



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

MINUTES – APPROVED AS DISTRIBUTED 5/7/15

DATE: Thursday, April 9, 2015
TIME: 6:30 p.m.
PLACE: John Dimit Meeting Room
Brookens Administrative Center
1776 E Washington, Urbana, IL 61802

Committee Members

Present	Absent
Aaron Esry (Chair)	
C. Pius Weibel (Vice Chair)	
Astrid Berkson	
Stan Harper	
Patsi Petrie	
Jon Schroeder	
Sam Shore	

County Staff: John Hall (Zoning Administrator), Brian Nolan (Recording Secretary)
Others Present: Susan Monte (Regional Planning Commission), Jamie Hitt (Planning and Zoning)

MINUTES

I. Call to Order

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

II. Roll Call

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

III. Approval of Agenda

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

IV. Approval of Minutes

A. ELUC Committee meeting – March 5, 2015

Mr. Shore noted that his name should be included in the list of committee members in place of John Jay. Additionally, Mr. Shore noted that on page 2, line 23 and page 3, lines 18 and 20, Somer Township was incorrectly spelled as Summer.

MOTION by Mr. Weibel to approve the minutes of the March 5, 2015 ELUC meeting as amended; seconded by Ms. Berkson. Upon vote, the **MOTION CARRIED** unanimously.

V. Public Participation

None

VI. Communications

None

VII. Items for Information Only

A. Local Government Units Tire Collection

Ms. Monte noted that the Illinois Environmental Protection Agency has not set a tire collection date for local governments, and she will notify each county township with the date when it is provided. The tire collection will be a week-long event for county townships to drop off tires.

VIII. Items to be Approved by ELUC Committee

*A. Recreation & Entertainment License: Champaign County Fair Association (Christian music festival)
Location: 1302 North Coler Avenue, Urbana IL, July 1-4, 2015*

Ms. Petrie asked everything is place for the event to occur. Mr. Hall noted that everything is in order and the Sheriff has signed off on the license.

MOTION by Mr. Shore to approve the Recreation & Entertainment License: Champaign County Fair Association (Christian music festival) Location: 1302 North Coler Avenue, Urbana IL, July 1-4, 2015; seconded by Ms. Berkson. Upon vote, the **MOTION CARRIED** unanimously.

B. Clean up of Garbage and Debris in Carroll Addition Subdivision

Mr. Hall reported that he has received an estimate of \$3,750 to clean up the property at 1101 Carroll Avenue in the Carroll Addition Subdivision. A budget amendment will need to be prepared in order to clean the property in FY2015. The cleanup has been complicated by a fire at the property and a fire investigation is pending. The owner has no insurance in order to clean the fire debris. The State's Attorney's Office is concerned about public safety and recommends that Champaign County erect a temporary fence around the property until a time when demolition can be completed. A temporary fence around the 3 unfenced sides of the property will cost \$1,704 for one year and would enclose the sidewalk due to the dangers the debris presents. The property is not scheduled for cleanup by the County until 2020, and Mr. Hall asked for the committee's guidance in regards to proceeding with the property cleanup in FY2015 and installing a temporary fence.

Mr. Weibel asked who will pay for demolition costs. Mr. Hall explained it would be a County expense. Mr. Weibel recommended installing the fence as soon as possible and waiting for the fire investigation to be completed before demolition is started.

Mr. Schroeder noted that the property may be too dangerous to inspect according to a WDWS news report, and he asked how quickly the County can pursue a lien on the property on top of the lien that has already been placed by a financial institution. Mr. Hall explained that lien in place on the property by a financial institution is in the process of being released due to the fire. Additionally, the owner of the property plans to remove to the IRS liens on the property in the near future. Mr. Schroeder asked if the Planning and Zoning Department has spoken with the financial institution that has a lien on the property. Ms. Hitt explained that First Midwest Bank in Itasca is releasing their lien, but Busey Bank is still involved.

Mr. Weibel asked how much the property is worth. Mr. Hall explained that an appraisal has not yet been conducted, but estimates that the property is worth less than the demolition costs.

Ms. Petrie asked if the temporary fence will allow for large equipment required for the fire investigation to enter the property. Mr. Hall asked if the fire investigators were planning to use large equipment during the fire investigations. Mr. Schroeder noted that the WDWS news report stated that the fire investigators were waiting on the County to take action on the property before they started their investigation. The walls that were damaged during the fire need to be removed before the investigation can begin. Mr. Hall asked for the committee's judgement on removing the walls for the fire investigation. Mr. Weibel asked if the County Engineer could complete the project with the Highway Department's equipment. Mr. Hall noted that he can consult the County Engineer in regards to the project.

Ms. Petrie asked if the State's Attorney wants the fence in place as soon as possible or if there is a window of time to pursue the projects in a priority order basis. Mr. Hall noted that the State's Attorney's Office recommended that the fence be put in place as soon as possible, which cannot be completed until the investigation is completed. Mr. Schroeder noted that the information from the news report regarding the removal of walls for the fire investigation needs to be clarified, and the County should erect the temporary fence on the property before moving on other priorities on the property. Mr. Esry noted that the fire investigators will need access to the property once the fence is in place. Mr. Hall noted that the fire investigators should be consulted to ensure the fence will not obstruct their investigation.

- C. *Recreation & Entertainment License: Hammerdown Truck and Tractor Pull, Champaign County Fair Grounds, 1302 North Coler Avenue, Urbana for June 5-6, 2015*

MOTION by Mr. Harper to approve the Recreation & Entertainment License: Hammerdown Truck and Tractor Pull, Champaign County Fair Grounds, 1302 North Coler Avenue, Urbana for June 5-6, 2015; seconded by Mr. Schroeder.

Mr. Hall noted that this license still needs the Sheriff's approval, but he does not anticipate any problems. Ms. Petrie asked if the committee should act on this item without the Sheriff's approval. Mr. Hall noted that the committee should act on this item due to the May 7th meeting being so close to the event. Mr. Weibel asked if the committee can approve this item pending the Sheriff's approval of the license. Mr. Hall confirmed and noted licenses have been previously approved that way. Mr. Weibel asked to amend the motion to approve the license pending the Sheriff's approval.

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

AMENDED MOTION by Mr. Weibel to approve the Recreation & Entertainment License: Hammerdown Truck and Tractor Pull, Champaign County Fair Grounds, 1302 North Coler Avenue, Urbana for June 5-6, 2015 pending the Sheriff's approval; seconded by Ms. Berkson

Ms. Petrie asked if the State's Attorney's office is okay with the event even though the Sheriff's office still needs to give approval. Mr. Hall confirmed.

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

IX. Items to Receive & Place on File by ELUC Committee to allow for a 30-Day Review Period

- A. *Case 769-AT-13 - Amend the Champaign County Zoning Ordinance by amending the Champaign County Stormwater Management Policy by changing the name to Storm Water Management and Erosion Control Ordinance and amending the reference in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control Ordinance to add Erosion and Sedimentation Controls to meet the requirements of the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Storm Water Discharge Permit with the Illinois Environmental Protection Agency (IEPA) and make other changes and add other requirements related to erosion and sedimentation control, as described in the legal advertisement.*

MOTION by Ms. Petrie to receive and place on the file the amendment to the Champaign County Zoning Ordinance by amending the Champaign County Stormwater Management Policy by changing the name to Storm Water Management and Erosion Control Ordinance and amending the reference in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control Ordinance to add Erosion and Sedimentation Controls to meet the requirements of the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Storm Water Discharge Permit with the Illinois Environmental Protection Agency (IEPA) and make other changes and add other requirements related to erosion and sedimentation control, as described in the legal advertisement; seconded by Ms. Berkson.

Mr. Hall noted that the purpose of the text amendment is to adopt an ordinance that is consistent with the National Pollutant Discharge Elimination System (NPDES) and Municipal Separate Storm Sewer System (MS4) Program. A stormwater management program is needed to reduce pollutants in storm water runoff from construction activities that result in a land disturbance greater than or equal to one acre, and construction activities that disturb less than an acre if part of a larger common plan of development. The program must include an ordinance that requires construction site operators to implement appropriate erosion and sedimentation controls that include green infrastructure storm water management techniques where appropriate and practicable. The program must also include sanctions to ensure compliance, site plan review procedures, site inspection procedures and enforcement of control measures to the extent allowable under state law.

The basic amendment to Case 769-AT-13 is required to be in compliance with the NPDES program. The ELUC committee reviewed two amendment options previously, which were forwarded to a public hearing with a third amendment option added. When the committee reviewed these amendments, a resolution was included to adopt water pollution control authority. The draft ordinance provided in the agenda packet includes the existing policy with single-underlined previously reviewed changes, and double-underlined changes since the committee's review.

Mr. Hall noted at this point that the following case, Case 773-AT-14, is completely optional and has not been previously reviewed by the committee. This amendment was created due to a regulatory "hole" found in the legal advertisement for Case 769-AT-13 in the Minimum Erosion Control Standards. If the committee does not recommend the Minimum Erosion Control Standards as found in Case 769-AT-13, then 773-AT-14 should not be recommended because it would have no practical effect.

The major changes in 769-AT-13 include the addition of a Land Disturbance Erosion Control (LDEC) Permit requirement in the MS4 area. LDEC permits can be Major or Minor depending on the amount of land disturbed.

Mr. Weibel asked for a definition of disturbance. Mr. Hall explained that a disturbance includes anything other than solid grass, including large gardens, but does not apply to agriculture.

Mr. Hall continued and explained that the LDEC permit is required in addition to the Zoning Permit and must be approved and inspected before the Zoning Permit. Additionally, there may be high cost impacts for the Minor LDEC permit. New technical appendices were added in the text amendment for Minor LDEC Permit users. Mr. Hall anticipated about 5 LDEC permits per year in the current MS4 area with each LDEC Permit requiring inspection once per week by the County. Violations of the LDEC Permit and the NPDES Program will result in violations from the EPA.

Mr. Weibel asked if this program were in place last year, how many sites would the County be dealing with currently. Mr. Hall estimated 5 sites. Ms. Berkson asked if liability for violations can be passed to the permit holder in the permitting process. Mr. Hall confirmed and explained that the County will still be subject to a violation notice due to issuing the permit.

Additional major changes to 769-AT-13 include locational restrictions on outlets for sump pump and wastewater systems for new principal users, strengthened protections for existing drainage system, Minimum Erosion Control Standards and a Minor LDEC Permit fee of \$50.

The first option for adoption of 769-AT-13 includes Minimum Erosion Control Standards, which are applicable throughout the unincorporated area but more restrictive requirements apply within the MS4 area. These standards authorize the Zoning Administrator to require erosion and sediment control upon receiving a valid complaint about erosion or sedimentation on an adjacent property. Additionally, construction waste and debris must be properly disposed of, minimum separations requirements between large stockpiles must be met, minimum separations between land disturbances and sensitive area requirements must be met, and sediment must be removed from public areas at the end of each work day.

The second option for adoption of 769-AT-13 includes the Minor LDEC Permit Fee, which applies only to Minor LDEC Permits within the MS4 Jurisdictional Area. The fee is intended to partially recapture the extra costs related to the processing and review of the Minor LDEC Permit. The fee is not intended to capture any of the additional costs related to the extra inspections required for the Minor LDEC Permit.

The third option for adoption of 769-AT-13 includes ILR10 Compliance outside of the MS4 Area, which was not recommended by the Zoning Board of Appeals. This amendment requires that all applicants be made aware of ILR10 requirements when disturbing land outside of the MS4 area. Requiring ILR10 compliance for County permitting does not add any required inspections; however, it requires the County to keep copies of the ILR10 Notice of Intent and Notice of Termination. ILR10 compliance is already a requirement throughout Illinois and is enforced by the Illinois EPA. Requiring ILR10 compliance would ensure greater consistency with state law and enforcement. Not requiring ILR10 compliance is consistent with the County's Land Resource Management Plan and Zoning Ordinance Purpose.

Ms. Petrie asked why the Zoning Board of Appeals (ZBA) did not recommend ILR10 compliance outside the MS4 area. Mr. Hall explained that the ZBA was concerned about extra tasks the Planning and Zoning Department would take on with ILR10 compliance. Ms. Petrie asked if there would be repercussions if the County did not enforce ILR10 compliance. Mr. Hall explained that there would be no repercussions because the County is not obligated to enforce anything outside of the MS4 area. Once final stabilization occurs, these permits are no longer applicable.

Mr. Weibel asked when the MS4 boundaries are likely to change. Mr. Hall estimated that the boundaries may change in 2020 due to changes in the population.

Ms. Petrie asked if there is a system of checks and balances set in place for Items 6.4.A and 6.4.B in the Storm Water Management and Erosion Control Ordinance. Mr. Hall explained these items were drafted this way in order to specify requirements pursuant to a violation.

Ms. Petrie asked if questions would be accepted in regards to 773-AT-14 during this discussion of 769-AT-13. Mr. Hall and Mr. Esry confirmed. Ms. Petrie asked for clarifications in Case 773-AT-14 between item 6.6.A in Attachment A and item A in Attachment B. Mr. Hall explained that 6.6.A is one paragraph of the proposed ordinance and Item A is supplemental information for Item 4.5.B in 773-AT-14 and is not part of the ordinance. Ms. Petrie asked if item 6.6.B in Attachment A of 773-AT-14 is necessary. Mr. Hall confirmed and explained that even if permits for demolition and grading for any area over an acre are not required, zoning requirements for land disturbances still apply.

Ms. Petrie asked if a flowchart can be compiled to make the major changes more accessible. Mr. Hall explained there is a provided handout that summarizes the major changes and makes them more accessible.

Mr. Weibel asked if permits will be required for the demolition of dangerous structures by the County. Mr. Hall explained that permits are required for land disturbances greater than 10,000 square feet and he does not anticipate these structures to cause that amount of disturbance.

Ms. Petrie asked if after 2 years a review can be conducted to see how well this ordinance is working. Mr. Hall noted that he will bring issues to the committee as they are readily apparent.

AMENDED MOTION by Ms. Petrie to receive and place on the file the amendment to the Champaign County Zoning Ordinance by amending the Champaign County Stormwater Management Policy by changing the name to Storm Water Management and Erosion Control Ordinance and amending the reference in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control Ordinance to add Erosion and Sedimentation Controls to meet the requirements of the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Storm Water Discharge Permit with the Illinois Environmental Protection Agency (IEPA) and make other changes and add other requirements related to erosion and sedimentation control, as described in the legal advertisement, and to include the Minimum Erosion Control Standards, the Minor LDEC Permit Fee and ILR10 Compliance outside of the MS4 Area; seconded by Mr. Weibel.

Mr. Harper asked if amendments and changes were initiated by decisions made at the EPA. Mr. Hall confirmed.

Upon vote: Aye (3) Weibel, Petrie, Shore

Nay (4) Esry, Berkson, Harper, Schroeder

MOTION FAILED.

AMENDED MOTION by Mr. Weibel to receive and place on the file the amendment to the Champaign County Zoning Ordinance by amending the Champaign County Stormwater Management Policy by changing the name to Storm Water Management and Erosion Control Ordinance and amending the reference in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control Ordinance to add Erosion and Sedimentation Controls to meet the requirements of the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Storm Water Discharge Permit with the Illinois Environmental Protection Agency (IEPA) and make other changes and add other requirements related to erosion and sedimentation control, as described in the legal advertisement, and to include the Minimum Erosion Control Standards and the Minor LDEC Permit Fee; seconded by Mr. Schroeder. Upon vote, the **MOTION CARRIED** unanimously.

- B. *Case 773-AT-14 - Amend the Champaign County Storm Water Management and Erosion Control Ordinance that is the subject of a separate Zoning Case 769-AT-13, by adding a requirement for a Grading and Demolition Permit for any grading or demolition that disturbs one acre or more of land or for any grading or demolition that is part of a larger common plan of development in which one acre or more of land disturbance will occur, and that is not related to any proposed construction and add fees for Grading and Demolition Permits and other requirements related to Grading and Demolition Permits, as described in the legal advertisement*

MOTION by Mr. Weibel to receive and place on the file the amendment to the Champaign County Storm Water Management and Erosion Control Ordinance that is the subject of a separate Zoning Case 769-AT-13, by adding a requirement for a Grading and Demolition Permit for any grading or demolition that disturbs one acre or more of land or for any grading or demolition that is part of a larger common plan of development in which one acre or more of land disturbance will occur, and that is not related to any proposed construction and add fees for Grading and Demolition Permits and other requirements related to Grading and Demolition Permits, as described in the legal advertisement; seconded by Mr. Shore.

Mr. Weibel asked if the fees in this amendment are being assessed to help pay administrative costs. Mr. Hall explained that these fees are assessed to partially recapture costs; however, the fee

is waived if the applicant has also applied for an ILR10.

Mr. Hall noted that 773-AT-14 requires a Grading Permit and a Demolition Permit according to the Minimum Erosion Control Standards in order to provide protection to neighboring properties. Additionally, requirements were added which define how clean construction or demolition debris can be used as fill and prohibit the burning of demolition debris unless IEPA permits are received.

Ms. Berkson asked what is considered clean construction debris. Mr. Hall explained that clean construction debris includes uncontaminated, broken concrete without protruding metal bars along with bricks, rocks, stone, reclaimed or other asphalt pavement, and soil from construction activities.

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

X. Items to be Recommended to the County Board

A. *Proposed Minor Amendments to Champaign County Land Resource Management Plan*

Ms. Monte explained that the requested changes from last month's meeting have been added.

MOTION by Mr. Shore to approve the Proposed Minor Amendments to Champaign County Land Resource Management Plan; seconded by Mr. Weibel. Upon vote, the **MOTION CARRIED** unanimously.

XI. Monthly Reports

A. *February 2015*

MOTION by Mr. Esry to accept and place on file the monthly reports for February 2015.

XII. Other Business

None

XIII. Chair's Report

None

XIV. Designation of Items to be Placed on Consent Agenda

X.A

XV. Adjournment

MOTION by Mr. Harper to adjourn; seconded by Ms. Berkson. Upon vote, the **MOTION CARRIED** unanimously. There being no further business, Mr. Esry adjourned the meeting at 7:53 p.m.