeting Room
Brookens Administrative Center
1776 E Washington, Urbana, IL 61802

Committee Members

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

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

Others Present: Cameron Moore, Kathy Larson, Susan Monte (Ch Co Regional Planning Commission), John Jay (Champaign Co Board)

MINUTES

I. Call to Order

Committee Chair Langenheim called the meeting to order at 6:01 p.m.

II. Roll Call

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

III. Approval of Minutes

A. ELUC Committee meeting – February 7, 2013

MOTION by Mr. Kurtz to approve the minutes for the February 7, 2013 meeting as distributed; seconded by Mr. Esry. Upon vote, **the MOTION CARRIED unanimously.**

IV. Approval of Agenda

MOTION by Mr. Esry to approve the agenda as distributed; seconded by Mr. Kurtz. Upon vote, **the MOTION CARRIED unanimously.**

Mr. Langenheim asked to move IX B – Local Foods Policy Resolution 2013-1 to be the first item on the agenda since there were individuals in the audience who wanted to provide input at public participation.

MOTION by Mr. Kurtz to move item IX B – Local Foods Policy Resolution 2013-1 – to be first on the agenda; seconded by Mr. Schroeder. Upon vote, the **MOTION CARRIED unanimously**.

V. Public Participation

Becky Roach, Catherine Capel, Lisa Haynes, Eric Thorsland and Tod Satterthwaite spoke in support of the Local Foods Policy Resolution 2013-1.

VI. Communications

None

VII. Items to be Approved by ELUC Committee for Referral to Zoning Board of Appeals (ZBA)

Zoning Ordinance Text Amendments:

- A. Local Foods Policy Resolution 2013-1: Add Local Food Production Capability as a Factor to be Considered in Establishing the Rural Residential OVERLAY (RRO) Zoning District

MOTION by Ms. Petrie to pass the Local Foods Policy Resolution 2013-1 to the Zoning Board of Appeals (ZBA) for their consideration of a 13th criterion to the Rural Residential Overlay; seconded by Mr. Kurtz.

Ms. Petrie read a statement from a constituent, Hal Barnhart, supporting the Local Foods Policy Resolution 2013-1.

Mr. Schroeder opined that it did not make sense to separate agriculture into the small producer and the larger commercial farmer in unincorporated areas of the County – they are one in the same. Mr. Schroeder thought that the Local Foods Policy Board may want to approach the cities of Urbana and Champaign and the Village of Savoy to see what the municipalities could do to develop small farms close to populous areas. Perhaps more emphasis could be placed on urban food production within the city by utilizing open lots like the Lierman Avenue Community Garden. Mr. Schroeder commented that everyone on the ELUC Committee wants preservation of agriculture in the AG-1 and AG-2 areas. He felt that the current ordinance does strive to limit the development of farmland, and adding another line for the RRO is not needed.

Mr. Esry agreed with the comments of Mr. Schroeder. If development is to occur, subdividing a small parcel makes more financial sense than a larger tract of farmland. All farmers in the rural areas whether they are small or large producers face the same problems with traffic and neighbors. Mr. Esry did not see how adding to the ordinance provides a benefit.

Ms. Petrie wanted to clarify that the intent of this Local Foods Policy Resolution was not to pit two types of agriculture against each other. Rather, this document expressed a need by local food producers to protect smaller acreage which is not currently in the ordinance. Ms. Petrie encouraged the passing of this resolution to the ZBA so a public hearing could convene and provide a forum for both sides of this issue. The ZBA could then provide their findings and recommendations to the ELUC Committee.

Mr. Kurtz noted that two of the speakers from the public participation that supported the resolution were members of the ZBA. He had concerns about the objectivity of the ZBA and a possible conflict of interest. Mr. Schroeder clarified that his issue with the resolution was not pitting two agricultures against each other but rather separating them when they have everything in common.

Upon roll call vote:

Yes: 2 – Langenheim, Petrie

No: 4 – Harper, Kurtz, Schroeder, Esry

MOTION FAILED.

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

- A. Community Development Assistance Program (CDAP) Loan – L.A. Gourmet Catering, LLC
Cameron Moore, CEO of Champaign County Regional Planning Commission (CCRPC), provided some background on the CDAP loan program. It is a classic revolving loan program that requires participating bank financing. The current CCRPC CDAP portfolio has eleven loans totaling \$2.6 million.

Kathy Larson, Economic Development Specialist at CCRPC, stated that the CDAP program lends money to businesses in rural areas of Champaign County which is why this request is being presented to the ELUC Committee. The loan request for L.A. Gourmet, LLC is \$600,950. The business was started in 2006 and does full-service catering for a variety of events. The owners, Lauren Miller and Anne Murray intend to use the loan proceeds to expand their business into an event center in rural north Champaign.

The total cost of this project is \$1,717,000 which will be partially funded by Fisher National Bank (\$858,500) and from owner equity (\$257,550). The remaining \$600,950 may be funded solely through the CDAP program or a combination of CCRPC's Intermediary Relending Program (IRP) for \$150,000 and a \$450,950 CDAP loan. The \$150,000 IRP loan request was approved by the IRP Loan Committee contingent on approval of this loan by the Champaign County Board. The collateral for the CDAP loan is a second lien on business assets behind Fisher National Bank; a second mortgage on the property at 2150 N County Road 1000 E in Champaign; and personal guarantees from Lauren Miller, Anne Murray and John Murray. Detailed analysis from CCRPC and Fisher National Bank indicated sufficient collateral coverage. This project plans to create 5 full-time and 15 part-time positions.

MOTION by Mr. Schroeder to approve the \$600,950 CDAP loan request to L.A. Gourmet, LLC; seconded by Mr. Esry.

Mr. Kurtz commented that the County Board has favorably discussed this project. CDAP loans have been helpful for business development in Champaign County. This loan will not cost the County any money since it is guaranteed by CCRPC.

Ms. Petrie noted that the CCRPC website for the CDAP program had some discrepancies concerning the maximum loan amount and formula for job creation. Mr. Moore explained that once the money had been loaned out and repaid, CCRPC could establish their own loan criteria from the initial loan program requirements. The current loan criteria will be updated on the webpage.

Ms. Petrie asked how job creation is monitored once the loan proceeds have been disbursed. Ms. Larson explained that the loan agreement states that the borrower must submit a quarterly report on jobs retained and created. This information is tracked for the first two years of the loan. Ms. Petrie inquired about the reasoning behind the \$150,000 IRP loan. Mr. Moore stated that CCRPC borrowed \$750,000 from the US Department of Agriculture (USDA) at a rate of 1% for thirty years to provide the revolving loan fund. IRP loans are necessary to provide interest income for the repayment of the USDA loan. Ms. Petrie wondered how this loan disbursement will affect the availability for future loan requests. As money is loaned from the portfolio, it is recharged by monthly payments from borrowers to be available for new loan clients. Mr. Moore commented that if the \$600,950 loan is approved, there is still \$2.5 million to loan out.

Mr. Schroeder stated that this loan is a great investment for the County and was comfortable with the borrowers' ability to repay.

Ms. Petrie wondered if the motion should be amended to "up to \$600,950".

Mr. Schroeder and Mr. Esry agreed to the friendly amendment.

MOTION as amended to approve the CDAP loan request for an amount up to \$600,950 to L.A. Gourmet, LLC. Upon vote, the amended **MOTION CARRIED unanimously**.

- B. National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Storm Water Discharge Permit with Illinois Environmental Protection Agency (IEPA)
1. Notice of Intent (NOI) 3/1/09 – 2/29/14
 2. Annual Update of Activities 4/1/11 – 3/31/12

Omnibus **MOTION** by Mr. Esry to approve the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Storm Water Discharge Permit with IEPA for both the Notice of Intent 3/1/09 – 2/29/14 and the Annual Update of Activities 4/1/11 – 3/31/12; seconded by Mr. Schroeder.

Ms. Petrie asked for some background on this issue. Mr. Hall responded that this program became a County Program in 2003 with the Director of Planning & Zoning Department as the contact person. Due to turnover in Zoning Administrators and the heavy workload in the department, a new NOI was not submitted to the IEPA in March 2008 or any annual updates since 2004. Andrew Levy, a planner at CCRPC has worked very hard in FY2012 and FY2013 to complete the required matrix. Many of the things in the matrix require an ordinance. The State's Attorney has been working for the last three months trying to figure out how to have an ordinance when there is no statutory authority. There are many problems with this ordinance in how it is structured. Hopefully the State's Attorney will have a resolution to this problem in the next couple months. This program relates to approximately 1% of Champaign County. It is clear there is a responsibility, but the challenge is that the County has very little jurisdiction.

The County received a notice of violation from IEPA for failure to renew the MS4 permit and failure to submit the annual updates. There are no fines for these violations. The IEPA needs the items by March 22, 2013 and that is doable. The next 5-year NOI is due in September 2013. The IEPA will be auditing the County sometime this year.

In terms of staffing, Mr. Schroeder wondered if the County would need to employ someone from CCRPC to continue this project. Mr. Hall commented that the County may want to hire an Environmental Compliance Officer who would provide oversight for all the needed permits. In addition, a long-term goal of Planning & Zoning is to maintain a staff position with some level of storm water management competency.

Mr. Schroeder commented that maybe the statutory jurisdiction question will need to be figured out in the courts. Mr. Hall believes the long-term solution may be for the County to work with all the other jurisdictions involved like the Drainage Districts, Townships and the University of Illinois to come up with agreements. This would be a lengthy process. The audit will help clarify this situation.

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

IX. Items to Receive & Place on File by ELUC Committee to allow for 30 day review period

- A. Preliminary Recommendation from Zoning Board of Appeals (ZBA) for Zoning Ordinance Text Amendment – Case #733-AT-12 – Agricultural Drainage Contractor Facility

MOTION by Mr. Schroeder to receive and place on file the preliminary recommendation from the ZBA for a Zoning Ordinance Text Amendment – Case #733-AT-12 – to add "Agricultural Drainage Contractor" as a principal use; seconded by Mr. Esry.

Ms. Petrie noted on page 72 of the packet under Objective 4.3 – Policy 4.3.5, the word “appropriate” was not defined. Mr. Hall replied that he thought the wording was self evident. Ms. Petrie asked if “minimize” under Policy 8.6.2 should also be defined. Mr. Hall said it was up to the County Board to determine the amount. On page 74, Ms. Petrie thought the wording on #20 would be clearer if it read, “On average as much as 50% of the dollar. . .” Mr. Hall said he would make that change.

MOTION as amended with the change, “On average as much as 50% . . .” **CARRIED unanimously.**

B. Draft – Minor Amendments to the Land Resource Management Plan (LRMP)

Mr. Langenheim noted that amendments #1-4 were reviewed at the February meeting. Susan Monte explained that a new item #5 has been added in which the Village of Mahomet would like to reduce its Contiguous Urban Growth Area to eliminate some parts not served by their public sewer system.

Ms. Petrie is concerned that there may be ramifications if changes are made without looking through the whole zoning ordinance document.

MOTION by Ms. Petrie to receive and place on file the draft Minor Amendments to the Land Resource Management Plan (LRMP); seconded by Mr. Kurtz. Upon vote, the **MOTION CARRIED unanimously.**

X. **Items to be Approved by ELUC Committee for Referral to ZBA**

A. Zoning Text Amendment to Allow Variances from Municipal Subdivision Regulations for Rural Water District Water Treatment Plant and Related Facilities

MOTION by Mr. Esry to approve a public hearing for a Zoning Ordinance Text Amendment to allow variances from Municipal Subdivision regulations for rural water district water treatment plant and related facilities; seconded by Mr. Kurtz.

Ms. Petrie commented that she has heard that the two entities cannot come to an agreement. She felt that this text amendment is an individualized variance and had trouble supporting it due to the mechanism that is being used.

Mr. Kurtz had discussions with the Administrator of Mahomet to keep open lines of communication between government entities. The majority of the County Board sees this is an essential service that has to take place. The inability to reach an agreement is difficult to understand as it should be a positive issue for both sides. This variance is unique to a specific problem that needs to be approved.

Mr. Schroeder stated that this case involves a public utility that helps the public good.

Upon vote:

Aye 5 – Langenheim, Esry, Kurtz, Harper, Schroeder

Nay 1 – Petrie

MOTION CARRIED.

XI. **Monthly Reports**

A. December 2012

B. January 2013

MOTION by Mr. Kurtz to receive and place on file the Planning & Zoning Monthly Reports for December 2012 and January 2013; seconded by Mr. Esry.

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

XII. Other Business

None

XIII. Chair's Report

None

XIV. Semi-annual Review of Closed Session Minutes

MOTION by Ms. Petrie that pursuant to the statutory requirement to conduct a semi-annual review of all closed meeting minutes that the closed meeting minutes of the Environment & Land Use Committee be maintained as closed to protect the public interest or the privacy of individuals, with the exception of the minutes from September 20, 2007 which may now be determined as open session minutes; seconded by Mr. Schroeder.

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

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

Mr. Langenheim stated that VIII A and VIII B should be placed on the Consent Agenda.

XVI. Adjournment

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

There being no further business, Mr. Langenheim adjourned the meeting at 7:30 p.m.