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5 **MINUTES OF REGULAR MEETING**

7 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

8 **1776 E. Washington Street**

9 **Urbana, IL 61801**

10
11 **DATE: March 13, 2014**

**PLACE: Lyle Shield's Meeting Room
1776 East Washington Street**

12
13 **TIME: 7:00 p.m.**

Urbana, IL 61802

15 **MEMBERS PRESENT:** Catherine Capel, Debra Griest, Marilyn Lee, Brad Passalacqua, Jim Randol

16
17 **MEMBERS ABSENT :** Roger Miller, Eric Thorsland

18
19 **STAFF PRESENT :** Connie Berry, John Hall, Andrew Levy (RPC)

20
21 **OTHERS PRESENT :** Eric Sebens, Scott Reifsteck, Joy Rexshell, Don Wauthier, Herb Schildt,
22 Steve Burdin, Rob Parker

23
24
25 **1. Call to Order**

26
27 The meeting was called to order at 7:00 p.m.

28
29 **2. Roll Call and Declaration of Quorum**

30
31 Mr. John Hall, Zoning Administrator stated that Mr. Thorsland is absent tonight because he is in Ireland.

32
33 Mr. John Hall informed the Board that due to the absence of Mr. Thorsland the Board needs to appoint an
34 acting Chair for tonight's meeting. He entertained a motion for appointment of an acting chair.

35
36 **Mr. Passalacqua moved, seconded by Mr. Randol to appoint Ms. Capel as acting Chair for tonight's**
37 **meeting. The motion carried by voice vote.**

38
39 The roll was called and a quorum declared present with two members absent.

40
41 Ms. Connie Berry, Zoning Technician, stated that Mr. Miller sent an e-mail to staff indicating that he
42 would be absent tonight because he is out of town at a conference.

43
44
45 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must
46 sign the witness register for that public hearing. She reminded the audience that when they sign the
47 witness register they are signing an oath.

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49 **3. Correspondence**

50
51 None

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4. Approval of Minutes (January 16, 2014, January 30, 2014, February 13, 2014)

Ms. Capel stated that she previously submitted minor edits to staff for correction.

Ms. Lee stated that she submitted a minor edit to the February 13, 2014, minutes to staff for correction.

Ms. Capel entertained a motion to approve the minutes as amended.

Mr. Passalacqua moved, seconded by Mr. Randol to approve the January 16, 2014, January 30, 2014, and February 13, 2014, minutes as amended.

Mr. Hall stated that Mr. Scott Reifsteck submitted a minor edit to the January 30, 2014, minutes. Mr. Hall said that line 42 on page 13 should be revised to indicate the following: He said that at one time it used to be a mutual drainage tile and when the airport came in it restricted some of the use of the tile but there is approximately 240 acres that drains through there from the east and drains to the north side of the swale.

The motion carried by voice vote.

5. Continued Public Hearing

Case 766-AM-13 Petitioner: Eric L. Sebens d.b.a. Prairieview Landscaping Request: Amend the Zoning Map to change the zoning district designation from the AG-1, Agriculture Zoning District to the B-1 Rural Trade Center Zoning District in order to authorize the proposed Special Use in related zoning Case 767-S-13. Location: A 5-acre tract in Tolono Township in the East Half of the Southeast Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of the Third Principal Meridian and commonly known as Prairieview Landscaping at 1069 CR 900E, Champaign.

Case 767-S-13 Petitioner: Eric L. Sebens d.b.a. Prairieview Landscaping Request: Authorize the following as a Special Use in the B-1 Rural Trade Center Zoning District: Part A. Authorize multiple principal buildings on the same lot consisting of the following: (1) a landscape contractor’s facility with outdoor storage that was originally authorized in Case 101-S-97; and (2) Self-Storage Warehouses, providing heat and utilities to individual units as a special use proposed in Part B. Authorize the construction and use of Self-Storage Warehouses, providing heat and utilities to individual units as a special use. Location: A 5-acre tract in Tolono Township in the East Half of the Southeast Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of the Third Principal Meridian and commonly known as Prairieview Landscaping at 1069 CR 900E, Champaign.

Ms. Capel informed the audience that this is an Administrative Case and as such the County allows anyone

1 the opportunity to cross examine any witness. She said that at the proper time she will ask for a show of
2 hands for those who would like to cross examine and each person will be called upon. She requested that
3 anyone called to cross examine go to the cross examination microphone to ask any questions. She said that
4 those who desire to cross examine are not required to sign the witness register but are requested to clearly
5 state their name before asking any questions. She noted that no new testimony is to be given during the
6 cross examination.

7
8 She said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross
9 examination

10
11 Ms. Capel asked the petitioner if he desired to make a statement outlining the nature of his request.

12
13 Mr. Eric Sebens, who resides at 3008 Cherry Hills Drive, Champaign, stated that he is present tonight to
14 request the Board's consideration of rezoning his property from the AG-1, Agriculture Zoning District to the
15 B-1, Rural Trade Center Zoning District. He said that a revised plan prepared by Phoenix Engineering has
16 been submitted to Mr. Hall indicating a revised layout of the storage units, fencing, and a proposed location
17 for the water detention area and the new entrance. He said that the detention basin is in line with the current
18 existing drainage swale and it has been calculated that it will hold the storm water runoff that will be created
19 by the proposed and existing buildings and surrounding gravel. He said that his engineer is present to
20 answer any technical questions that the Board may have regarding this project.

21
22 Ms. Capel asked if staff had any questions for Mr. Sebens.

23
24 Mr. Hall asked Mr. Sebens if he had reviewed the Supplemental Memorandum dated March 7, 2014, which
25 included staff's twelve points or comments regarding the revised site plan.

26
27 Mr. Sebens stated that he has reviewed the memorandum. He said that the first comment indicated that there
28 was no indication of the total number of individual self-storage units at the site. He said that he anticipates
29 160 units but it really depends on the demand and the size of unit based on that demand therefore it is
30 difficult to determine an exact number. He said that he would guess that the range of units proposed at the
31 facility would be 120-160 depending upon what size unit has the biggest demand.

32
33 Mr. Hall stated that 120 to 160 units seems large because that would mean that there would be that many
34 renters which would directly correlate to the number of traffic. He asked Mr. Sebens if he is fairly confident
35 that he would have at least 120 units.

36
37 Mr. Sebens stated yes. He said that from his observations of storage units the renters are rarely at the units.
38 He said that perhaps on a spring Saturday during warm weather he could not imagine more than a few people
39 being at the facility at the same time and history shows that the average person will rent the unit and
40 occasionally visit the unit as an overflow for their home. He said that 160 units may seem large but if there
41 is a larger demand for the 5' x 5' units than the 10' x 20' units then there could be more than 160 units. He

1 said that the way the layout is currently there would be 48 units, if they were 10' x 20', per building therefore
2 he would estimate that there would be 120 unit since the one building is shorter. He said that he could really
3 see the units being a combination of sizes such as 5' x 5', 10' x 10', or 10' x 20'.

4
5 Mr. Hall asked Mr. Sebens if the buildings will have interior corridors or will they only be open to the
6 outside.

7
8 Mr. Sebens stated that his plans are that the each unit would open to the outside with no interior corridors.

9
10 Mr. Passalacqua asked Mr. Hall if there is a problem with the residence being between the two special uses.

11
12 Mr. Hall stated that the residential property ceased being the principal use when the contractor's facility was
13 established so he can't imagine having the self-storage would create any other problems.

14
15 Mr. Passalacqua asked if a loading berth would be required for this facility.

16
17 Mr. Hall stated that every use that you can imagine, other than a single family dwelling, has to have a
18 loading berth. He said that there may be some area of land or paving where the minimum loading berth may
19 fit and it doesn't mean that there has to be a loading dock where a truck can back up to it. He said that there
20 is adequate space on this property for a loading berth.

21
22 Mr. Passalacqua asked Mr. Hall if accessible parking is required.

23
24 Mr. Hall stated that parking for self-storage units is one of the most difficult portions of the ordinance. He
25 said that as long as there is one space in front of each unit for that renter's vehicle then that is all that staff
26 has ever looked for and in regards to ADA requirements they are not our regulations and staff encourages the
27 applicant to work with Doug Gamble at the Capital Development Board. He said that as long as Mr. Sebens
28 is willing to make a certain number of these units so that they can be easily made accessible in the event that
29 someone needs them to be accessible then that is all that is required and it is probably the lowest standard for
30 accessibility provided that the units are made accessible. He said that wherever there is an accessible storage
31 space, which with 120 units is 6 or 7 units or 5%, will be required to be concrete or asphalt for the parking
32 area and gravel will not acceptable. He said that gravel can lead up to the parking space but the parking
33 space and going into the storage unit itself must be concrete or asphalt and eventually those would need to be
34 added to the plan.

35
36 Ms. Lee asked Mr. Hall to clarify the definition of a parking space for a storage unit.

37
38 Mr. Hall stated that the minimum parking space is 9' x 20' where a vehicle could park. He said that in the
39 case of a 5' x 5' storage unit that is almost impossible because that is only room for one-half a car therefore
40 he does not know what to do with 5' x 5' units in regards to parking.

41

1 Ms. Capel asked Mr. Hall if he would like to review the Supplemental Memorandum dated March 7, 2014,
2 with the Board.

3
4 Mr. Hall stated that the Supplemental Memorandum dated March 7, 2014, is the memorandum that was
5 included in the mailing. He said that Mr. Sebens has already addressed staff comment #1 therefore he will
6 continue review of the remaining points. He said that staff comment #2 is in regards to the storm water
7 drainage plan. He said that Mr. Sebens explained that the detention basin is proposed to be “on stream”
8 which is to say that it intercepts the water that flows in the existing drainage swale. Mr. Hall said that “on
9 stream” drainage basins are not prohibited but there are difficulties with these basins and he has asked the
10 County’s consulting engineer, Don Wauthier, to review the plan and he has already responded via email.
11 Mr. Hall stated that from a staff perspective there is no clear prohibition for an “on stream” basin but there
12 are a few hundred acres upstream draining through the basin and trying to control the drainage from a two
13 acre self-storage warehouse may be difficult to achieve. He said that there appears to be plenty of space to
14 place the basin off line and out of the swale therefore not interrupting the swale to construct the basin and
15 not interrupting the 10” tile for re-routing. He said that there are a lot of good reasons to not do an “on line”
16 basin but it is not prohibited and he knows it may be difficult for the Board to have an opinion about that but
17 staff has concerns and if the plan is approved showing the basin “on stream” there has to be an understanding
18 that if that doesn’t work it must be made “off line”. He said that if Mr. Sebens has to live with fewer units
19 due to the “off line” requirement then that would be one possible result although he does not believe that it is
20 likely because this is going to be a small detention basin. He said that at this point and time no calculations
21 have been submitted and the County’s consulting engineer has not reviewed it and that is acceptable at this
22 point and time. He said that the County’s consulting engineer believes that there could be a detention basin
23 “off stream” on the site which would work better. Mr. Hall stated that he would like to know if the Board
24 has an opinion regarding the detention basin.

25
26 Mr. Hall stated that staff comment #3 is in regards to site security. He said that there is a fence around the
27 warehouses although he does not know how access through that fence is controlled. He said that in a
28 previous self-storage warehouse facility similar to this the Board was happy to see that the petitioner
29 provided security cameras which could be monitored from the office. He said that if the Board prefers
30 security cameras for this facility then the Board should indicate such to staff and the petitioner so that he has
31 ample time to include it on the plan. Mr. Hall stated that having the gate at the right of way of Duncan Road
32 is not an ideal situation.

33
34 Mr. Passalacqua asked Mr. Hall if there was a driveway separation requirement. He said that there are three
35 access driveways on the property already and the proposed would add a fourth entrance.

36
37 Mr. Hall stated that it is another driveway access and approval of the driveway is up to the highway
38 commissioner but he has a concern that the Board would allow the gate to be right at the right of way unless
39 there is some way to know that traffic will not be queuing up along Duncan Road awaiting the gate to open.
40 He said that he would suggest that Mr. Sebens consider moving the gate around to the north side of the self-
41 storage area so that people can pull off at the existing driveway for the contractor’s facility and then there

1 would be space to queue up while opening the gate to the self-storage area. He said that this would require a
2 different plan and if the Board has any opinion it would be good for the Board to indicate such.

3
4 Mr. Randol asked Mr. Hall if the Board needs to address each of these points because he too has a concern
5 about the driveway and how it is set up. He said that if there is an electric gate then someone would have to
6 stop and insert the code in the key pad therefore the vehicle is parking on the street during this process. He
7 said that he is not in favor of the "on stream" detention pond and he would like to know the depth of the
8 detention pond. He said that there are twelve points in the memorandum that the Board should address
9 individually or point it out to Mr. Sebens.

10
11 Mr. Hall stated that in light of these twelve points he did not try to create a Finding of Fact. He said that if
12 there had only been a few things outstanding there may have been a Summary of Evidence for this tonight
13 but there are many questions which must be answered and the Board needs to voice their concerns as well.

14
15 Ms. Lee stated that she also has a concern regarding the proposed driveway because the vehicles waiting on
16 the gate could have trailers attached which is even more of a hazard.

17
18 Mr. Sebens stated that it wouldn't be a problem moving the entry gate to the north side to allow plenty of
19 room for a vehicle and trailer to enter therefore not requiring them to come directly off of Duncan Road. He
20 said that entrance visibility was a concern by staff but there is a straight line of site for approximately 1,000
21 feet from the north and south of the entrance.

22
23 Ms. Griest stated that she is not comfortable with the entrance for the storage units coming directly off of
24 Duncan Road and she would like to see the plan revised to include utilization of one of the existing entrances
25 off of Duncan Road already rather than creating a new one and the entrance in to the fenced area being
26 completely off of the public access. She said that there is a whole host of issues, even if Mr. Sebens had the
27 best visibility, if he had traffic sitting on a rural road at a complete stop trying to get into a gate and either
28 fully or partially sticking out into the driveway. She said that she is not comfortable with the entrance
29 proposal unless he has enough room for a truck and trailer to pull in and be completely off the road. She said
30 that with the current plan she can foresee a visibility with a truck and trailer sitting on the road waiting to
31 come onto the property and speed issues with people coming and going day and night.

32
33 Mr. Hall asked Ms. Griest if she had any input regarding security cameras.

34
35 Ms. Griest stated that security cameras provide some benefit but if they are not monitored 24 hours per day
36 they will probably have limited value. She said that if the security cameras are monitored 24 hours per day
37 during the highest crime time offsite would be a good idea. She said that a DVR can record activity but the
38 perpetrators are long gone and most DVR cameras are not high grade enough to identify images in the dark.

39
40 Mr. Passalacqua stated that the video monitoring could be attractive to any potential customers but he does
41 not believe that it is the County's place to regulate it. He said that having a security camera at a self-storage

1 warehouse is really improving public safety and security cameras are very expensive therefore if Mr. Sebens
2 offers to supply this service to his customers then it should be his choice to do so and not the County's place
3 to require it.

4
5 Mr. Hall asked Mr. Passalacqua if since the self-storage facility will be 24 hour access should it be required
6 to have night lighting.

7
8 Mr. Passalacqua stated yes. He said that he would refer Mr. Sebens to Mr. Jesse's self-storage warehouse
9 plan. He said that if he isn't mistaken there is already night lighting on the property currently.

10
11 Mr. Sebens stated that Mr. Passalacqua was correct. He said that he has been at the property for seventeen
12 years and has never had any issues with theft or foul play.

13
14 Mr. Hall asked the Board if they wanted night lighting for the self-storage warehouse or not.

15
16 The Board indicated yes.

17
18 Mr. Randol stated that the lights would not need to be on consistently at night but some sort of lighting with
19 motion detectors or something would be a safety feature.

20
21 Mr. Hall stated that the motion lights need to be full-cutoff which means that the lamp does not emit light if
22 below the horizontal therefore reducing light trespass onto adjacent properties. He said that the Ordinance's
23 maximum lamp size is based on incandescent wattage and sodium mercury vapor lights and comparing those
24 limits on wattage with LED lamps is a challenge. He asked Mr. Sebens how he plans to access the new hoop
25 building.

26
27 Mr. Sebens stated that there is an access area between the fence and the property line along the back side
28 which will remain in gravel and allow access to the hoop building.

29
30 Ms. Griest asked Mr. Hall how that will impact the setbacks.

31
32 Mr. Hall asked Mr. Sebens if that access is currently in gravel.

33
34 Mr. Sebens stated that most of it is in gravel currently.

35
36 Ms. Griest asked Mr. Sebens if he was already having a problem with encroaching upon the adjacent
37 landowner regarding the spillover of his gravel and traffic. She asked Mr. Sebens what type of proposal he
38 would present to provide a firm barrier that keeps that gravel from moving out into the farm ground or vice a
39 versa.

40
41 Mr. Sebens stated that the property in that area is very level. He said that he sent a letter to Scott Reifsteck

1 indicating that there were a couple of spots where over time his business has edged over onto Mr.
2 Reifsteck's property but his intention is to correct those spots.

3
4 Ms. Griest stated that the aerial photo indicates the line of separation of the two properties. She said that
5 during the previous use it appears that Mr. Sebens tried to utilize his property right up to the edge of the
6 property line and the same thing is appearing with the self-storage and the fencing therefore she fears that
7 there will be additional encroachment onto the adjacent property. She said that she would like some level of
8 confidence that the encroachment will not occur.

9
10 Mr. Sebens stated that he was willing to put it in writing that he wanted to correct the encroachments.

11
12 Ms. Griest stated that she would like to see some type of indication on the site plan such as a proposed
13 setback of five feet. She said that a five foot grass strip to separate the proposed use from the agricultural
14 area would be sufficient.

15
16 Mr. Passalacqua stated that he does not think that the access of eight feet is sufficient.

17
18 Mr. Sebens stated that it is a twelve foot access.

19
20 Mr. Hall stated that in order to have a minimum of five feet between the property line and the access path he
21 is assuming that we are talking about at least fifteen feet in total.

22
23 Mr. Passalacqua stated that he does not know that he is in favor of requiring a grass separation strip along
24 Mr. Sebens' property and the adjacent farm field because that is just another maintenance issue. He said that
25 if he wanted to plant blue stem or switch grass that would be different but a grass filter strip for mowing is
26 not necessary.

27
28 Mr. Hall stated that the Board will not be requiring maintenance but only keeping the noxious weeds under
29 control.

30
31 Ms. Lee asked Mr. Hall if the plan indicated that there is eight feet from the fence line to property line.

32
33 Mr. Hall stated that the eight feet is on the inside of the fence line and the fence line to the property line is
34 twelve feet.

35
36 Ms. Capel called Joy Rexshell to testify.

37
38 Ms. Joy Rexshell, Engineering Consultant for Phoenix Engineering, stated that there is a twenty foot
39 structural setback line from the west line in and at one point of time there were different versions of this
40 layout but she was trying to show that if there is twelve feet from the property line to the fence line there is
41 still an eight foot structural setback from the fence. She said that there is an additional seventeen feet from

1 the setback line to the building along with the eight feet providing twenty-five feet from the fence to the
2 building.
3
4 Mr. Randol asked Ms. Rexshell if she could indicate the depth of the detention pond.
5
6 Ms. Rexshell stated that at the proposed location the detention pond would be approximately two and one-
7 half feet of depth. She said that they are more than willing to move the detention pond off line if the detailed
8 calculations prove that it would be a better situation. She said that there is space to the west but since it is
9 not a huge drainage area it will not have a big depth.
10
11 Mr. Randol stated that with all of the surface water that the area just received he noticed that it was quite a
12 lake down through the property therefore he envisions that with a depth of two or three feet the detention
13 pond will not be visible because it will be under water.
14
15 Ms. Rexshell stated that the Ordinance requires that they deal with this as a 50-year storm event and the
16 event that we had a couple of weeks ago was unusual and she does not how to quantify all of the melting
17 snow and rain that we received on top of the frozen ground. She said that the Ordinance has certain numbers
18 that they must run through which then the County's engineer will review to make sure that her calculations
19 are correct in meeting the code.
20
21 Ms. Capel stated that staff's comment #3.B. refers to the locked gate and that a code will be required to
22 access. She said that there should be some indication as to how people will access their storage units and all
23 of the information should be submitted to the fire protection district.
24
25 Mr. Sebens stated that this information can be included on the site plan.
26
27 Mr. Passalacqua stated that he drives by the subject property everyday and he is aware that Mr. Sebens has
28 vehicles for the landscaping business. He said that if the construction of the self-storage facility proceeds and
29 the gate is moved to the northwest corner it will create a loss of parking area of the landscaping business'
30 trucks and trailers. He said that the revised site plan should indicate adequate parking for the first special use
31 and setbacks and also a clearer picture of the driveway to the house and whether or not he intends to install a
32 sign for the storage units. He noted that the current site plan does not include any indication of the sanitary
33 systems for the house or the office. He asked Mr. Sebens if the three older buildings are removed and the
34 access is moved to the northwest is there enough space for parking for the landscaping business' trucks and
35 trailers.
36
37 Mr. Sebens stated yes. He said that all of the trucks are parked along the property line on the northwest side
38 of the property and they do not currently park any trucks where the storage facility is proposed.
39
40 Mr. Passalacqua asked if the bulk storage on the subject property currently would be in the way for parking.
41

- 1 Mr. Sebens stated that he believes that he will still have adequate room for parking but it depends on how the
2 basin is laid out.
3
- 4 Mr. Passalacqua stated that everything needs to be noted on the site plan and if there is something that Mr.
5 Sebens envisions happening in the next phase he would propose that it also be indicated on the revised site
6 plan as future phases.
7
- 8 Mr. Sebens stated that he does not anticipate building anything additional on the site.
9
- 10 Mr. Randol asked Mr. Sebens if he has any concerns about the public driving through his existing
11 landscaping business to get to the access gate for the storage units. He said that people could be coming in
12 and out of the access gate all of the time therefore he thought that perhaps that entrance could be made on the
13 northeast corner but set the gate approximately 50' inside so that people are off the road.
14
- 15 Mr. Sebens stated that he is not sure where the 24-hour access notion came from because he is considering
16 16-hour access. He said that there may be people who desire to come to the storage units between 10:00
17 p.m. and 6:00 a.m. but he believes that 16-hour access is sufficient.
18
- 19 Ms. Lee asked Mr. Sebens if he has seen worse flooding on the property during his 17 years of ownership
20 than what was received a couple of weeks ago.
21
- 22 Mr. Sebens stated that the unique condition that we had a couple of weeks ago with the thawing of snow on
23 frozen ground and all of the water running and not absorbing was the most water in 17 years that he has ever
24 seen flowing through the swale.
25
- 26 Mr. Passalacqua stated that he lives two miles from the subject property and it was the most water that he
27 has seen in 12 years.
28
- 29 Ms. Capel asked Mr. Sebens if he plans to have camper, boat or trailer storage at the facility.
30
- 31 Mr. Sebens stated that if the camper, boat or trailer will fit inside of the units then he may but he does not
32 intend to build anything larger than a 10' x 20' unit.
33
- 34 Mr. Hall stated that currently no outdoor storage is proposed for the facility but if Mr. Sebens is
35 contemplating allowing outdoor storage for a camper, boat or trailer then the outdoor storage area should be
36 indicated on the revised site plan.
37
- 38 Mr. Passalacqua asked Mr. Sebens to indicate the height of the doors to the units.
39
- 40 Mr. Sebens stated that the typical door will be 8' or 9'.
41

- 1 Mr. Passalacqua asked Mr. Hall to indicate the maximum average height for this building.
2
- 3 Mr. Hall stated that in the AG-1 District the maximum height is 50' but there is no height limit in the B-1
4 District. He said that the Board could establish a height limit but he does not see any reason to be concerned.
5
- 6 Mr. Passalacqua stated that he did not want Mr. Sebens to design a building that is too tall.
7
- 8 Ms. Capel asked Mr. Hall if there is any concern about the amount of existing impervious area on the site.
9
- 10 Mr. Hall stated that his only concern is that the Board consider and be comfortable with not requiring
11 anything to be retrofitted on the northern portion of the property where there is already evidence of past
12 drainage problems. He said that the petitioner and the neighbor have been working on the past drainage
13 problems and that is wonderful to see, but back in the day the County did not specify that gravel is
14 considered impervious for when you have to provide the detention area which is a direct and obvious result
15 of the way the old ordinance was written. He said that the Board has to be comfortable that either that
16 situation is completely resolved and the Board does to have to worry about it anymore or is there anything
17 further that needs to be done.
18
- 19 Mr. Passalacqua asked if the existing special use is actually a pertinent part of this case or is this second
20 special use dividing that property in half.
21
- 22 Mr. Hall stated that he cannot stress enough that in order for this warehouse to be authorized everything on
23 the property is subject to review because now it is two principal uses.
24
- 25 Mr. Sebens stated that the only significant drainage issue that the original building has caused has been
26 resolved. He said that he had a conversation with Scott Reifsteck today and he mentioned that the previous
27 work had appeared to solve the problems. Mr. Sebens stated that there is a little work that still needs to be
28 done where his property meets Ms. Wills' property in finishing off where the drainage tile terminates at the
29 property line.
30
- 31 Mr. Hall asked Mr. Sebens to explain what else needs to be done.
32
- 33 Mr. Sebens stated that something more permanent to catch the water and focus it into the drain tile. He said
34 that drain tile does not have a basin around it and was only terminated at that point.
35
- 36 Ms. Lee asked Mr. Sebens to indicate the tile's location on the site plan.
37
- 38 Mr. Sebens stated that the tile is located at the north end labeled as existing inlet on the site plan.
39
- 40 Mr. Hall asked Mr. Sebens if he has asked his engineer for a recommendation regarding that issue.
41

- 1 Mr. Sebens stated that they have discussed the tile and he and Mr. Reifsteck have agreed to go out and look
2 at the tile within the next couple of weeks to get this issue corrected and finished up.
3
- 4 Ms. Griest asked if the proposed detention basin is only detention for the new storage units and not for the
5 entire site.
6
- 7 Ms. Rexshell stated that a ridge splits the property in half therefore half of the drainage goes to the swale and
8 the other half goes to the tile. She said that the intent with the grading on the property is that all of the new
9 fencing and storage area will drain to the detention basin therefore she is adding area to the detention basin
10 and subtracting it from the tile on the northwest corner of the property thus decreasing the amount of water
11 draining to the tile. She said that she does not look at the proposed detention basin as detaining the entire
12 five acres but it will guide more drainage towards that direction than what is aimed there now. She said that
13 we should be helping the drainage issue in the north corner while maintaining the County ordinances for the
14 new stuff.
15
- 16 Ms. Griest stated that it will not bring the north portion of the parcel into compliance with the existing
17 drainage ordinance. She asked Ms. Rexshell if she is making any proposals to make the detention basin
18 sized for the northern portion of the parcel.
19
- 20 Ms. Rexshell stated that the basin that is designed currently will not pull the drainage from the northern
21 portion of the property because it does not drain that direction now. She said that in order for the detention
22 basin to hold that water we would have to route the storm water that direction and there is no easy way to do
23 that because it currently flows due west.
24
- 25 Ms. Lee asked Ms. Rexshell what part of the northern portion drains towards the basin currently.
26
- 27 Mr. Sebens stated that the Preliminary Site Plan indicates a dotted line north of the existing house and
28 approximately from that point the property slopes to the southeast.
29
- 30 Mr. Passalacqua asked Mr. Sebens if the west section at the west edge of the new proposed construction
31 drains west off of the property or does it come around to the south. He asked if the property receives spill
32 off or is it obvious after a rain event that the water is coming from the west.
33
- 34 Mr. Sebens stated that most of that is sloped to the south.
35
- 36 Ms. Capel stated that the entire property needs to be brought into compliance with the Storm Water
37 Management Ordinance as part of this case.
38
- 39 Mr. Sebens stated that the tile that has been put in and the water directed to the tile and even with the
40 excessive recent water flows there is very little erosion on the north quarter of the property. He said that
41 from the line north of the house there is a ridge and that water drains to the south.

1
2 Ms. Capel stated that the numbers still need to be run and it needs to be brought into compliance.

3
4 Ms. Rexshell stated that she would be happy to work with staff to get the entire property in compliance.

5
6 Ms. Capel asked the Board if there were any additional questions for Mr. Sebens or Ms. Rexshell and there
7 were none.

8
9 Ms. Capel asked staff if there were any additional questions for Mr. Sebens or Ms. Rexshell and there were
10 none.

11
12 Ms. Capel called Mr. Scott Reifsteck to testify.

13
14 Mr. Scott Reifsteck, who resides at 1341 CR 600N, Tolono, stated that he is present tonight on behalf of his
15 Aunt Betty who is an adjacent property owner to the subject property. He said that he has some very severe
16 reservations about the buildings and how they will affect the current drainage flow. He said that originally
17 this property drained to the south and down through the swale with the exception of one and one-half acres
18 that drained to an existing tile where he recently installed a surface drain. He said that when the landscaping
19 building was constructed, in order for it to be level they lowered the east end of the property removing the
20 ridge therefore all of drainage goes through the back area which changed the water flow. He said that he
21 understands that in order to get the building level they had to change the elevations, which is fine, but it has
22 changed the drainage flow in the area and has placed a tremendous load on the area in the back, which he is
23 trying to alleviate. He said that there is a lot more water that goes that way now than there was originally.

24
25 Mr. Reifsteck stated that when the proposed buildings are constructed they will be built across the natural
26 drainage flow and the only way that he can see for the water to get where it needs to go is for it to be forced
27 out in to the road ditch and then coming back in. He said that he sees some very difficult problems with the
28 length of the buildings changing and altering the drainage flow therefore forcing more water back down off
29 the west of his property down those steep slopes instead of going to the south where the slopes are more
30 gradual and there is a grass waterway to handle the flow that normally goes that way. He said that he is also
31 concerned about the location of the detention basin due to the flow of the water from the 240 acres to the
32 east that comes down through there. He said that anytime there is going to be detention during a major storm
33 there will already be water coming down through there which will essentially render the basin useless. He
34 said that there will be some more storage capacity but he believes that it will just fill from other areas first
35 therefore not addressing the situation and on top of that the basin is going to sit on top of a current tile. He
36 said that he tried to contact the landowner to the east but they are currently not in the area. He said that he
37 has real concerns about leaving the tile in that situation and how it will be redirected and not filling up from
38 the detention basin. He said that the tile is probably only three and one-half feet deep therefore there will
39 virtually be no cover on the tile at all. He said the edge of the property line runs at about the ridge which is
40 where the drainage separates therefore to the west it runs to the west and to the east it runs to the east and to
41 the south. He said that he does not know at what grade the buildings will be constructed but he foresees the

1 potential in altering the drainage patterns. He said that he does not know how the water is going to flow but
2 his real concern is that the northeast half used to flow south and he is concerned that a lot of the property will
3 be forced down through the gully and through the tile. He said that he has tried to install a decent sized tile
4 but he is concerned that if any more water is put that direction at all that the tile will not be sufficient without
5 having some form of holding water in the area. He said that currently the tile is located on his property and
6 the berm is on his property and Mr. Sebens has been wonderful to work with in trying to get these issues
7 corrected. He said that he does not mean for any of his concerns to deteriorate what Mr. Sebens is trying to
8 do on the property but these are real concerns regarding the drainage. He said that any more water is really
9 going to cause some problems because that is a very narrow channel.

10
11 Mr. Reifsteck stated again that his main concerns are the depth of the basin and where it is located and how
12 the water will be directed around or through the buildings. He said that the east half of the property used to
13 go down to the south and now a lot of the runoff is going to the west and that is all gravel. He said that he
14 welcomes the setbacks because anything will only help. He said that he is concerned about the hoop shed
15 because if it is constructed as indicated there can be no access from Duncan Road to the hoop shed and
16 require another entrance. He asked if it would be better to have a larger setback with the fence than eight
17 feet because an eight feet gap isn't enough room for a pick-up to drive down through and even twelve would
18 be pushing it. He said that he does not want any more water to go down the west side to the tile or to the
19 drainage swale because there is already a terrible erosion problem there already with no good solution due to
20 the increase in runoff.

21
22 Ms. Capel asked Mr. Reifsteck if it would be better if the buildings were oriented north and south in lieu of
23 east and west.

24
25 Mr. Reifsteck stated that he is concerned about redirecting the flow back to the west and any possibility of
26 directing the flow to the road ditch. He said that there is a lot of water that comes down through the swale
27 and generally it is adequate to handle the flow but any modification causes great concern. He said that he is
28 concerned that we don't have this quite right yet and he does not know what the answer is but with this type
29 of building, especially if all of the area is paved, will drastically change the water flow somewhere. He does
30 not want any more water forced down the swale and if the buildings could be redirected to the south like they
31 used to go then that would greatly help the problem. He said that there used to be a very narrow ridge there
32 and the ridge is not there and all of the water goes to the west onto his property.

33
34 Mr. Hall asked Mr. Reifsteck if he was concerned about debris blowing from the entire property or just from
35 the self-storage warehouse area.

36
37 Mr. Reifsteck stated that there is a minimal amount of debris from the landscaping business but Mr. Sebens
38 does a good job policing it. He said that there are always issues with everything but his main concern is the
39 additional load from the storage area. He said that he can deal with what happens now because it is not
40 intentional but if someone leaves their storage unit open and paper starts blowing or items are left outside the
41 unit to blow around then it will be a real problem.

1
2 Mr. Hall asked Mr. Reifsteck if he believes that the contractor area should have a fence around it.
3
4 Mr. Reifsteck stated that a fence would be a benefit but he does not know if it should be required.
5
6 Ms. Lee asked Mr. Reifsteck if he paid for the eight inch tile that was installed.
7
8 Mr. Reifsteck stated the tile is only a six inch tile and yes he paid for the tile.
9
10 Ms. Griest asked Mr. Reifsteck how far the tile runs before it discharges.
11
12 Mr. Reifsteck stated that the tile runs across the interstate and runs into another tile across 130 acres before it
13 discharges.
14
15 Ms. Griest asked Mr. Reifsteck if the fence would negatively impact his farming operation.
16
17 Mr. Reifsteck stated that it could but it would be more of a benefit than a hindrance. He said that from an
18 agricultural standpoint he would not have any problems with a fence surrounding Mr. Sebens' property.
19
20 Mr. Passalacqua asked Mr. Reifsteck if he only farmed on the north and west sides of the subject property
21 because the south side is grass.
22
23 Mr. Reifsteck stated yes. He said that there is a grass waterway through there and he has a ten foot access
24 strip to get to the grass waterway before the crops start. He said that he uses a portion of Mr. Sebens'
25 property on occasion to park or stage equipment.
26
27 Mr. Passalacqua stated that if there was fence required there would only be one 90 degree corner that would
28 come into play.
29
30 Mr. Reifsteck stated that he could make adjustments for one 90 degree corner. He said that he is more
31 concerned about the drainage and any additional debris. He said that he is concerned about people bringing
32 items to the storage units and not having enough room therefore leaving the items outside. He said that once
33 people see stuff stored outside there will certainly be more people doing the same thing therefore the area
34 must be kept up. He said that the dead end road north of the property has previously been a dumping ground
35 and hopefully since there is a new owner this issue will cease.
36
37 Mr. Passalacqua stated that he knows the new owners of the property to the north and it is their intent to
38 minimize the previous issues with dumping.
39
40 Ms. Capel asked the Board if there were any additional questions for Mr. Reifsteck and there were none.
41

- 1 Ms. Capel asked if staff had any questions for Mr. Reifsteck and there were none.
2
- 3 Ms. Capel asked the audience if anyone desired to cross examine Mr. Reifsteck and there was no one.
4
- 5 Ms. Capel called Mr. Sebens and Ms. Rexshell to the witness microphone.
6
- 7 Mr. Randol asked Mr. Sebens if he has considered the possibility of orienting the buildings to the north and
8 south so that water could drain more to the south.
9
- 10 Mr. Sebens stated that he had not considered it but it is a possibility. He said that along the west property
11 line along where the proposed storage will be the ridge is somewhat on his property but the vast majority
12 slopes to the east and not the west. He said that reorienting the buildings north and south is a possibility but
13 the drainage really comes down to the professional engineering and making sure that it is adequate.
14
- 15 Mr. Passalacqua stated that the center building has a four foot elevation change across the 248 foot
16 foundation therefore it will either have a stair step foundation or massive amounts of concrete or excavation.
17 He said that the topography indicates how the flow goes therefore in essence Mr. Sebens will be creating two
18 248 foot dams therefore he will either have water flowing through the units dropping off mud and everything
19 else or converting the water to the east because water doesn't just go through buildings. He said that if he
20 was doing a bid to build the buildings he would ask Mr. Sebens if he wanted to have a stair step foundation
21 or does he want to have massive amounts of concrete. He said that if Mr. Sebens showed these plans to a
22 Morton Buildings builder they would probably want to build them the other direction.
23
- 24 Mr. Sebens stated that he will definitely consider it.
25
- 26 Mr. Passalacqua stated that Mr. Sebens will be faced with a considerable amount of water runoff from the
27 driveway between the buildings which might prompt the installation of concrete instead rock.
28
- 29 Mr. Sebens stated that he does not believe that the slope is that steep.
30
- 31 Mr. Passalacqua stated that there will be impervious area from the roof of the new buildings therefore that
32 water needs to go somewhere.
33
- 34 Mr. Sebens stated that he will have to look at the different options.
35
- 36 Ms. Capel asked the Board if there were any further questions for Mr. Sebens or Ms. Rexshell and there
37 were none.
38
- 39 Ms. Capel asked if staff had any questions for Mr. Sebens or Ms. Rexshell and there were none.
40
- 41 Ms. Capel asked the audience if anyone desired to sign the witness register to present testimony regarding

1 this case and there was no one.

2
3 Ms. Capel closed the witness register.

4
5 Mr. Hall stated that Cases 766-AM-13 and 767-S-13 can be continued to the April 17th or May 15th
6 meetings. He said that he knows that Mr. Sebens will work hard to revise the site plan but a continuance to
7 April 17th does not give Mr. Sebens enough time to adequately fine tune the plan. He said that the May 15th
8 meeting does have a case requesting a church expansion which may generate a lot of neighbors for
9 testimony.

10
11 **Ms. Griest moved, seconded by Mr. Randol to continue Cases 766-AM-13 and 767-S-13 to the May**
12 **29th meeting. The motion carried by voice vote.**

13
14 Ms. Capel called for a five minute recess.

15
16 **The Board recessed at 8:35 p.m.**

17 **The Board resumed at 8:40 p.m.**

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

1 **onto adjacent properties and add minimum erosion and water quality requirements that are required**
2 **for all construction or land disturbance; and VI. Revise existing Section 5 to be new Section 8 and add**
3 **a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement); and VII.**
4 **Revise and reformat existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18.**
5 **(Parts G, I, J, P, Q, R, S and W of the legal advertisement).**
6

7 Ms. Capel informed the audience that anyone wishing to testify for any public hearing tonight must
8 sign the witness register for that public hearing. She reminded the audience that when they sign the
9 witness register they are signing an oath.

10
11 Ms. Capel asked the petitioner if he desired to make a statement outlining the nature of his request.

12
13 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum dated March 13, 2014,
14 for the Board's review. He said that the new memorandum includes the legal description of the case and has
15 an attachment "Y" for the Board's notebook regarding this case. He said that Attachment Y is an expansion
16 of Attachment C which was included with the ELUC memorandum dated October 29, 2013. He said that
17 Attachment C attempted to indicate what kinds of new permits would be required and the last comments that
18 were received from the Board indicated that they were trying to get a good idea of what the actual changes
19 were and he would have to say that he is still at that stage. He said that an ILR10 is a requirement that
20 applies when there is likely to be one acre of land disturbance but the rest of the world is not set up to
21 anticipate when that one acre of land disturbance will occur. He said that he and Mr. Levy have been trying
22 to identify when an acre will be disturbed and how a system could be set up to catch that disturbance early so
23 that the public will know what to look out for. He said that Attachment C included five rows of information
24 discussing agriculture, mass grading not related to other construction, demolition, constructing a new
25 building in the RRO District, and construction in a new subdivision. He said that the new table in
26 Attachment Y discusses agriculture and grading and the last thing that it discusses is demolition and between
27 those it talks about building new homes on various arrangements of lots because this one acre threshold of
28 land disturbance is based on what happens on a given property or in a common plan of development. He
29 said that the way that they define a common plan of development is as follows: If you have a land auction
30 and the marketing brochure for the land auction indicates a diagram for two lots you made it a common plan
31 of development and an ILR 10 applies on however many lots there are in the diagram. He said that if you
32 have a two lot plat of survey or two lot plat of subdivision they are also considered common plans of
33 development and the one acre threshold can apply to both lots but if the timing is just right it will apply to
34 each lot independently and it literally depends on when the land disturbance occurs. He said that the RRO
35 District is the only time when we see a subdivision with a new street and the minute that a street is provided
36 for at least two lots for access there will probably be more than one acre of land disturbance. He said that
37 anytime someone builds within an RRO District they should worry about an ILR10.

38
39 Mr. Hall stated that an example was provided regarding new construction in a residential district, or business
40 district or industrial district. He said that we don't see a lot of new buildings in the residential districts
41 because we haven't established a new residential district for more than a decade. He said that most of the

1 residential districts are located within extra-territorial jurisdictional areas where the most that you might do
2 is rebuild a building that was just torn down and most of the lots are not more than 10,000 square feet in
3 area. He said that we see some new business and industrial buildings being built and sometimes they are not
4 subject to municipal review and sometimes they disturb more than one acre.

5
6 Mr. Hall stated the first page of the table indicates Grading Example: Mass grading not related to other
7 construction. He said that he sensed for a long time that the first thing that staff is supposed to do is help the
8 EPA identify when one acre of land is being disturbed but the County does not require permits for grading or
9 demolition. He said that currently the County has no regulatory authority over grading when it is just simply
10 grading and the Zoning Ordinance is not supposed to regulate it but with the new ordinance we are supposed
11 to be catching these things therefore he is convinced that the County needs to require a grading permit for
12 grading not related to other construction when it is outside of the MS4 area. He said that when it is within
13 the MS4 area it will require a Land Disturbance Erosion Control Permit but outside of the those areas when
14 the grading is disturbing an acre or more we need to know when it is happening so that we can require
15 compliance with ILR10. He said that by requiring compliance he means literally making sure that they sent a
16 Notice of Intent to the EPA but in order to do that we must require something from people. He said that in
17 the Grading Example, "Section 6.5 Grading Permit Required" is double underlined. He said that a Grading
18 Permit is being proposed to be required when there is more than 10,000 square feet being graded. He said
19 that if someone is doing less than 10,000 square feet in grading the Section 6.4 Optional Minimum
20 Requirements still apply and they still have to be careful in not letting erosion and sedimentation happen on
21 their neighbor's property and if they have a stock pile of soil they need to locate it properly and if it is more
22 than 100 cubic yards they have to actually put in some controls. He said that at less than 10,000 square feet
23 the County is not requiring a permit. Mr. Hall stated that no Zoning Use Permit is required if it is over
24 10,000 square feet provided that it is less than one acre but in order to be able to catch whenever it is one
25 acre or more he believes that we need to start requiring a permit at more than 10,000 square feet. He said
26 that the draft language for the Grading Permit has not been distributed but it has been written. He said that a
27 nominal fee of \$50 is being proposed and a site plan must be submitted indicating how much land is being
28 disturbed and if it is more than one acre a copy of the Notice of Intent that was submitted to the EPA has to
29 be submitted with the Grading Permit. He said that if it is less than one acre and is not part of a common
30 plan of development a Notice of Intent does not have to be submitted because it wasn't required in the first
31 place but a Grading Permit is required.

32
33 Ms. Griest asked Mr. Hall to indicate the definition of Grading. She said that with grading being a function
34 requiring a permit she would like to know where the boundaries of the definition are going to reside.

35
36 Mr. Hall stated that Grading is indicated as defined but it is not defined therefore staff will try to find a
37 definition.

38
39 Ms. Griest stated that she could give the word "grading" several definitions and for the purpose and intent of
40 what we are doing she would like to know how it is being defined.

41

1 Mr. Hall stated that staff will work on the definition.

2
3 Mr. Hall stated that there is a Grading Permit with a \$50 fee and an application must be submitted. He said
4 that the benefit of the permit is so that staff can make the landowner/developer aware of the Optional
5 Minimum Requirements. He said that in the MS4 area once the ILR10 kicks in the Department of Planning
6 and Zoning will have to go out and complete extra inspections but that is what is required. He said that
7 grading may be part of a larger common plan of development in which case if it is less than one acre of
8 disturbance and you are outside of the MS4 area the ILR 10 still applies and you have to submit a Notice of
9 Intent and if you are in the MS4 you have to apply for the Minor Land Disturbance Erosion Control Permit.
10 He said that staff is recommending a Grading Permit but staff is also recommending a Demolition Permit for
11 the same reason, same nominal fee, and the same requirements so that staff can identify when there is an acre
12 of disturbance and the landowner/developer should be applying to the EPA with a Notice of Intent.

13
14 Mr. Hall stated that as far as new requirements there are the new Optional Minimum Requirements, Grading
15 Permit and ultimately possible submission of documentation of the ILR10 compliance. He said that if the
16 property is within the MS4 area the Land Disturbance Erosion Control Permit is required. He said that from
17 a staff perspective this adds a lot of detail about what all is required in these new approvals, particularly
18 outside of the MS4 area, and the table that went to ELUC did not have this level of detail and there is a level
19 of that is missing in this table. He said that what matters is when the one acre of disturbance occurred and
20 what has happened at that point.

21
22 Mr. Hall stated that page two of the table includes Construction Example A. He said that this is the most
23 common thing that staff sees in their office which is construction of a new home in the rural district on a by-
24 right lot created by either a written legal description, a one lot Plat of Subdivision or a one lot Plat of Survey.
25 He said that the key thing is that there is no plan or diagram that shows more than one lot. He said that
26 someone is building a house on their lot and as long as they are not disturbing one acre of land they do not
27 need to worry about the ILR10 and if they are not within the MS4 area they do not need to worry about the
28 ILR10 if they are not disturbing an acre of land. He said that very soon he hopes to be able to show the
29 Board an example that will be used in the handout of a typical rural lot showing what is the disturbed area.
30 He said that the disturbed area is where the house is, the area disturbed around the edge of the house with all
31 of the excavating and construction traffic, it is where the septic system is located, where the stockpile is
32 stored. He said that for a typical rural lot with typical Champaign County conditions the landowner should
33 be able to do everything in less than 15,000 square feet. He said that the one acre limit should not be a
34 problem unless someone wants a pond or if they have a site where you have to do a lot of grading in which
35 case they will have to tell staff about the grading and if there is more than one acre they will have to comply
36 with the ILR10. He said that when someone is disturbing less than 10,000 square feet they still have to
37 disclose that on the Zoning Use Permit Application and the Optional Minimum Requirements will still
38 apply.

39
40 Mr. Hall stated that with Construction Example A we don't have to worry about a larger common plan of
41 development because it is a one lot thing that created this therefore it only for one acre or more of land

1 disturbance. He said that the minute that there is one acre or more of land disturbance then the landowner
2 has to document ILR10 compliance. He said that if someone is building a site that is exceptionally steep a
3 septic system will take up more land and the house will have to be set back further therefore disturbing a
4 larger area and possibly disturbing more than one acre. He said that inside of the MS4 area the only thing
5 that is any different is the Major Land Disturbance Erosion Control Permit requirement. He said that this
6 makes him believe that there should be a fee for the Major Land Disturbance Erosion Control Permit the
7 same as for the Minor Land Disturbance Erosion Control Permit. He said that there is a \$50 fee for the
8 Minor Land Disturbance Erosion Control Permit but there is no fee for a Major Land Disturbance Erosion
9 Control Permit because generally you should already be doing erosion control but sometimes that major
10 permit will be kicked in for a use where you do not have a stormwater drainage plan that is already
11 completed and in those instances there should be a nominal fee.

12
13 Mr. Hall stated that the Construction Example A is an easy example because there are no timing difficulties.
14 He said that the landowner will simply come to the office indicate how much land will be disturbed building
15 the home and that settles it.

16
17 Mr. Hall stated that Construction Example B is more complicated because it is for construction of a new
18 home in the rural districts on a "by-right" lot created by either a Plat of Subdivision of two lots; or a Plat of
19 Survey of two lots; or any Plat of Survey or written legal description pursuant to a land auction diagram that
20 illustrated two lots. He said that it is not limited to a land auction diagram but also any printed material such
21 as a sign advertising two lots. He said that the advertising sign makes the two lots a common plan of
22 development and the one acre threshold applies in total but if each lot is developed separately so that one lot
23 is built, disturbed and stabilized and then the other lot is built, disturbed and stabilized then the one acre
24 standard will apply in each instance which is a much better situation. He said that if both houses are under
25 construction at the same time ILR10 applies and again someone can disturb as much land as desired but they
26 have to put in the Erosion and Sedimentation Controls which costs approximately \$5,000 per lot. He said
27 that starting off with less than 10,000 square foot of disturbance the applicant indicates how much land will
28 be disturbed with the Zoning Use Permit and the Optional Minimum Requirements apply. He said that with
29 more than 10,000 square foot of disturbance the applicant will indicate how much land will be disturbed
30 with the Zoning Use Permit and the Optional Minimum Requirements apply. He said that a typical home
31 should not disturb more than 15,000 square feet and it is conceivable that both homes could be under
32 construction and would never disturb one acre of land and that is what is encouraged. He said that for
33 almost all of the lots that we see this will not be a problem and as long as you don't go over the one acre
34 threshold whether or not you are inside the MS4 area or outside the MS4 area makes no difference.

35
36 Ms. Lee stated that Construction Example B indicates that for one acre or more of land disturbance an ILR10
37 is required outside of the MS4 area but not inside the MS4 area. She asked why the ILR10 is not required
38 inside the MS4 area.

39
40 Mr. Hall stated that the second column of the example includes a general note indicating the following:
41 ILR10 Compliance required by IEPA for street construction and all dwellings. He said that this note applies

1 when there is one acre or more of land disturbance. He said that the two columns on the right of the table
2 indicate proposed Ordinance requirements for outside of the MS4 area and inside the MS4 area. He said that
3 if there is one acre or more of land disturbance inside the MS4 area the Major LDEC Permit is required. He
4 said that if there is one acre or more of land disturbance outside of the MS4 area documentation of
5 compliance with ILR10 is required. He said that documentation of compliance with ILR10 consists of
6 sending staff a copy of what was sent to the IEPA and implementing the costs of the erosion controls.
7

8 Mr. Hall stated that Construction Example C involves construction of a new dwelling in the rural districts
9 with the establishment of the RRO District in a subdivision with a new street. He said that an RRO
10 subdivision with a new street could be required for only one lot although we have not actually seen that
11 happen yet but it is conceivable. He said that it is common to see an RRO District for only one lot. He said
12 that if someone is in an RRO District for one lot and there is no new street the one acre threshold should not
13 be a problem. He said that anytime when there is a street, while you might think that people would wait for
14 the street to be built before they begin building their home they don't. He said that there are homes and
15 streets being built at the same time that are almost guaranteed to exceed the one acre threshold and that is the
16 thing that he is trying to be comfortable with. He said we know that there is going to be one acre of
17 disturbance because the street and the two lots, we would expect that when they build that street that they
18 would file a Notice of Intent with the IEPA. He said that if someone wanted to build a house before the
19 street is done then the landowner would also have to file an ILR10 with the IEPA and if there are multiple
20 homes under construction before the street was finished all of the landowners would have to file an ILR10
21 with the IEPA. He said that he wonders if that is an instance where the Zoning Ordinance might be able to
22 make things easier for people but for right now we know that all of the landowners would have to file an
23 ILR10. He said that with the larger municipal subdivisions we know that the way those things operate is that
24 the original developer gets the ILR10 and then the individual homes on the small lots file for a permit with
25 Champaign or Urbana and they never have to contact the IEPA which is easier for those homeowners. He
26 said that the same standards apply in regards to installing the same controls and doing maintenance on those
27 controls and the homeowners will still end up spending the same amount for protecting the land although
28 they will not have to file the paperwork.
29

30 Mr. Hall stated that what Construction Example C illustrates is that in an RRO with less than 10,000 square
31 feet of disturbance, which is very unlikely, whether it is inside or outside the MS4, the landowner would
32 have to apply for the Zoning Use Permit and indicate how much they plan to disturb and abide by the
33 optional minimum requirements. He said that there was a street constructed therefore we know there was an
34 ILR10 compliance at that time. He said that for an RRO with 10,000 square feet or more but less than one
35 acre, because we know that this is part of a larger common planned development at that second level of land
36 disturbance (10,000 square feet or more but less than one acre), if you are outside of the MS4 area
37 documentation of ILR10 compliance must be submitted and if you are inside of the MS4 area a Minor Land
38 Disturbance Erosion Control Permit is required. He said that if one acre is being disturbed on each lot
39 someone will still need to document the ILR10 compliance but inside the MS4 they would need to apply for
40 a Major Land Disturbance Erosion Control Permit.
41

1 Mr. Hall stated that an RRO with one acre or more of disturbance is a complicated situation because there
2 may be different contractors on site and each may have their own ILR10 compliance. He said that the
3 erosion controls will still need to be put up for both the street and the lots and this would be a really big
4 problem for our department because it requires a lot of inspections. He said that the last subdivision with a
5 street was a really big problem for our department and at that time we weren't even concerned about erosion
6 controls which is a good thing because there were a lot of problems created during the development of that
7 subdivision. He said he is sure that the neighbors to that property will be happy to see that the County will
8 do a better job with erosion controls in the future. He said that the bad erosion controls on that subdivision's
9 property ended up costing that developer a lot more than it should have because they did not monitor their
10 erosion and sedimentation controls and it was not a good situation. He said that he is happy to say that the
11 street was finally built in the subdivision and it was accepted therefore it is no longer an issue for our
12 department.

13
14 Mr. Hall stated that Construction Example C is probably the most complicated example. He said that
15 Construction Example D discusses a new building in some other district which may or may not be part of a
16 larger common plan of development which is something that staff needs to be looking out for and asking the
17 right questions. He said that he doubts that anyone will actually want to make staff aware of the fact that
18 they are part of a larger common plan of development right off the bat but it is just like our current
19 stormwater drainage plan requirements in that staff is responsible for knowing how much impervious area
20 has been created and making the landowner aware of when they need a detention basin. He said that
21 Construction Example D is not really any different than any of the other examples in that once there is an
22 acre of land disturbance, ILR10 compliance is required or if it is part of a larger common plan of
23 development ILR10 can apply earlier. He said that we always get a permit for construction of a new building
24 therefore that is how staff will track this because the applicant will need to indicate the area of proposed land
25 disturbance on the site plan.

26
27 Ms. Lee stated that at times people do not apply for a permit before they build.

28
29 Mr. Hall stated that people can always call staff when they see construction occurring.

30
31 Mr. Hall stated that land disturbance is defined and he isn't very eager about helping that first applicant
32 define his area of land disturbance on the site plan but it has to be done as part of this requirement. He said
33 that the site plan has to indicate where the excavation is being completed and where they are putting the
34 stockpiles and how they are maneuvering on the site. He said that the site plan also has to indicate where the
35 construction supplies and equipment are being stored on the site, the location of the septic system, and
36 assurance that the stockpiles are not being placed over the septic system.

37
38 Mr. Passalacqua asked Mr. Hall if these requirements will cause more trips to the site for staff.

39
40 Mr. Hall stated yes, but only inside the MS4 area.

41

1 Ms. Griest asked Mr. Hall if this will detour developers from peeling off top soil and selling it because they
2 will have to disclose it up front.

3
4 Mr. Hall stated that he suspects that to be one result.

5
6 Ms. Griest asked Mr. Hall if this is a question that staff will ask during the application process. She said that
7 most of the developers peel off the good top soil selling it separately which disturbs the entire site and
8 degrades the quality of the site.

9
10 Mr. Hall stated that he believes that the minor costs of the erosion and sedimentation controls are more than
11 paid for by the value of black dirt and he still believes that this will happen largely but not in all instances.

12
13 Ms. Griest stated that all of the examples indicate a lot that is still in production but properly defined as a
14 buildable lot by-right or within an RRO. She said that good black dirt is being developed therefore will staff
15 only count the area of the site where the developer is placing the house, septic, construction materials, and
16 the driveway and not the areas that are being graded and sown in grass. She asked if the area graded for
17 grass will be counted in the area of disturbance.

18
19 Mr. Hall stated that agriculture is exempt from this program. He said that if a lot is created out of a farm
20 field the fact that it is disturbed from agriculture is not a problem as long as it is identified where it will be
21 disturbed during construction and get the rest of the lot protected with vegetation.

22
23 Mr. Levy stated that when it becomes a plat and it is not stabilized he believes that it will become part of the
24 disturbed area. He said that if it is done prior to a plat and it is graded level for development then he could
25 see a different situation because it would have some sort of surface cover for soil stabilization and only the
26 part that is considered in the site plan would be indicated as disturbance.

27
28 Mr. Passalacqua stated that it could be assumed that when row crop becomes lawn grass that the soil will
29 have to be worked a lot therefore the entire parcel has been disturbed.

30
31 Mr. Hall stated that we will be able to document that the disturbance is only to the extent that someone is
32 trying to establish a good vegetative cover and that does not count against what we are concerned about.

33
34 Ms. Griest stated that is exactly what she was trying to get at.

35
36 Mr. Hall stated that the Demolition Example is similar to grading and demolition is less likely to be part of a
37 common plan of development but again we must always check it. He said that currently demolition does not
38 require a permit and in our jurisdiction it is quite rare for demolition to include a whole area that is more
39 than 10,000 square feet therefore he believes that we will see these quite rarely but we have to have the
40 regulatory system in place in case someone does disturb one acre or if it is part of larger common plan of
41 development. He said that outside of the MS4 area if it is more than one acre ILR10 compliance must be

1 documented, \$50 fee for the demolition permit must be filed, and the optional minimum requirements apply.
2 He said that he does have a concern that there may be some state level standards related to demolition and
3 disposal of materials. He said that if we are supposed to be doing something to make sure that asbestos is
4 being properly taken care of then the permit may get more complicated but staff will have to investigate that.
5 He said that currently the example shows the County requiring a demolition permit below one acre of
6 disturbance because we want to be there when they define the one acre of disturbance so that it is realistic.
7 He said that depending on how complicated this permit will be there may be good reason to minimize this
8 permit as much as possible. He said that if we can help people to do things the right way then that is why we
9 are here. He said that hopefully a handout will be available for the public regarding the rules and hopefully
10 this will be easier than grading because it will be generally be for an individual site.

11
12 Mr. Hall stated that if someone is going to tear something down and immediately apply for a Zoning Use
13 Permit to build something else he would rather do that under a Zoning Use Permit and not get involved with
14 the demolition. He said that the intent is to only do the demolition permit when someone is going to tear a
15 building down and has no plans for redevelopment. He said that the demolition permit will help staff make
16 sure that everything is buttoned up and has a good vegetative cover.

17
18 Mr. Hall stated that Mr. Levy is working on a list regarding what is required for each one of these instances
19 and will submit that list to the ZBA for review. Mr. Hall stated that staff has begun converting this
20 information to the Finding of Fact but it is not ready for distribution tonight to the Board. He said that if the
21 Board has any questions regarding the table after the meeting they should feel free to call staff at anytime.
22 He said that he hopes to provide more detail at the next meeting regarding the RRO situation where there is
23 an ILR10 in the beginning and then if two or three homes begin construction they too need ILR10
24 compliance. He said that he would like to have all of the information in a handout form for public
25 distribution when this is finally adopted.

26
27 Ms. Griest asked Mr. Hall if there are multiple homes proposed to be under construction in an RRO situation
28 how will the landowners know that they could be in a more expensive category if they build later in lieu of
29 building immediately.

30
31 Mr. Hall stated that the landowner should be able to find this information out before they purchase the lot
32 and the handout will also explain the process. He said that they are going to know that they are building in
33 an RRO with a street and vacant lots. He said that it is entirely possible, if the economy stays as it is
34 currently, we may never see an RRO but if we do perhaps the construction will be so slow that each lot will
35 be stabilized individually but he finds that hard to imagine.

36
37 Ms. Griest stated that a perfect example is the subdivision on Airport Road because the road was built and
38 only one house has been constructed with many vacant lots remaining.

39
40 Mr. Hall stated that if someone went out there and purchased a lot and started construction right away the
41 EPA would still require E & S controls and since the lots are not even one acre therefore one lot cannot

1 disturb more than one acre and everything else is stabilized.

2
3 Ms. Griest asked Mr. Hall what would happen if three landowners decided to construct within this RRO at
4 the same time. She asked Mr. Hall if his office will be the bearer of the bad news or will there be some other
5 way to inform the public.

6
7 Mr. Hall stated that the handouts will be prepared to inform the public. He said that people need to look at
8 how many other lots may be under construction during the same time that their lot is and if the two are more
9 than one acre they should be prepared to spend \$5,000 per lot for E & S controls and complete the
10 paperwork necessary for compliance.

11
12 Mr. Passalacqua stated that because they are part of the larger development it doesn't matter what else is
13 going on the rest of the area and whether or not it is stabilized.

14
15 Mr. Hall stated that if there is no more than one acre disturbed he believes that the EPA would still want the
16 E & S controls up and the subdivision that was mentioned is within the MS4 area. He said that outside of
17 the MS4 area it will be whatever the EPA is going to require on the lot and staff will not be policing it.

18
19 Mr. Passalacqua stated that he obviously misunderstood because he thought that once it became a parcel of a
20 larger common plan of development that it didn't matter.

21
22 Mr. Hall stated that outside of the MS4 we only want to know that the notice was sent to the EPA and that is
23 it, but inside the MS4 area we want to know that the notice was sent to the EPA and we will notify the
24 landowner that we will be out tomorrow before they start construction to make sure they have everything in
25 place.

26
27 Mr. Randol asked Mr. Hall if the developer or the individual builder will be responsible for this compliance.

28
29 Mr. Hall stated both and they already are responsible.

30
31 Ms. Lee stated that when we first started discussing this Mr. Hall indicated that we are doing it just inside the
32 MS4 area but now it appears that there are rules outside of the MS4 area. She asked if the *Clean Water Act*
33 only requires the County to enforce this inside the MS4 area why are we trying to enforce it outside of the
34 MS4 area as well.

35
36 Mr. Hall stated that the legal advertisement made it very clear that the County will be policing for ILR10
37 compliance and that is a requirement. He said that people will have to prove to the County that they sent in
38 their notice if they are outside of the MS4 area but the extra inspections that are completed inside the MS4
39 area will not be required outside of the MS4 area. He said that outside the MS4 area this Ordinance does not
40 require E & S Controls to be in place so if someone submits the EPA notification then they will put up the
41 controls but the County is not policing it and is not requiring it outside of the MS4 area and all the County

1 wants to know will be whether or not they complied with the EPA.

2
3 Mr. Levy stated that the concern is that the County will be held liable if we don't take some action to assure
4 that a landowner or developer has submitted their ILR10 Notice of Intent and we will be complacent in that
5 and that is where this extension comes in and the County doesn't want to hold that burden. He said that we
6 need to comply with the ILR10 with the IEPA and this is the closest that we can get to that without undue
7 burden.

8
9 Ms. Lee stated that in other words we are going to be controlling it outside of the MS4 area to the extent that
10 we are going to require compliance with ILR10.

11
12 Mr. Hall stated that if someone is supposed to be in compliance with ILR10 and they come to the County for
13 a permit and indicate that they are not going to comply with ILR10 until the IEPA contacts them the County
14 will not issue them a permit. He said that if we continue to permit without verifying compliance with ILR10
15 the County will have problems of its own. He said that there are a few people in this meeting room that
16 know a lot more about this than he does and if he is wrong he hopes someone will speak up because there is
17 only so much to find out by cruising the handouts and reading the material on the EPA website and they
18 require the same thing regardless of where you are and they do not make this distinction of inside or outside
19 the MS4 area. He said that the EPA is making sure that the controls are installed regardless of where you are
20 but that is not feasible for our County therefore we are trying to do it this way.

21
22
23 Ms. Capel asked the Board if there were any additional questions for Mr. Hall and there were none.

24
25 Ms. Capel stated that no one has signed the witness register for this case. She asked the audience if anyone
26 would like to sign the witness register at this time to present testimony regarding Case 769-AT-13.

27
28 Ms. Capel called Herb Schildt to testify.

29
30 Mr. Herb Schildt, who resides at 398 CR 2500N, Mahomet, asked Mr. Hall if the February 4, 2014, Draft
31 Storm Water Management and Erosion Control Ordinance is the most current version under review.

32
33 Mr. Hall stated yes.

34
35 Mr. Schildt stated that Mr. Hall referred to the grading permit indicated in Section 6.5 although he does not
36 see such indication in Section 6.5.

37
38 Mr. Hall stated that the text has been drafted and we know where it is going to be inserted but the draft
39 version was not ready for tonight's meeting.

40
41 Mr. Schildt stated Mr. Hall referred to the ILR10 requirement in Section 5 although he does not see such an

1 indication in Section 5.

2

3 Mr. Hall stated that his comments were in reference to another change that is part of the addition of the
4 grading and demolition permit. He said that it will be inserted in Section 5 soon.

5

6 Mr. Schildt stated that the demolition permit is not included in the current draft ordinance.

7

8 Mr. Hall stated that Mr. Schildt is correct.

9

10 Mr. Schildt asked Mr. Hall to explain what other counties who do not have zoning are doing in regards to the
11 *Clean Water Act*.

12

13 Mr. Hall stated that those counties are not subject to it. He said that Champaign County is subject to it
14 because it is fortunate to have metropolitan area that met or exceeded the population threshold. He said that
15 counties who do not have zoning generally do not have that much population but the ILR10 still applies
16 although he is not aware whether compliance is enforced in those areas.

17

18 Mr. Schildt stated that he is not very excited about the grading permit.

19

20 Ms. Capel asked if staff had any questions for Mr. Schildt and there were none.

21

22 Ms. Capel asked the Board if there were any questions for Mr. Schildt.

23

24 Ms. Lee asked Mr. Schildt to explain why he disagreed with a grading permit requirement.

25

26 Mr. Schildt stated that he agrees with Ms. Griest's concern regarding the lack of a definition of grading. He
27 said that he does not see roto-tilling for a grass bed as being a ground disturbance but more of a bedding
28 preparation as done in a gardening project. He said that he likes objective law and not subjective law.

29

30 Mr. Hall stated that Mr. Schildt's reaction is completely expected and there are many people that staff
31 reports to on a daily basis who will have a much stronger reaction.

32

33 Mr. Schildt stated that he believes that in regards to the zoning department he believes that less is more and
34 if it isn't something that has to be done then don't do it.

35

36 Mr. Hall stated that the zoning department is technically five years late.

37

38 Ms. Capel called Don Wauthier to testify.

39

40 Mr. Don Wauthier, who resides at 1831 Tahoe Court, Champaign, stated that he is employed by Berns,
41 Clancy and Associates Engineers and he was one of the instructors for the IEPA permit. He said that he can

1 answer the question regarding a rural lot which is currently a cornfield and is worked and tilled for a bed for
2 grass and it is considered land disturbance and an ILR10 is required. He said that if the lot is a cornfield
3 today and the lot was subdivided and tilled for grass then that is considered land disturbance and the owner
4 must obtain an ILR10 permit and that is information straight out of the USEPA and not just the IEPA. He
5 said that the acre of disturbance is going to be a big issue.
6

7 Ms. Lee asked Mr. Wauthier if a permit would be required if you just graded the lot and seeded it with grass
8 with no intention of construction.
9

10 Mr. Wauthier stated that if someone is planting grass and creating pasture then it is considered agriculture
11 and no permit is required because agriculture is exempt. He said that if someone is planting grass to create a
12 lot for a homestead then an ILR10 is required. He said that one way around it would be that before someone
13 files a Plat of Survey they plant the entire area in grass and then file for an RRO.
14

15 Mr. Hall asked Mr. Wauthier if someone left a portion of the minimum one acre lot in crop production then
16 by definition they would not be disturbing an acre which would get around the requirement.
17

18 Mr. Wauthier asked Mr. Hall if the 10,000 square feet is a magic number or is it just something that staff
19 made up because one of the ways to help with the grading permit process might be to raise the threshold to
20 20,000 square feet so that if mass grading was completed a permit would be required but it would get rid of
21 some of the smaller sites.
22

23 Mr. Hall stated that the 10,000 square feet is a magic number but the threshold for which the grading permit
24 kicks in could be 20,000 square feet as long as we are confident that we are not missing anything for a
25 common plan of development.
26

27 Mr. Wauthier stated that he would recommend such to make things easier. He said that it is unfortunate that
28 this is one of the problems that we run in to since we are a county with a MS4 and counties like Douglas do
29 not have to do this. He said that they are basing these requirements on the population of a particular county
30 and their metro area.
31

32 Mr. Hall stated that Mr. Wauthier did provide many written comments to staff and the Board will eventually
33 see those comments. He said that staff has also received comments from Mr. Schildt and other Board
34 members and all of those comments will be put together for the Board's review at a future meeting.
35

36 Ms. Capel called Rob Parker to testify.
37

38 Mr. Rob Parker, who resides at 467 CR 2500N, Mahomet, stated that he is also concerned with the 10,000
39 square feet threshold as well as the restrictions on stockpiles more than 100 cubic yards, which is five semi-
40 loads. He said that he has a landscaping business and he has graded a lot of yards and typically when
41 someone builds a house on five acres the entire lot is graded. He said that by the time they install the septic

1 system, geo-thermal system, driveway the entire lot has been disturbed because no one wants corn stalks as a
2 yard cover or hay and they want grass. He asked if 100 cubic yards is an IEPA requirement or another
3 arbitrary number.

4
5 Mr. Hall stated that if we didn't have it as a minimum to apply to everywhere it would definitely be a part of
6 the MS4 section but we felt that large stockpiles could create large problems if they are set too close to
7 streams or too close to ditches. He said that the 100 cubic yards is an arbitrary number because he hasn't
8 found anything that tells him that 100 cubic yards is the amount to be worried about but it is the number that
9 he has seen in many of the other ordinances.

10
11 Mr. Parker stated that if the 100 cubic yards is an arbitrary number then he would suggest that it be increased
12 or the determination placed on a slide depending upon the lot size. He said that he has seen places where he
13 has hauled in 2200 cubic yards of dirt to grade the yard.

14
15 Mr. Hall stated that he cannot recommend 2200 cubic yards as the threshold.

16
17 Mr. Parker stated that he would suggest that the County only do what the State requires and that's it. He said
18 that we do not have the staff for this and we can't afford it. He said that if he has a customer that indicates
19 that they have a \$3,000 limit to install their yard on a five acre lot then they are going to be out of luck
20 because they won't be able to do it let alone spend \$5,000 for a silt fence and engineering plans. He said that
21 he believes that these requirements are too much.

22
23 Mr. Hall stated that if someone doesn't have to comply with ILR10 then the County will not make them do
24 anything with a stockpile unless it is within 30 feet of a stream or ditch. He said that if the stockpile is more
25 than 100 cubic yards a silt fence is supposed to be installed at the bottom to protect it but staff will not be
26 enforcing that and it will only be enforcement by complaint. He said that this is the most cost that someone
27 will have to do outside of the MS4 area because if someone does not manage the stockpile properly you
28 could damage a neighbor's property. He said that staff does not receive these complaints very often but has
29 gotten them sometimes and it isn't like staff has reams of complaints therefore posing the need to
30 recommend this and ELUC let the optional minimum requirements come to the public hearing but they made
31 it very clear that they are going to look very closely at them. He said that he will pass the comments from
32 Mr. Schildt, Mr. Wauthier, and Mr. Parker to ELUC and we will see what happens.

33
34 Mr. Parker asked Mr. Hall if there is currently a mechanism in place if he has a stockpile of dirt and it runs
35 off onto the neighbor's property and they complain.

36
37 Mr. Hall stated that it isn't a violation of the County's Nuisance Ordinance currently therefore staff could not
38 do one thing about it.

39
40 Mr. Parker stated that he is not in favor in doing anymore than we have to do and it also appears that some of
41 newer parts should be prepared in advance for review by the public.

1
2 Mr. Hall stated that he will be placed on the mailing list and the information will be sent to him as soon as it
3 is ready for review.
4
5 Ms. Capel asked if staff had any questions for Mr. Parker and there were none.
6
7 Ms. Capel asked the Board if there were any questions for Mr. Parker and there were none.
8
9 Ms. Capel asked the audience if anyone else desired to sign the witness register at this time to present
10 testimony regarding Case 769-AT-13.
11
12 Mr. Hall noted that staff will do a separate legal advertising for the grading and demolition permits because
13 it will be a separate case and the legal advertisement will not cost very much.
14
15 Ms. Capel entertained a motion to continue the meeting to 10:15 p.m.
16
17 **Ms. Griest moved, seconded by Ms. Lee to continue the meeting to 10:15 p.m. The motion carried by**
18 **voice vote.**
19
20 Ms. Capel called Mr. Steve Burdin to testify.
21
22 Mr. Steve Burdin, who resides at 2527 CR 450 E, Mahomet, stated that Mr. Hall previously stated that the
23 EPA would like this ordinance to be enacted throughout the entire county and other counties who have
24 created an ordinance like this have done the same. He asked Mr. Hall if there is a chance that Champaign
25 County will be pushed to enact this ordinance for the entire county in lieu of just the MS4 area.
26
27 Mr. Hall stated that he does not know but he has asked the question.
28
29 Ms. Capel entertained a motion to continue Case 769-AT-13 to a date certain.
30
31 Mr. Hall recommended that Case 769-AT-13 be continued to the April 17th meeting. He said that he does
32 not believe that staff will have a substantial amount of new information by then but it is essential that we get
33 anything done that we can. He said that he is sorry that interested people are required to come to the
34 meetings because they want to follow this case but at the same time we have a tremendous challenge at a
35 staff level in trying to get this material completed. He said that he will be working on the map amendment
36 and special use permit cases that are scheduled to be heard for the April 17th meeting and those petitioners
37 have submitted completed applications to staff therefore he is going to try to have those cases ready for final
38 action that night so he might not have a lot of time to work on this case. He said that Mr. Levy may be able
39 to work on this case but he too has other things that he must work on. He said that it is essential to have this
40 case on the agenda even though there may not be much information available and in having it on the agenda
41 it will help spur the progress of this case.

1

2 Ms. Griest asked Mr. Hall if by the April 17th meeting staff would be able to advertise the grading and
3 demolition permit cases advertised and maybe discuss those at the meeting and have something for the
4 audience to review.

5

6 Mr. Hall stated that in order to have it advertised for the April 17th meeting he would have to send in the
7 legal advertisement tomorrow. He said that he would feel more comfortable if Case 769-AT-13 was
8 continued to the May 15th meeting.

9

10 Ms. Griest stated that the May 15th meeting could possibly be a large meeting therefore she is not inclined to
11 continue this important case to May 15th.

12

13 Mr. Hall stated that he would recommend that Case 769-AT-13 be continued to the May 29th meeting.

14

15 **Ms. Griest moved, seconded by Mr. Passalacqua to continue Case 769-AT-13 to the May 29th meeting.**
16 **The motion carried by voice vote.**

17

18 **6. New Public Hearings**

19

20 None

21

22 **7. Staff Report**

23

24 None

25

26 **8. Other Business**

27

A. Review of Docket

28 Mr. Hall noted that Case 732-AT-12 was deferred again at the February County Board meeting therefore it is
29 on the agenda for next Thursday pending that there are enough County Board members present to hopefully
30 override a protest.

31

32 Ms. Lee asked Mr. Hall to elaborate on Case 732-AT-12.

33

34 Mr. Hall stated that Case 732-AT-12 was a case liberalizing the Zoning Ordinance to make the requirement
35 less for home occupations and someone is protesting it because they don't want any requirements on home
36 occupations.

37

B. Cancellation of March 27, 2014, meeting

38

39
40 Mr. Hall stated that he will be out of the office during the week of March 24th and Andrew Levy will also be
41 out of the office.

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27

Ms. Capel entertained a motion to cancel the March 27, 2014, meeting.

Ms. Griest moved, seconded by Mr. Randol to cancel the March 27, 2014, meeting. The motion carried by voice vote.

9. Audience Participation with respect to matters other than cases pending before the Board

None

10. Adjournment

Ms. Capel entertained a motion to adjourn the meeting.

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

The meeting adjourned at 10:05 p.m.

Respectfully submitted

Secretary of Zoning Board of Appeals