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1 **5. Continued Public Hearing**

2
3 **Case 687-AM-11 Petitioner: Phillip W. and Sarabeth F. Jones Request to amend the**
4 **Zoning Map to change the zoning district designation from CR Conservation Recreation to**
5 **AG-1 Agriculture. Location: An approximately 14 acre tract of land that is located in the**
6 **North Half of the South Half of the Northeast Quarter of Section 27 of Crittenden**
7 **Township and located on the west side of Illinois Route 130 (CR1600E) and 1,328 feet south**
8 **of the intersection of Illinois Route 130 and CR 200N and County Highway 16 and**
9 **commonly known as the property at 175N CR 1600E, Villa Grove.**

10
11 **Case 688-S-11 Petitioner: Phillip W. and Sarabeth F. Jones Request to authorize the**
12 **construction and use of a “Restricted Landing Area” for use by airplanes consistent with**
13 **Illinois Department of Transportation regulations and helicopter use for public safety**
14 **assistance as needed and with limited helicopter use for personal use, as a Special Use on**
15 **land that is proposed to be rezoned to the AG-1 Agriculture Zoning District from the**
16 **current CR Conservation Recreation Zoning District in related zoning case 687-AM-11;**
17 **and with a waiver of a Special Use standard condition required by Section 6.1 that requires**
18 **compliance with Footnote 11 of Section 5.3. Location: An approximately 14 acre tract of**
19 **land that is located in the North Half of the South Half of the Northeast Quarter of Section**
20 **27 of Crittenden Township and located on the west side of Illinois Route 130 (CR1600E)**
21 **and 1,328 feet south of the intersection of Illinois Route 130 and CR 200N and County**
22 **Highway 16 and commonly known as the property at 175N CR 1600E, Villa Grove.**

23
24 Mr. Thorsland called Cases 687-AM-11 and 688-S-11 concurrently.

25
26 Mr. Thorsland informed the audience that Case 688-S-11 is an Administrative Case and as such
27 the County allows anyone the opportunity to cross examine any witness. He said that at the
28 proper time he will ask for a show of hands for those who would like to cross examine and each
29 person will be called upon. He requested that anyone called to cross examine go to the cross
30 examination microphone to ask any questions. He said that those who desire to cross examine
31 are not required to sign the witness register but are requested to clearly state their name before
32 asking any questions. He noted that no new testimony is to be given during the cross
33 examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws
34 are exempt from cross examination.

35
36 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing
37 tonight must sign the witness register for that public hearing. He reminded the audience that
38 when they sign the witness register they are signing an oath.

39
40 Mr. Thorsland asked the petitioner if they would like to make a statement outlining the nature of
41 their request prior to introducing evidence.

42
43 Mr. Alan Singleton, attorney for the petitioners, thanked the Board for the opportunity to present
44 evidence at this public hearing. He distributed a packet for the Board’s review regarding Cases
45 687-AM-11 and 688-S-11. He said that his office received the Planning and Zoning staff’s
46 Supplemental Memorandum on December 10th and he provided a response to some of the issues

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1 that were raised in that memorandum. He called the Board's attention to a letter dated December
2 13, 2012, from himself to the Board which highlights the points that he would like to make
3 tonight.

4
5 Mr. Singleton stated that there are materials that, for whatever reason, were not included as
6 Documents of Record and those documents are as follows: 1. (Tab 1 of the distributed packet)
7 Letter from JC Crawford dated November 11, 2011, withdrawing his support from the petition in
8 opposition of the proposed RLA and questioning the petition's validity. Mr. Singleton stated that
9 Mr. Crawford indicated in his letter that Mr. Larry Hall's statements during his visit were grossly
10 untrue and exaggerated and that Mr. Larry Hall's approach was very intimidating and forceful.
11 Mr. Singleton stated that Mr. Crawford is requesting that his name be removed from the petition.

12
13 Mr. Singleton stated that the second document that has not been included as a Document of
14 Record is as follows: 2. (Tab 2 of the distributed packet) Letter from Jongin Kim Craggs of
15 Craggs' Appraisal Services, Ltd. Dated November 15, 2011, expressing her professional opinion
16 that, given the current nature of the neighborhood, allowing an RLA would not cause the value
17 of the properties in the area to decrease and might actually cause them to increase, given the
18 greater community safety provided in the form of assistance to law enforcement officials. He
19 said that Tab 3 includes a letter dated February 24, 2012, from IDOT, Division of Aeronautics.

20
21 Mr. Singleton stated that staff has mentioned the possibility of imposing some additional setback
22 from the runway safety area which is over and above what IDOT requires. He said that his
23 office completed some research on similar previous cases and it appears that adding additional
24 safety precautions, such as an additional setback which is not contained within the IDOT
25 standards, is not permissible by Illinois law. He said that the previous cases that he is referring
26 to in his testimony are included in the packet under Tabs 4, 5, and 6.

27
28 Mr. Singleton stated that Dr. Jones and his family recognize that they have neighbors and they
29 intend to be good neighbors and are sensitive to the concerns that the neighbors may have
30 therefore they are proposing some special conditions to the RLA that would mitigate any
31 negative effects that may occur due to an RLA being located at this site. Mr. Singleton stated
32 that Tab 7 includes the proposed special conditions by Dr. Jones and at this time he would like to
33 review those special conditions with the Board.

34
35 Mr. Singleton stated that proposed special condition 1. is in regard to traffic patterns and reads as
36 follows: (a) All landing traffic patterns will be flown exclusively south of the RLA, thus
37 maximizing the distance between the aircraft and neighboring residential properties to the north.
38 Mr. Singleton stated that special condition 1(a) will assure that no aircraft would be flown over
39 Larry Hall's house therefore mitigating the effect of the RLA on the Hall's home. He said that a
40 tight northbound departure from the RLA could possibly take it closer to Mr. Hall's home
41 therefore special condition 1(b) indicates there will be no tight northbound departures below 1000
42 feet.

43
44 Mr. Singleton stated that proposed special condition 2 reads as follows: There will be an
45 increased traffic pattern altitude of 1500 ft AGL (above ground level) as opposed to the standard
46 1000 feet AGL altitude. He said that any minimal traffic pattern that would occur would occur at

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1 a higher level and would be 500 additional feet away from the home than what is standard.

2
3 Mr. Singleton stated that special condition 3 reads as follows: All pre-operation run-up
4 procedures will be conducted at the furthest practicable location away from neighboring
5 properties, provided that any pre-operation run-up procedure that is conducted at least as far west
6 as the location of the proposed hanger will be deemed to meet this restriction. He said that this
7 special condition suggests that any pre-operation procedures will be conducted as far away as
8 practical from the Hall home and as far away as the proposed hanger.

9
10 Mr. Singleton stated that special conditions 5 and 6 are limitations on helicopter and fixed wing
11 aircraft use. He said that staff proposed two helicopter take-offs and landings every twenty-eight
12 days. He said that he and Dr. Jones annualized staff's proposed limitation and he and Dr. Jones
13 propose the limited use of any helicopter to no more than twenty-five take-offs and twenty-five
14 landings in any twelve-month period which is one less take-off and landing from what staff
15 proposed. Mr. Singleton said that in regards to limitations of fixed-wing aircraft, he and Dr.
16 Jones are proposing that, except in cases of assistance for public safety, the owners will limit the
17 use of any fixed-wing aircraft to no more than thirty-eight take-offs and thirty-eight landings in
18 any 12-month period.

19
20 Mr. Singleton stated that in regards to insurance, he and Dr. Jones proposed a special condition 7
21 which indicates that at any time when take-offs or landings occur, a minimum of five million
22 dollars of liability insurance coverage shall be maintained. He said that one never knows what
23 life might bring to us and as we all hope to stay active in the hobbies that we are involved in but
24 sometimes financial situations change due to health issues, etc. therefore there might be a time
25 when liability insurance might be a financial burden. He said that even with the financial burden
26 there is always hope that there might be a time when life will return to normal and the RLA can
27 be used again. He said that Mr. and Mrs. Jones desire to mitigate any effects on the neighbors
28 and the seven special conditions are their way in doing so.

29
30 Mr. Singleton stated that Tab 8 of the distributed packet includes the names of 16 existing RLAs
31 in Champaign County and surrounding counties, as well as, Sectional Aeronautical maps and
32 Google Aerial maps. He said that the aerial maps indicate that there are buildings next to the
33 RLAs and no information has been discovered indicating any conflicts. He said that one of the
34 main problems currently is the fear of what we do not understand or are not familiar with yet
35 there are existing RLAs which have had no problems.

36
37 Mr. Singleton stated that Tab 9 of the distributed packet includes an article dated August 31,
38 2011, from *The News Gazette* which discusses Hurricane Irene and how the residents of the
39 afflicted towns received assistance by the service of helicopters and how satisfied the residents
40 were by this needed service. He said that Tab 10 of the distributed packet includes an article
41 dated October 26, 2011, from *The News Gazette* which discusses a land based motor vehicle
42 crash into a school. He said that the vehicle drove through the glass doors and passed through
43 the cafeteria and hit the gymnasium wall. He said that luckily no students were injured. He said
44 that motor vehicles are a very familiar part of everyone's daily life yet there are risks associated
45 with these familiar land based vehicles.

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1 Mr. Singleton stated that the traffic pattern for Route 130 has to be considered when the Board
2 considers the nature of the neighborhood. He said that the Illinois Secretary of State website
3 provides information indicating that a fully loaded 5-axle semi-truck can carry up to 80,000
4 pounds. He said that Route 130 is approximately 170 feet from Larry Hall's home. Mr.
5 Singleton said that if you compare a fully loaded semi-truck at 80,000 pounds to the petitioner's
6 flying equipment, which the heaviest aircraft weighs less than 5,000 pounds when fully loaded.
7 He said that for comparison, Ford Motor Company reports the gross vehicle weight of its Ford
8 F150 ranges from 6,450 pounds to 8,200 pounds, depending on the model therefore the
9 petitioner's flying equipment weighs less than the Ford F150 pick-up truck.

10
11 Mr. Singleton stated that the nature of the neighborhood involves dog training on the Fisher
12 property and previously submitted photographs indicated the dog training equipment on that
13 property. He said that dog training is a great sport that he has personally been involved in
14 although it is a noisy sport and the use of ear plugs were in order.

15
16 Mr. Singleton stated that there has been previous testimony, even by Mr. Larry Hall, regarding
17 the discharge of firearms in the neighborhood. Mr. Singleton stated that part of living in a rural
18 area is the discharge of firearms, but if they are discharged on a regular basis for targets or
19 shooting of clay birds then the activity becomes noisy and ear protection is required. He said
20 that the nature of the neighborhood is the proposed RLA. He said that if the frequency of traffic
21 for the RLA is compared to the frequency of traffic for Route 130 it would be found that there
22 will be less than 50 take-offs and landings in one year for the RLA in comparison to the
23 possibility of 50 vehicles per hour traveling Route 130. He requested that the Board to keep
24 things in perspective.

25
26 Mr. Singleton stated that it is the petitioner's position that adding on some sort of setback
27 arbitrarily to how far the runway would need to be from Larry Hall's home is not in compliance
28 with Illinois law and what the petitioners are proposing to do, including the proposed special
29 conditions, is fitting with the overall neighborhood. He thanked the Board for their time and
30 apologized for the depth of the distributed packet.

31
32 Mr. Thorsland called John Hall.

33
34 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum for Case
35 688-S-11 to the Board for review. He said that the memorandum includes the format for the
36 requested waiver of standard condition. He said that staff did not have time to include the waiver
37 in the Draft Finding of Fact therefore if and when the Board gets to the Draft Finding of Fact
38 tonight this is the format that staff would recommend.

39
40 Mr. Thorsland asked the Board if there were any questions for Mr. Hall and there were none.

41
42 Mr. Thorsland called Wayne Ward to testify.

43
44 Mr. Wayne Ward, who resides at 977 North County Road 1500E, Camargo, stated that he is a
45 Registered Professional Engineer and was hired by the petitioners to create the submitted site
46 plan for the proposed RLA. He said that the site plan has been updated and the Board has

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1 received a copy for review. He said that to the best of his knowledge and his understanding of
2 the requirements of the Illinois Department of Transportation Division of Aeronautics and the
3 Federal Aviation Administration, the proposed RLA meets those requirements. He said that the
4 revised site plan includes additional requirements by the ZBA and staff regarding the side yards
5 that he was not aware of when creating the previous site plan. He said that the runway safety
6 areas are in compliance as well as the side transition areas are in compliance with the exception,
7 as shown on the plans, of an additional 13.35 feet side yard area on the Bragg property that is
8 strictly farmland and is used for row crop farming. He said that he prepared the site plan with
9 everything being from the right-of-way line because he was not sure if the measurements were to
10 be taken from the right-of-way line or the centerline of Route 130. He said that if the
11 measurements could be taken from the centerline of Route 130 an additional 40 feet of runway
12 would be provided. He said that the way that the site plan is drawn from the right-of-way line
13 the proposed RLA meets all of the requirements. He said that the only thing that he is aware of
14 not meeting the requirements at this time and could be eliminated in five minutes is the sign over
15 Dr. Jones' driveway. He said that the sign does not comply with the height requirement and is
16 too close to the runway although there is no issue with its proximity to the existing home.
17

18 Mr. Thorsland asked the Board if there were any questions for Mr. Ward and there were none.
19

20 Mr. Thorsland asked if staff had any questions for Mr. Ward and there were none.
21

22 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Ward. He reminded
23 the audience that they may only ask questions which are based on the Mr. Ward's testimony.
24

25 Mr. Mark Fisher stated that Mr. Ward has indicated that the measurement from Route 130 to the
26 trees is 2590 feet. He asked Mr. Ward to indicate what part or area of the trees he used for this
27 measurement.
28

29 Mr. Ward stated that he measured to the face of the trees where the brush starts.
30

31 Mr. Fisher asked Mr. Ward if the face of the trees where the brush starts is located at the south or
32 north side of the property.
33

34 Mr. Ward stated that he measured to the center of the runway.
35

36 Mr. Thorsland asked the audience if anyone else would like to cross examine Mr. Ward and there
37 was no one.
38

39 Mr. Thorsland called William J. Jones to testify.
40

41 Mr. William J. Jones declined to testify at this time.
42

43 Mr. Thorsland called Larry Hall to testify.
44

45 Mr. Larry Hall, who resides at 177 County Road 1600E, Villa Grove, stated that over the course
46 of the hearings there have been multiple maps submitted and some of the maps have been hand

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1 drawn or have not been to scale. He presented a drawing of the proposed runway to be displayed
2 for the Board's review during his testimony.

3
4 Mr. Larry Hall stated that when he and his wife discovered that there would be new maps of the
5 proposed runway submitted they had anticipated, because of all of their safety concerns, a further
6 setback from their property although to their surprise the new plans indicate that the runway is
7 actually closer to their property. He said that due to the newly submitted map he cannot imagine
8 that anyone would expect that he and his wife would be less concerned than they were before.
9 He said that his display map indicates the previous plans for the runway, indicated in blue, and
10 the new plans, indicated in red. He said that the red lines for the new plans demonstrate that the
11 runway will actually be closer to his home.

12
13 Mr. Larry Hall stated that he and his wife did not receive their mailing packet until Monday,
14 December 10th therefore they have not had sufficient time to address any concerns that they may
15 have with the new plans. He said that they received the informational packet from Mr.
16 Singleton, attorney for the petitioners, at tonight's meeting and would like to have the
17 opportunity to fully review that information as well.

18
19 Mr. Larry Hall stated that in being so close to the runway they are naturally concerned about any
20 accidental circumstance that would cause any aircraft to veer towards their house as opposed to
21 having a perfect landing. He said that he has completed some research about crosswind
22 landings. He said that on many occasions southern Champaign County experiences high winds
23 and he would assume that the lighter the plane the higher the impact of the winds. He said that
24 the *Boeing Flight School Training Manual* and information from the CEO/Pilot Trainer of the
25 Best in Flight in Edgar County indicates the following: Aircraft in flight are subject to the
26 direction of the wind in which the aircraft is operating. An aircraft in flight that is pointed
27 directly north along its axis will generally fly in that northerly direction, however, if there is a
28 west wind or side wind in which the aircraft is flying then the actual trajectory of the aircraft will
29 be slightly to the east or north. Mr. Larry Hall stated that in his case he is talking of winds from
30 the south tending to cause a trajectory to the north which is the location of the house which is
31 close to the runway. He said that it appears that there is no room for error. He said that he has
32 discussed the issue of crosswinds with other pilots and they indicated that there are methods that
33 they use such as crabbing, de-crabbing and side slipping to deal with crosswinds. He said that
34 crosswinds could be a circumstance which increases his property and his family's exposure to
35 risk.

36
37 Mr. Larry Hall stated that the manual indicates the following: If a crosswind landing is not
38 executed properly the aircraft may experience wing strike in which the wing hits the runway.
39 Mr. Larry Hall stated that he is concerned about any wing strike hitting the runway near his
40 home.

41
42 Mr. Larry Hall stated he assumes that Item 8.J. on Page 8 Draft Summary of Evidence for Case
43 688-A-11 are to illustrate that the runway property will be used for agricultural production. Mr.
44 Larry Hall said that Item 8.J states that the runway is currently planted in bluegrass and fescue
45 which will be used for Dr. Jones' cattle and horses, there will be no tillage of the ground but the
46 hay will be baled, and the grass on the runway will be kept at about 6 to 8 inches. Mr. Larry Hall

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1 stated that since he is not a pilot he completed research and found an article from *Sport Aviation*
2 *Magazine* which quotes the *Civil Aviation Authority (CAA) Safety Brochure* as follows: “If the
3 grass height is more than 30% of the wheel, which is outside diameter top to bottom of the tire,
4 then it is a NO GO.” He said that the photograph at the top of the page of the brochure indicates
5 the following: “Do not land if the grass is 30% of wheel height.” Mr. Larry Hall stated that the
6 Cessna aircrafts that were identified during a previous meeting requires a 600 x 6 tire with a 17
7 inch height and 30% of that height is 5.1 inches. He stated that if the grass runway is going to be
8 maintained at 6 to 8 inches and the intention is to operate the runway in a safe manner he would
9 assume that Dr. Jones would adhere to the recommendations of the safety manuals and maintain
10 the grass runway at 5 inches. Mr. Larry Hall asked if the runway is maintained at 5 inches, which
11 is equal to a mowed residential yard, where will the hay come from for Dr. Jones’ livestock. He
12 said that if the grass hay cannot be harvested from the runway area, which is the subject of the
13 rezoning, removing the runway area will take a substantial amount of land out of agricultural use
14 therefore how can it be claimed agricultural use when we already know what the end use of the
15 property will be.

16
17 Mr. Larry Hall stated that Item 8.K(1) stated the following: (a) the trees in the adjacent CR
18 District were measured and the highest tree is 50 feet above the ground at that elevation and the
19 elevation at that location is eight feet below the runway; and (b) there is a lot of room for the
20 trees to continue to grow but to his best guess the trees are fully mature and are probably at their
21 maximum height; and (c) if the trees grew to 66 feet tall they might be a problem; and (d) the
22 trees will not be damaged, touched, or violated in any way during the use of the proposed RLA.
23 Mr. Larry Hall stated that according to Sandy Mason, Extension Educator for Horticulture at the
24 University of Illinois Extension Office, the five most common trees in Champaign County along
25 river banks are Sycamore, Silver Maple, Red Oak, Green Ash and Basswood with the average
26 mature height being 60 to 175 feet for the Sycamore, 70 feet for the Silver Maple, 70 to 90 feet
27 for the Red Oak, 70 feet for the Green Ash and 60 to 125 feet for the Basswood. He said that he
28 highly doubts that the trees have peaked at their mature height and they may be there today and
29 he believes that there could be future problems and it isn’t practical to believe that someone is
30 going to maintain the tops of the trees on a regular basis. He said that item 8.K(1)(d) indicates
31 that the trees will not be damaged, touched, or violated in any way during the use of the proposed
32 RLA. He said that he believes that item 8.K(1)(d) should mean that not only from the use
33 during the flying in and out but during the construction of the RLA. He said that item
34 10.C(10)(b) indicates that the proposed hangar, if constructed, would require some of the
35 wooded area on the subject property to be cut down. He said that by use of the map which
36 indicates the tree line that abuts the transition area and applying Mr. Ward’s measurements of the
37 hangar, the approach to the hanger and what he has designated as the approach to the hangar
38 (205 x 150) approximately a 30,750 square foot area of trees would be removed from the
39 property. Mr. Larry Hall stated that the removal of the trees would destroy a substantial habitat
40 and conservation environment. He said that previous testimony had indicated concern about the
41 removal of trees and the disturbance of the natural wildlife habitat. He said that such a
42 disturbance is a valid concern because the natural areas for the wildlife are part of the aesthetics
43 of the neighborhood. He said that the combination of the runway, which comprises
44 approximately two acres, and the 30,750 square feet for the hangar and hangar approach would
45 take almost three acres out of agricultural and conservation use.

46

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1 Mr. Larry Hall presented the Board with a photograph of the subject property indicating a visual
2 of where the transition area for the proposed runway abuts his property line. He said that the
3 photograph indicates the Hall house, Dr. Jones' driveway, the proposed runway, transition area
4 and the additional transition area to the south of the runway.
5

6 Mr. Larry Hall read Item 9.B.5(a) on page 13 of 29 as follows: No part of a building or structure
7 intended for regular human occupancy located within a R or B District nor any public assembly
8 or institutional use may be located within a primary surface area, an area 250 feet wide centered
9 on the runway centerline and extending 200 feet beyond each end of the runway. Mr. Larry Hall
10 acknowledged that his house is not located in a R or B District but his home and the neighbor's
11 homes are located in a subdivision and in nature the area is strictly residential. He asked the
12 Board why he and his neighbor's homes should be allotted less safety precautions than someone
13 located in a residentially zoned district. Mr. Larry Hall stated that the map indicates that the
14 distance from his house to the proposed RLA at 34 feet which is substantially less than the 250
15 feet separation distance awarded by the Zoning Ordinance to other residential citizens of the
16 County.
17

18 Mr. Larry Hall stated that Item 21.I on page 21 of 29 indicates that there shall be a minimum
19 separation distance of at least 230 feet between the nearest point of the RLA and the nearest
20 dwelling. He said that there is a substantial difference between the 230 feet, recommended in the
21 special condition, and the 34 feet indicated on the revised map. He asked the Board why he and
22 his neighbors should receive fewer safety considerations than someone who lives in the city or is
23 zoned residential. He requested equal safety considerations for his family and his neighbors.
24

25 Mr. Thorsland asked the Board if there were any questions for Mr. Larry Hall and there were
26 none.
27

28 Mr. Thorsland asked if staff had any questions for Mr. Larry Hall.
29

30 Mr. John Hall stated that Mr. Larry Hall is misreading the description of the primary surface
31 area. Mr. John Hall stated that the property that is proposed for rezoning is 256 feet wide and is
32 somewhat wider than the primary surface area therefore no part of the primary surface area
33 crosses over onto Mr. Larry Hall's property.
34

35 Mr. Larry Hall stated that he agrees that the primary surface area does not cross over onto his
36 property but it does abut it.
37

38 Mr. John Hall stated that Mr. Larry Hall's property is receiving as much protection as if the
39 property was located in a residential district. He said that the Item 9.B.5(a) states that no
40 building shall be located in the primary surface area and Mr. Larry Hall's house is not located in
41 that area. He said that Item 9.B.5(a) does not mention that no part of the lot may be located
42 within the primary surface area and even if it did Mr. Larry Hall's lot is not located in that area
43 either.
44

45 Mr. Larry Hall asked Mr. John Hall if the primary surface area refers to the landing strip.
46

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1 Mr. John Hall stated that the primary surface area is the area which is 250 feet wide centered on
2 the runway.

3
4 Mr. Larry Hall asked if that extends out to the edge of the transition area.

5
6 Mr. John Hall stated that on the north side it includes all of the transition area.

7
8 Mr. Larry Hall asked Mr. John Hall to indicate the distance of the transition area to his property
9 line.

10
11 Mr. John Hall stated that the transition area abuts Mr. Larry Hall's property line.

12
13 Mr. Larry Hall stated that he agrees. He said that the edge of the transition area is 34 feet from
14 his home.

15
16 Mr. John Hall stated that Mr. Larry Hall testified that his property is receiving less protection
17 than what this part of the Ordinance would provide for someone in the R District. He said that
18 Mr. Larry Hall's property is not receiving any more or less protection than anyone in the R
19 District and he is not suggesting that this point should make it all right. He noted that the
20 primary surface area is 250 feet wide centered on the runway so the north edge of the primary
21 surface is 125 feet from the centerline of the runway. He said that these dimensions point out
22 that Mr. Larry Hall's property is 135 feet from the center of the runway so the primary surface
23 area is 10 feet south of Mr. Larry Hall's lot line.

24
25 Mr. Larry Hall stated that the primary surface area is 47 feet from his house and he appreciates
26 Mr. John Hall's clarification although he is not less concerned. He said that all of the
27 information and dimensions are very difficult to follow when you are a layman and you have
28 concerns. He said that he is extremely concerned about the statement that was included in Mr.
29 Singleton's distributed packet indicating that he had pressured someone to sign the opposing
30 petition. He assured that Board that in no way did he pressure anyone to sign the opposing
31 petition and the person who made the claim offered his signature without coming to his home.

32
33 Mr. John Hall asked Mr. Larry Hall if he intended to submit the presented map and photographs
34 as Documents of Record.

35
36 Mr. Larry Hall stated that he will submit the presented information as Documents of Record
37 although he would like to keep the photograph because it is a nice picture and it was expensive.
38 He said that if the photograph must be kept he would like to have the opportunity to receive it
39 back once it is no longer required for the case.

40
41 Mr. John Hall asked Mr. Larry Hall if he had a written document from Sandy Mason that could
42 be submitted at tonight's public hearing.

43
44 Mr. Larry Hall stated no. He said that he spoke to Ms. Mason on the telephone.

45
46 Mr. John Hall stated that he did not realize that Basswood trees matured at 125 feet although the

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1 other tree heights seemed reasonable.
2
3 Mr. Larry Hall stated that the information regarding the tree heights were from Google but the
4 other information was from his personal conversation with Ms. Mason.
5
6 Mr. John Hall stated that at this point, Mr. Larry Hall's personal conversation with Ms. Mason
7 should be considered hearsay. He said that Mr. Larry Hall's testimony included information
8 from an article from *Sport Aviation Magazine*. He asked Mr. Larry Hall if he could submit a
9 copy of that article to the Board as a Document of Record tonight.
10
11 Mr. Larry Hall stated yes and submitted the article as a Document of Record.
12
13 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Larry Hall and there
14 was no one.
15
16 Mr. Thorsland called Julia Hall to testify.
17
18 Ms. Julia K. Wright-Hall, who resides at 177 County Road 1600E, Villa Grove, stated that she
19 lives next to the proposed RLA and has presented testimony at previous hearings regarding the
20 proposed RLA. She said that she has no personal vendetta against Phillip and Sara Beth Jones
21 and would rather be anywhere than where she is right now. She said that the only reason why
22 she is before the Board tonight is to protect her home, property value, serenity and safety of her
23 family. She said that she has submitted numerous facts, documents, photographs, and objections
24 to the Board regarding the proposed RLA. She said that the proposed RLA will be located less
25 than 40 feet from the yard where she and her granddaughter play badminton and she does not
26 believe that it is a safe situation to have a plane land so near to her home. She begged the Board
27 to not allow the proposed RLA to be placed this close to her bedroom window and thanked the
28 Board for their service.
29
30 Mr. Thorsland asked the Board if there were any questions for Ms. Hall and there were none.
31
32 Mr. Thorsland asked if staff had any questions for Ms. Hall and there were none.
33
34 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Hall and there was no
35 one.
36
37 Mr. Thorsland called Sarabeth Jones to testify.
38
39 Ms. Sarabeth Jones declined to testify at this time.
40
41 Mr. Thorsland called Phillip Jones to testify.
42
43 Dr. Phillip Jones, who resides at 175 County Road 1600E, Villa Grove, stated that all of the
44 evidence has been presented and it should be easy to address what evidence is reasonable and
45 what is not. He said that he has planted over 2,500 native hardwood trees on his property
46 therefore to indicate that he is creating a conservation problem is unfounded. He said that Larry

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1 Hall's photograph indicates the beautiful stand of native grasses, the new trees that have been
2 planted, and the wildlife habitat that has been created. He said that he has been flying for over
3 20 years and has never had a close incident of any kind and the argument regarding crosswinds is
4 not an issue. He said that Larry Hall's house is further away than almost all airport hangers to a
5 landing strip and it is impossible to drive a plane through the five foot of grass that is near Mr.
6 Hall's property. He said that an airplane's engine is on idle when it lands therefore his aircraft
7 will be quieter than his diesel truck is when he drives down his lane. He said that there may be a
8 little noise noticed when the aircraft takes off but he will be 1,000 feet in the air when he passes
9 Mr. Hall's house.

10
11 Dr. Jones stated that he appreciates the Board's time and he would appreciate getting these cases
12 resolved so that everyone can move forward with other important issues.

13
14 Mr. Thorsland asked the Board if there were any questions for Dr. Jones.

15
16 Mr. Courson asked Dr. Jones if he had pursued purchasing additional land to the south for the
17 landing strip.

18
19 Dr. Jones stated that the land that the land that is next to his property is zoned CR therefore he
20 would need to purchase 60 and an additional 80 acres which would require a substantial amount
21 of money.

22
23 Mr. Courson asked Dr. Jones if no is his answer.

24
25 Dr. Jones stated that he has spoken with the owner of the adjacent property although that
26 property is also zoned CR. He said that he has not made any movement in purchasing any other
27 property.

28
29 Mr. Thorsland asked if staff had any questions for Dr. Jones.

30
31 Mr. John Hall asked Dr. Jones how his helicopter and the noise that it creates compares to the
32 noise that is created by a typical helicopter that would land on top of Carle Hospital. He said that
33 he understands that acoustics in the city are much different than the acoustics in the CR district.

34
35 Dr. Jones stated that the helicopter that lands at Carle Hospital has two 650 horse power engines
36 but his has one 315 horse power engine. He said that the helicopter for Carle has four times the
37 horsepower that his helicopter therefore it is like comparing a Nissan car to a semi-truck and the
38 noise is much less.

39
40 Mr. Thorsland asked the audience if anyone desired to cross examine Dr. Jones and there was no
41 one.

42
43 Mr. Thorsland called Ben Shadwick to testify.

44
45 Mr. Ben Shadwick declined to testify at this time.
46

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1 Mr. Thorsland asked Mr. Singleton if he would like to add any new information at this time.

2
3 Mr. Singleton stated no.

4
5 Mr. Thorsland called Jean Fisher to testify.

6
7 Ms. Jean Fisher, who resides at 195 County Road 1600E, Villa Grove, stated that she lives in the
8 subdivision that Mr. Larry Hall spoke about. She thanked the Board for allowing the neighbors
9 to express their concerns about the proposed RLA. She said that some of the biggest issues that
10 the Board has to address and examine are, private and public safety, environmental effects and
11 the impact on local homeowners and the homeowner's right to live safely and peacefully within
12 a rural setting. She asked the Board which of the two safety issues, private or public, is of the
13 upmost importance. She asked if it is the risk factor of any potential aircraft accidents to
14 neighboring households where the owners would indicate that they did not consider the
15 possibility of such a risk when they purchased their property or is it the Board's priority to allow
16 someone with a hobby to offer their services to an unknown variable, such as, emergency
17 services. She said that by indicating unknown she means when, if ever, the services may be
18 required. She said that it is not a proven need when those who are trained, certified and held
19 financially liable should any accident occur are employed to perform those demands on a needed
20 basis. She said that it appears more than reasonable that those closest in proximity have
21 everything to risk and 37 people have indicated that they do not accept the risk of any accidents
22 to them due to the proposed rezoning and RLA. She said that by definition risk is as follows: 1.
23 Noun: a situation involving exposure to danger; and 2. Verb: expose someone or something
24 valued to harm or loss and 3. Synonyms: hazard, peril, jeopardy, danger, venture and chance.
25 She said that the homeowners do not want that risk or hazard and they do not see the need for it.

26
27 Ms. Fisher stated that after discussing RLAs extensively with IDOT personnel it was discovered
28 that any aircraft that experiences an in-flight emergency could be directed to land at the proposed
29 RLA. She said that these instances do and could occur therefore why would any residence,
30 especially the residence owned by Mr. and Mrs. Hall, be forced to endure this hazard.

31
32 Ms. Fisher stated that the environmental effects, sound, water and air quality, would or could be
33 forever damaged. She said that the Morton Arboretum website, <http://www.mortonarb.org/tree-plant-advice/article/859/native-trees-of-the-midwest.html> references Native Trees of the
34 Midwest. She said that the reference describes the uses of trees such as food, shelter for wildlife
35 and advantages of trees in the landscape. She said that the website chart shows a graph of
36 common name, botanical name, height, spread, form, growth rate, zone and cultural comments.
37 She said that many of the common trees, such as, Sycamore, Oak, Maple, Basswood, Hickory,
38 Pines and River Birch, grow to heights of 40 to 100 feet and are characterized as either fast or
39 slow growing. She said that the fast growing trees may average up to 25+ inches per year, the
40 medium growing trees may average 13 to 22 inches per year and the slow growing trees may
41 average less than 12 inches per year. Ms. Fisher submitted the Morton Arboretum article as a
42 Document of Record.

43
44
45 Ms. Fisher stated some of the trees that were referenced during Mr. Larry Hall's conversation
46 with Sandy Mason are referenced in the submitted article. Ms. Fisher stated that Ms. Mason

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1 confirmed that these species of trees and their growth in running river basins in Champaign
2 County are important. She said that trees located along the river basin provide habitat for
3 wildlife, stabilize ground, filter watershed, and improve water quality and air quality. She said
4 that Dr. Jones has indicated that no trees would be harmed in any way regarding the RLA
5 request. She asked how such can be accomplished when trees have grown in the flight path,
6 safety zone, or RLA and aircraft hanger construction. She said that Illinois is a home rule state
7 and the Illinois Municipal League website mentions that Champaign is in home rule therefore
8 she wonders if that would apply to Mr. Singleton's statements that the safety areas or special
9 considerations that staff recommended wasn't allowed by state law. She said that she wonders if
10 the home rule may apply to this situation since Champaign is a home rule municipality.

11
12 Ms. Fisher stated that if the area homeowners, especially Larry Hall, decided to sell their
13 property they would have to fully disclose that the property abuts an RLA and she would
14 imagine that this disclosure would affect the property's value. She said that the proximity of an
15 RLA near a home that is for sale could be a deal breaker to a potential buyer which would be
16 detrimental to the seller.

17
18 Ms. Fisher stated that Dr. Jones is fighting for what he wants and the neighboring homeowners
19 are fighting for what they already have and deserve to maintain. She said that the Board has the
20 decision placed upon them to determine if the risk or hazard is being placed as a burden to the
21 Hall family as well as the adjacent property owners and 37 people in opposition. She
22 respectfully requested that Dr. Jones' requests be denied.

23
24 Ms. Fisher stated that she is not sure how the Board should perceive this information but the
25 2010 article from *The News Gazette*, which references Dr. Jones' assistance for emergency
26 services, indicated that Dr. Jones had been flying for ten years although tonight Dr. Jones
27 indicated that he has been flying for 20 years.

28
29 Ms. Fisher thanked the Board for their time and requested that they consider the effects of the
30 proposed RLA on the existing neighboring homeowners.

31
32 Mr. Thorsland asked the Board if there were any questions for Ms. Fisher and there were none.

33
34 Mr. Thorsland asked if staff had any questions for Ms. Fisher and there were none.

35
36 Mr. Thorsland asked the audience if they desired to cross examine Ms. Fisher.

37
38 Mr. Mark Fisher asked Ms. Fisher if she intended to provide the tree height information to the
39 Board as Documents of Record.

40
41 Ms. Fisher stated yes.

42
43 Mr. Thorsland informed Ms. Fisher and Mr. Larry Hall that if they intend to reference the
44 conversation with Ms. Sandy Mason then they should obtain a written document from Ms.
45 Mason documenting the information disclosed during that conversation and submit that
46 documentation to the Board as a Document of Record. He said that Ms. Mason can present the

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1 information to the Board directly. He said that until one of those two things occur any references
2 to the conversation with Ms. Mason will be considered hearsay.

3
4 Mr. Thorsland called Mark Fisher to testify.

5
6 Mr. Mark Fisher, who resides at 195 County Road 1600E, Villa Grove, stated that he is still
7 confused and may disagree with Mr. John Hall. He requested that the Board review Item 3 on
8 page 2 of the letter dated February 24, 2012, from IDOT to John Hall, included as Tab 3 of Mr.
9 Singleton's distributed packet. Mr. Fisher read Mr. Hall's question to IDOT in item 3 as
10 follows: Is this proximity to an adjacent dwelling under different ownership considered good
11 practice? Would this comply with the recommendations or guidelines for residential airports or
12 would it have been allowed under the old IDOT residential airport guidelines. Mr. Fisher read
13 IDOT's response to Mr. Hall's question as follows: The Illinois Aviation Safety Rules require a
14 4:1 side transition for RLAs starting at the edge of the runway and extending for 85 feet.
15 Beyond this distance there is no obstruction clearance requirement. You noted that the
16 neighbor's house is 128 feet from the edge of the runway. This meets our requirement for a side
17 transition. We currently do not have a separate set of requirements for a residential airport.
18 They currently fall under the requirements for a private-use airport. A private-use airport has a
19 7:1 side transition which starts 50 feet beyond the edge of the runway and extends for 5,000 feet
20 from the runway centerline. In addition, no obstacles over 150 feet above the height of the
21 runway are allowed in the side transition area. Using these requirements, the neighbor's house
22 could be no more than 12 feet above the height of the runway.

23
24 Mr. Fisher stated that he does disagree with Mr. John Hall's statement that there are no separate
25 safety rules for residential in an RLA IDOT airport. He said that the only way that he can see
26 why there would be stricter requirements for a residential or private use airport is for safety
27 concerns for people in houses. He asked Mr. Hall if he is reading this information incorrectly.

28
29 Mr. John Hall stated that there are different requirements and this is not a private-use airport and
30 that is not what has been requested. He said that the RLA restrictions do not impose any height
31 limit on the neighbor's house. He said that if the request was for a private use airport then there
32 would be a height limit.

33
34 Mr. Fisher asked Mr. John Hall why IDOT has two standards.

35
36 Mr. John Hall stated that Mr. Fisher would need to ask IDOT that question.

37
38 Mr. Fisher stated that it appears that if this is for a residential area then IDOT is probably
39 considering people in houses. He said that this is the reason, that he can think of, why IDOT
40 would have stricter requirements.

41
42 Mr. John Hall stated that he believes that it is just the opposite. He said that a private use airport
43 is presumably a greater investment than an RLA and one would only seek approval for an airport
44 if they really needed to have an airport. He said that once you have an approval for an airport
45 you expect the investment to be protected. He said that an RLA has very low costs, very low and
46 smaller traffic, and has different requirements and expectations therefore the reason for two

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1 different sets of rules. He said that one set applies to this case and the other does not for a whole
2 range of reasons.

3
4 Mr. Fisher stated that if it is classified as a private-use airport, which IDOT determined that the
5 RLA would be placed under because it does not have requirements for a residential airport, the
6 Larry Hall house would be an issue but under the 4:1 requirement it would not be a problem. He
7 said that he does not see how this would have anything to do with the investment in the airport
8 especially if it doesn't protect the airport owner/operator but protects the residents. He said that
9 the reason why there would be a greater side transition for one and not for the other would be to
10 protect the people who live near the airport.

11
12 Mr. Thorsland stated that Mr. Fisher's question is a good question for IDOT.

13
14 Mr. Fisher agreed.

15
16 Mr. Thorsland asked the Board if there were any questions for Mr. Fisher and there were none.

17
18 Mr. Thorsland asked if staff had any questions for Mr. Fisher and there were none.

19
20 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Fisher and there was
21 no one.

22
23 Mr. Thorsland asked the audience if anyone desired to sign the witness register to present
24 testimony at this time.

25
26 Mr. Thorsland called Sara Beth Jones to testify.

27
28 Ms. Sarabeth Jones, who resides at 175 N County Road 1600E, Villa Grove, stated that she
29 would like to address a few items that have been brought up during tonight's public hearing. She
30 said that she rides her horse on the entirety of their property and to her knowledge there are no
31 Sycamore trees or the type of Oak trees mentioned although they do have White Oak trees on the
32 property. She said that in terms of the environmental impact that the cutting of any trees would
33 create, she cannot believe that the cutting of the trees would cause more damage than what they
34 have added to the property. She said that she and her husband have enhanced the area by adding
35 prairie and habitat areas for the different wildlife. She said that she brings her students to the
36 property to experience and learn about the environment.

37
38 Ms. Jones stated that she would like to clarify the confusion regarding how many years Dr. Jones
39 has been a pilot. She said that he has indeed been flying an airplane for 20 years but has only
40 been flying a helicopter for 10 years. She said that through all of these hearings her husband has
41 been somewhat attacked and deemed as an unsafe pilot and she does not agree because she and
42 her children fly with him. She said that her two most precious possessions are her two boys and
43 Mr. and Mrs. Fisher allowed their two boys to ride with Phillip in his helicopter. She said that
44 Mr. and Mrs. Fisher have expressed their concerns about accidents that may occur although they
45 allowed their boys to fly with Phillip. She said that at times it is very difficult to sit and listen to
46 the negative comments from the neighbors therefore she thought that it should be noted that they

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1 trusted Phillip with their children's lives.

2
3 Mr. Thorsland asked the Board if there were any questions for Ms. Jones and there were none.

4
5 Mr. Thorsland asked if staff had any questions for Ms. Jones.

6
7 Mr. John Hall stated that the purpose of the public hearing is to obtain the best evidence for the
8 public record so that when the rezoning is forwarded to the County Board there is a clear record
9 supporting the ZBA's recommendation and the petitioner's request. He said that Dr. Jones
10 indicated tonight that he has planted over 2,500 trees on the property although he did not specify
11 what type of trees were planted or their location. Mr. Hall said that he had previously asked Dr.
12 Jones if there was a management plan for the property and Dr. Jones indicated that there was not.
13 Mr. Hall stated that he cannot stress enough how important it is to place that type of information
14 on the record and if there is no management plan then the petitioner can only claim so far that
15 they are actually trying to improve the land.

16
17 Ms. Jones asked Mr. Hall to explain what a management plan contains.

18
19 Mr. John Hall stated that a management plan is a document that explains how the petitioner will
20 achieve a good stand of native vegetation versus a stand of thistle and anything else that wants to
21 grow. He said that if the petitioner has been trying to make the property better for conservation
22 purposes the Board must obtain that documentation because such evidence is very relevant to the
23 case.

24
25 Ms. Jones asked Mr. Hall if photos should be submitted or is a site visit necessary with an expert
26 to prove that the photo is not thistle but actual native grasses.

27
28 Mr. Hall stated that the purpose is to get evidence that will be available to the County Board for
29 review when this case is forwarded to them. He said that the evidence should be in writing
30 identifying what species were planted and a map that indicates where the 2,500 trees were
31 planted. He asked Ms. Jones if she knows how tall a White Oak tree will grow.

32
33 Ms. Jones stated no, but she knows that a lot of the White Oak trees are dying faster than they are
34 growing at this point.

35
36 Mr. Hall stated that White Oak trees are magnificent trees and they grow much higher than 66
37 feet. He said that to say that they will not be a problem for the approach area and to say that they
38 will not grow more than 66 feet is not consistent. He said that he suspects that the White Oak
39 trees may be a problem although he is not sure that the ZBA needs to deal with it but the idea is
40 to get evidence for the County Board to review. He suggested that the petitioner provide better
41 evidence.

42
43 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Jones.

44
45 Ms. Jean Fisher asked Ms. Jones if at the time that her children rode with Phillip in the helicopter
46 was the helicopter zoned to land on the property.

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1
2 Ms. Jones stated yes. She said that a helicopter may land on the property of which the pilot
3 owns.

4
5 Ms. Fisher stated that the helicopter landing was legal for Champaign County.
6

7 Ms. Jones stated that it is her understanding that it is completely legal. She said that when she
8 mentioned that Ms. Fisher's children rode with Phillip in the helicopter she was not indicating
9 that the helicopter landing on the property was legal but was indicating that at the time Ms.
10 Fisher trusted Phillip with her two children for a ride in the helicopter.

11
12 Mr. Thorsland asked the audience if anyone else desired to cross examine Ms. Jones.
13

14 Mr. Larry Hall stated that Ms. Jones referenced to the planting of 2,500 trees. He asked Ms.
15 Jones if approximately 500 trees, 20% of the 2,500 reportedly planted, were planted on top of the
16 berm which was constructed behind the existing adjacent homes and if so were those trees
17 planted to improve conservation.

18
19 Ms. Jones stated that any tree planted will provide a habitat for wildlife.
20

21 Mr. Thorsland asked the audience if anyone else desired to cross examine Ms. Jones at this time
22 and there was no one.

23
24 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to
25 present testimony regarding these two cases.

26
27 Mr. Thorsland called Linda Schumm to testify.
28

29 Linda Schumm, Bureau Chief, for IDOT Division of Aeronautics Safety Aviation, stated that
30 there was a question regarding a restricted landing area versus an airport. She submitted a copy
31 of the *Illinois Aviation Safety Rules* as a Document of Record and read the definition of an
32 airport, public or private, as follows: "Airport" means any area of land, water or both, except a
33 restricted landing area, that is designated for the landing and takeoff of aircraft, whether or not
34 facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or
35 discharging passengers or cargo; and, all appurtenant areas used or suitable for airport buildings
36 or other airport facilities, and all appurtenant rights-of-way, whether established before or after
37 the effective date of this Part. (Various airport classifications may be found in Subpart E, Subpart
38 F and Subpart H of this Part.) (See Section 6 of the Act.) She read the definition of a restricted
39 landing area as follows: "Restricted Landing Area RLA" means any area of land, water, or both
40 that is used or is made available for the landing and takeoff of aircraft that is intended for private
41 use. (See Section 8 of the Act.)
42

43 Ms. Schumm stated that it is kind of a misnomer that in Illinois we define public use airports,
44 private use airports and restricted landing areas and the Federal Aviation Administration looks at
45 it somewhat differently. She said that typically a restricted landing area is for the use of the
46 certificate holder which is why it is referred to as private. She said that a private use airport is

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1 typically for a greater number of aircraft but is not open to the public generally for liability
2 purposes because they don't want everyone from the entire world coming in to land as they
3 please which is why IDOT characterizes residential landing areas as private use airports. She
4 said that some of this information was included in her letter dated February 24, 2012, to John
5 Hall indicating restrictions for the two types of landing areas such as the number of based aircraft
6 and type of operations and whether or not one can do commercial maintenance, fly instruction,
7 etc. She said that most of those, other than the limit of 6 based aircraft in a restricted landing
8 area, no commercial operations, no flying instructions, no aircraft maintenance where as in a
9 private use airport you would be allowed those things with a greater number of aircraft. She said
10 that she wanted to clarify some of the information that was asked earlier.

11
12 Mr. Thorsland asked Ms. Schumm that regardless of the designation as an RLA, private or public
13 airport are they a landing site for an aircraft in emergency.

14
15 Ms. Schumm stated that a cornfield is a landing site for an aircraft in emergency. She said that
16 earlier it was stated that air traffic control would direct someone to land in a restricted landing
17 area. She said that she is a flight instructor and pilot and air traffic control is not going to tell a
18 pilot to land in a restricted landing area but will tell the pilot that there is a runway in the area if
19 you can make it because it is always safer to land on a runway than on a cornfield or road. She
20 said that air traffic control will give the pilot advice but they cannot direct someone to land
21 anywhere and can only give advice as to what is available in the area.

22
23 Mr. Thorsland asked Ms. Schumm if air traffic control would be aware of the restricted landing
24 area at this location.

25
26 Ms. Schumm stated yes. She said that all restricted landing areas are charted in the FAA data
27 base although they may not show up on the FAA navigation chart because sometimes the
28 landowners do not want them published because of liability purposes. She said that everything is
29 in the National Airspace Data Base.

30
31 Mr. Thorsland asked the Board if there were any questions for Ms. Schumm.

32
33 Mr. Courson stated that Ms. Schumm indicated that the RLA could only be used by the
34 certificate holder. He asked Ms. Schumm who would be included on the certificate, friends,
35 family members, etc.

36
37 Ms. Schumm stated that the RLA is to be used by the certificate holder or anyone that they give
38 permission to land. She said that if someone owned an RLA they could give permission to land
39 on the landing strip. She said that the RLA is not for use of the public which is uninvited and are
40 typically only for the use of the owner.

41
42 Mr. Passalacqua asked Ms. Schumm if she aware whether an RLA will affect the neighboring
43 property's insurance rates.

44
45 Ms. Schumm stated that she has no idea and cannot voice any opinions.
46

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1 Mr. Thorsland asked if staff had any questions for Ms. Schumm and there were none.
2
3 Mr. Thorsland asked the audience if anyone desired to cross examine Ms. Schumm.
4
5 Mr. Larry Hall asked Ms. Schumm if there was an aircraft in the area that was in a distressed
6 situation, they could be made aware of the fact that there was a landing strip available for
7 landing.
8
9 Ms. Schumm stated that this is not an IDOT question. She said that as an experienced pilot, if
10 there is an airliner coming in the air traffic control operator will not direct them to this landing
11 strip because it will not do them any good. She said that if it is something that could help the
12 pilot have a safe uneventful landing then air traffic control will inform the pilot that within a
13 certain distance there is an adequate landing strip at an airport.
14
15 Mr. Larry Hall asked Ms. Schumm if the aircraft was in a distress situation might that slightly
16 increase the chance that an eventful landing could take place at the landing strip.
17
18 Ms. Schumm stated that she cannot comment on such because Mr. Larry Hall is asking her for
19 her opinion.
20
21 Mr. Thorsland asked the audience if anyone else desired to cross examine Ms. Schumm.
22
23 Mr. Mark Fisher asked Ms. Schumm to explain why there are two types of side transitions for an
24 RLA and a private use airport.
25
26 Ms. Schumm stated that generally that applies to the uses allowed for those airports. She said
27 that for a private use airport the aircraft can carry passengers therefore people can be in the area
28 of the airplanes, commercial maintenance, and parachute operations can occur. She said that
29 there are a number of uses for a private use airport that would not be allowed for an RLA and
30 that comes down to a safety issue for the people and the buildings. She said that if she is going
31 to put a hanger right where there will be a greater number of operations, because it is private use,
32 then there will be higher restrictions.
33
34 Mr. Fisher asked Ms. Schumm if the 7:1 side yard transition would provide a greater protection
35 for the surrounding properties.
36
37 Mr. Thorsland informed Mr. Fisher that Ms. Schumm did not discuss the 7:1 side transition
38 during her testimony. He informed Ms. Schumm that even though everyone is curious about her
39 answer she is not obligated to answer Mr. Fisher's question.
40
41 Ms. Schumm stated that it really does have to do with the greater types of operations and safety.
42
43 Mr. Thorsland asked the audience if anyone else desired to cross examine Ms. Schumm. He
44 reminded the audience that they can only ask Ms. Schumm about information that was included
45 in her testimony and cannot give new testimony.
46

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1 Ms. Jean Fisher asked Ms. Schumm what types of aircraft or aeronautical things could land on
2 the RLA.
3
4 Ms. Schumm stated that there are different types of RLAs, such as, an RLA for a hospital, an
5 RLA for a heliport or an RLA for a landing strip. She said that in this case we are referring to a
6 landing strip and there are no restrictions for a landing strip therefore an airplane, helicopter, hot
7 air balloon, a skydiver, ultra-light. She said that if the request was for a heliport then obviously
8 an airplane could not land there and that is not a state rule.
9
10 Ms. Fisher asked Ms. Schumm if someone had permission from the RLA owner then multiple
11 types of aircraft could land at this location.
12
13 Ms. Schumm stated yes.
14
15 Ms. Fisher asked if the hot air balloons, ultra-lights, etc. have the potential to cause harm.
16
17 Mr. Thorsland informed Ms. Schumm that she was not required to answer Ms. Fisher's question.
18
19 Ms. Schumm stated that such a question would only receive a subjective answer.
20
21 Mr. Thorsland asked the audience if anyone else desired to cross examine Ms. Schumm and
22 there was no one.
23
24 Mr. Thorsland asked the audience if anyone desired to sign the witness register at this time to
25 present testimony regarding these cases.
26
27 Mr. Alan Singleton requested the opportunity to present testimony.
28
29 Mr. Thorsland called Alan Singleton to testify.
30
31 Mr. Alan Singleton, attorney for the petitioner, stated that he has planted more than 1,000 trees
32 on his own property. He said that if you look at a cornfield you will notice that the corn on the
33 outer edge of the field is shorter than the rest of the corn and that is the same situation that
34 happens with trees. He said that in the wooded area where his parents reside the trees in the
35 middle of the forest are tall but the trees on the outside of the forest are shorter because they do
36 not have to reach up as far for light. He said that as we think about the trees that might infringe
37 upon the proposed RLA, those are on the edge and have no reason to grow taller because they
38 have all of the light that they want.
39
40 Mr. Thorsland asked the Board if there were any questions for Mr. Singleton and there were
41 none.
42
43 Mr. Thorsland asked if staff had any questions for Mr. Singleton and there were none.
44
45 Mr. Thorsland asked the audience if anyone desired to cross examine Mr. Singleton and there
46 was no one.

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1
2 Mr. Thorsland stated that the Board has heard hearsay evidence from Sandy Mason about the
3 trees. He said that he would like to have testimony from an expert to personally present
4 information to the Board about the trees which exist on the west end of the landing strip. He said
5 there has been testimony regarding the intent of the trees that have been planted and he
6 encourages the intent to replace trees that may be removed for the RLA and Mr. Hall requested a
7 maintenance plan from the petitioners.
8

9 Mr. Thorsland stated that at tonight's meeting the Board received a packet of evidence from Mr.
10 Singleton and he would like the opportunity to read through the evidence. He asked the Board if
11 there was any additional information that they would like to review for these cases.
12

13 Mr. Passalacqua stated that he would be curious to know if Larry Hall's homeowner's insurance
14 agent would have new insurance premium information for his property if it becomes adjacent to
15 an RLA. He said that he is sure that Dr. Jones knows what the insurance rates are for owning
16 and flying aircraft but he is not sure if Dr. Jones' neighbors know what they might be in for
17 regarding their insurance rates.
18

19 Mr. Thorsland stated that such information would be requiring personal information therefore the
20 Board can only suggest investigating such with his insurance agent.
21

22 Mr. Palmgren stated that, from personal experience, the insurance premium for a home that is
23 located adjacent to an RLA is not any more expensive than anyone else's homeowner's
24 insurance premium although they do carry an optional extra umbrella policy.
25

26 Mr. Thorsland informed the audience that Mr. Palmgren does reside adjacent to a residential
27 airport.
28

29 Mr. Palmgren stated that he does reside adjacent to the only residential airport in the County. He
30 said that during the 25 years of the residential airport's existence there has only been one aircraft
31 incident. He said that the airplane went on its back because the pilot applied the brakes and the
32 aircraft flipped over on the runway and no injuries were incurred. He said that no one is allowed
33 to use the airstrip unless they are invited because it is a private use airstrip. He said that five of
34 the homeowners, half of the residents, do not have any interest in aviation at all other than they
35 enjoy watching the airplanes and two of those residents live within 100 feet of the runway. He
36 said that it is his view that as long as the use of the landing strip is restricted for other pilots the
37 safety issue may not be as big a problem as once thought.
38

39 Mr. Courson stated that before the Board requests more information about the RLA he would
40 like to poll the Board on the map amendment because if the map amendment does not pass the
41 RLA is moot.
42

43 Mr. Thorsland stated that part of his question regarding the trees and requesting additional
44 information is in relation to the map amendment as well. He said that he understands Mr.
45 Courson's point in that the Board should proceed with the map amendment case prior to dealing
46 with the RLA but he would like to hear testimony regarding the trees on the west end and view

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1 the petitioner's management plan.

2
3 Mr. Courson stated that he has reservations about taking a piece of property and rezoning it so
4 that the petitioner can do something on it that wasn't allowed in its current zoning. He said that
5 such a request is "spot zoning" because the petitioner has requested to take the center out of the
6 CR zoning district so that an RLA would be allowed. He said that he knows that the petitioners
7 have asked to have the property rezoned to AG-1 for agricultural purposes but agricultural
8 purposes are allowed in the CR District and the production of hay can continue in that district.
9 He said that there is very little CR in the County and this particular portion of the CR District has
10 been developed and if the Board allows people to request continuous rezonings then why does
11 the County have zoning classifications in the first place.

12
13 Mr. Hall stated that he does not understand why Mr. Courson feels that this would be "spot
14 zoning." He said that if the property is rezoned it will abut AG-1 at the east end and normally if
15 someone refers to "spot zoning" it means that there will be a spot of new zoning surrounded by
16 the old zoning which is not the case here.

17
18 Mr. Courson stated that the AG-1 land to the east is separated from the subject property by the
19 highway therefore it is not contiguous.

20
21 Mr. Hall stated that Mr. Courson is correct that the two properties are separated by the highway
22 but in terms of AG-1 zoning the two zoning districts meet at the centerline of the highway
23 therefore if the subject property is rezoned there will be AG-1 on one side.

24
25 Mr. Thorsland asked if staff has any questions for the petitioner.

26
27 Mr. Hall stated no. He said that he is interested to know if the Board has any concerns regarding
28 the legality of requiring a minimum separation between the proposed RLA and the adjacent
29 property. He said that the Board has received a lot of documentation tonight indicating that such
30 a separation is completely illegal. He said that he hopes that the Board finds that claim as funny
31 as he does but if not then he must provide new evidence.

32
33 Ms. Capel stated that she would like staff to provide such evidence.

34
35 Mr. Passalacqua stated that he agrees with Mr. Courson's point regarding the rezoning. He said
36 that he understands that staff is not calling the request "spot zoning" but it could be called
37 "reverse spot zoning" because a limited amount of CR is being proposed to be changed to AG-1
38 to allow an RLA. He said that the Board needs to concentrate on the rezoning first and then
39 move to the special use if necessary.

40
41 Mr. Thorsland informed the petitioner and the witnesses that additional information is required
42 for the trees and the Board would like to have an expert submit testimony, either personally or in
43 written form, to the Board. He said that the petitioner needs to submit a maintenance plan for the
44 subject property. He suggested that someone may like to submit the cost of homeowner's
45 insurance for a property adjacent to or near a landing strip. He said that Mr. Palmgren testified
46 that, personally, his homeowner's insurance did not change but there is an additional umbrella

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1 policy that can be purchased for additional coverage. He said that staff has been asked to prepare
2 a response or rebuttal to the information distributed by Mr. Singleton regarding the legality of
3 requiring a greater setback.

4
5 Mr. Thorsland asked the petitioners if a continuance to March 14, 2013, is acceptable.

6
7 Mr. Singleton stated yes, a continuance date of March 14, 2013, appears acceptable at this time.

8
9 Mr. Thorsland entertained a motion to continue Cases 687-AM-11 and 688-S-11 to March 14,
10 2013.

11
12 **Ms. Capel moved, seconded by Mr. Miller to continue Cases 687-AM-11 and 688-S-11 to**
13 **March 14, 2013. The motion carried by voice vote.**