

MINUTES OF REGULAR MEETING

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS

1776 E. Washington Street

Urbana, IL 61801

DATE: September 11, 2014

PLACE: Lyle Shield's Meeting Room

1776 East Washington Street

Urbana, IL 61802

TIME: 7:00 p.m.

MEMBERS PRESENT: Catherine Capel, Debra Griest, Marilyn Lee, Jim Randol, Eric Thorsland

MEMBERS ABSENT : Brad Passalacqua, Roger Miller

STAFF PRESENT : Connie Berry, John Hall

OTHERS PRESENT : Herb Schildt, Don Wauthier, Chad Osterbur, Eric Sebens, Scott Reifsteck,
Steve Burdin

1. Call to Order

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

2. Roll Call and Declaration of Quorum

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

3. Correspondence

None

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

4. Approval of Minutes (July 31, 2014 and August 14, 2014)

Mr. Thorsland entertained a motion to approve the July 31, 2014, and August 14, 2014, minutes as submitted.

Ms. Griest moved, seconded by Mr. Randol to approve the July 31, 2014, and August 14, 2014, minutes as submitted.

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1 Mr. Thorsland asked the Board if there were any required corrections to the July 31, 2014 and August 14,
2 2014, minutes.

3
4 Ms. Lee stated that she had two minor corrections for the August 14, 2014, minutes. She said that the text
5 on Page 11, Line 23 stating “foot lot numbers” should be corrected to indicate “food lot numbers”. She said
6 that the sentence beginning on Line 25, page 7 should be revised as follows: “He said that he will submit
7 this information as a Document of Record although he does not know that it will change any of the proposed
8 special conditions that the Board has requested.”

9
10 Mr. Thorsland asked the Board if there were any further corrections to the minutes and there were none.

11
12 **The motion carried by voice vote.**

13
14 **5. Continued Public Hearing**

15
16 **Case 766-AM-13 Petitioner: Eric L. Sebens d.b.a. Prairieview Landscaping Request: Amend the**
17 **Zoning Map to change the zoning district designation from the AG-1, Agriculture Zoning District to**
18 **the B-1 Rural Trade Center Zoning District in order to authorize the proposed Special Use in related**
19 **zoning Case 767-S-13. Location: A 5-acre tract in Tolono Township in the East Half of the Southeast**
20 **Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of the Third**
21 **Principal Meridian and commonly known as Prairieview Landscaping at 1069 CR 900E, Champaign.**

22
23 **Case 767-S-13 Petitioner: Eric L. Sebens d.b.a. Prairieview Landscaping Request: Authorize the**
24 **following as a Special Use in the B-1 Rural Trade Center Zoning District: Part A. Authorize multiple**
25 **principal buildings on the same lot consisting of the following: (1) a landscape contractor’s facility**
26 **with outdoor storage that was originally authorized in Case 101-S-97; and (2) Self-Storage**
27 **Warehouses, providing heat and utilities to individual units as a special use proposed in Part B.**
28 **Authorize the construction and use of Self-Storage Warehouses, providing heat and utilities to**
29 **individual units as a special use. Location: A 5-acre tract in Tolono Township in the East Half of the**
30 **Southeast Quarter of the Northeast Quarter of Section 9 of Township 18 North, Range 8 East of the**
31 **Third Principal Meridian and commonly known as Prairieview Landscaping at 1069 CR 900E,**
32 **Champaign.**

33
34 Mr. Thorsland called Cases 766-AM-13 and 767-S-13 concurrently.

35
36 Mr. Thorsland informed the audience that Case 767-S-13 is an Administrative Case and as such the County
37 allows anyone the opportunity to cross examine any witness. He said that at the proper time he will ask for a
38 show of hands for those who would like to cross examine and each person will be called upon. He requested
39 that anyone called to cross examine go to the cross examination microphone to ask any questions. He said

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1 that those who desire to cross examine are not required to sign the witness register but are requested to
2 clearly state their name before asking any questions. He noted that no new testimony is to be given during
3 the cross examination. He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are
4 exempt from cross examination.

5
6 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
7 the witness register for that public hearing. He reminded the audience that when they sign the witness
8 register they are signing an oath.

9
10 Mr. Thorsland asked the petitioner if he desired to make a statement outlining the nature of his request.

11
12 Mr. Eric Sebens, who resides at 3008 Cherry Hills Drive, Champaign, stated that he is present tonight to
13 submit a revised plan which includes the changes that were noted during the last public hearing. He said that
14 he is before the Board tonight seeking approval of his requests.

15
16 Mr. Thorsland called John Hall to testify.

17
18 Mr. John Hall, Zoning Administrator, thanked Mr. Sebens and Mr. Osterbur for contacting the Capitol
19 Development Board and clearly identifying all of the accessibility requirements on the revised plan. He said
20 that Mr. Sebens' and Mr. Osterbur's efforts will save staff a lot of time during the permitting process. He
21 said that he has no new information, other than what was included in the Supplemental Memorandum dated
22 September 4, 2014, to add at this time.

23
24 Mr. Thorsland asked the Board and staff if there were any questions for Mr. Sebens and there were none.

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

27
28 Mr. Hall reminded Mr. Sebens that there is an unresolved issue with the special condition regarding the
29 fencing therefore tonight would be a good time to ask the Board for input.

30
31 Mr. Sebens stated that the fence in question was originally laid out along the west property line. He said that
32 he spoke with Mr. Scott Reifsteck about the fence and it appears that there was a misunderstanding regarding
33 the requirements and actually two fences were being proposed as a result of wanting to obtain the approval
34 for the storage units. He said that Mr. Hall had proposed that the fence along the west property line not be
35 required up front but there would be a special condition with the special use approval that if trash or the
36 encroachment onto the adjacent farm ground occurs then the landowner/tenant can request that the fence is
37 installed. Mr. Sebens stated that he agrees with the special condition although it seems only reasonable and
38 fair that there is some type of checks and balances.

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1 Mr. Thorsland asked Mr. Sebens to indicate what type of checks and balances he would like to propose.
2
3 Mr. Sebens stated that he does not believe that trash or encroachment will be a problem onto the adjacent
4 farm ground because of his due diligence to make sure that it isn't a problem. He said that if in the event
5 that Mr. Scott Reifsteck believes that the operation has encroached onto the farm ground or if blowing trash
6 becomes a problem it seems only fair that there would be a warning or a meeting to point out the evidence of
7 the issue. He said that the reason why he is requesting evidence is because there is a lot of trash that blows
8 around in the area that is not generated from his operation and there are a lot of people that throw trash and
9 furniture along the road. He said that there is a lot of trash that is from Interstate 57 and the gas station
10 generates a lot of trash. He said that he keeps his property mowed nicely and he polices the area regularly by
11 walking the ditches and fields picking up trash several times a year. He said that he has worked very hard to
12 be a good neighbor and it seems reasonable that in the unlikely event that there is trash in the fields that he
13 has the chance to have it brought to his attention to see the proof.
14
15 Mr. Thorsland asked the Board if they would like to see a probationary period for the first event. He said
16 that he understands Mr. Sebens concern with the requirement for the installation of the fence especially if it
17 is discovered that the trash was not generated from Mr. Sebens' operation.
18
19 Mr. Sebens stated that he does work regularly to make sure that everything is picked up along the roadside
20 whether it came from his property or not.
21
22 Mr. Thorsland asked Mr. Sebens if there was a fence around the nearby gas station.
23
24 Mr. Sebens stated that he does not believe that there is a fence around the gas station.
25
26 Mr. Thorsland asked Mr. Sebens to indicate the distance between the gas station and his property.
27
28 Mr. Sebens stated that across the field it is probably one-half mile from the gas station to his property.
29
30 Mr. Thorsland read proposed special condition H.(2): as follows:
31
32 (2) **The west and north sides of the property shall only need to be fenced with a six-**
33 **foot tall chain link fence at such time as (a) windblown litter has become a**
34 **problem on the adjacent farmland or (b) contractor operations have encroached**
35 **onto the adjacent farmland, and the adjacent landowner has submitted to the**
36 **Zoning Administrator a written request for installation of fencing, in which case**
37 **the petitioner shall install a six-foot tall chain link fence within two months of**
38 **receiving said notification to install the fencing from the Zoning Administrator.**
39

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1 Mr. Randol asked how the Board would establish a timeframe because this issue could occur in one year or
2 five years and in twenty years in the future the subject property could be owned by a different owner. He
3 said that it would be hard for this condition to be left open ended.

4
5 Mr. Thorsland asked Mr. Randol if he is proposing an expiration date for the special condition or a Board
6 review of the special use.

7
8 Mr. Randol stated that he would recommend a Board review anytime the property changed ownership.

9
10 Ms. Griest stated that she is not a big fan of fences against row crop ground to begin with therefore she does
11 not care for the proposed special condition to begin with because it is too difficult to enforce. She said that
12 the encroachment issue with the petitioner upon the adjacent farmland was resolved by the berm located on
13 the west side of the property in the landscape area and the Board added a stipulation that vehicles are not to
14 be parked closer than five feet from the property line and if Mr. Sebens is a good steward he will not allow a
15 situation to occur. She said that if a parking encroachment situation arises then the adjacent
16 landowner/tenant would have the option to file a complaint regarding a zoning violation which would be
17 enforceable. She said that the Board made it clear that the previous parking arrangement was inappropriate
18 and she is sure that Mr. Sebens will abide by the new parking regulation. She said that the storage units are,
19 in theory, fully fenced therefore there should be no trash or debris encroaching onto the adjacent farmland
20 and a second fence will have no added value because if the trash or debris blows out of the first fence it will
21 just as easily blow out of the second fence.

22
23 Ms. Griest noted to Mr. Sebens that during Phase 2 the fencing goes back to the third building and then
24 comes back to the far west side of the building therefore she must make one of two assumptions, either there
25 are no doors on the west side of the third building and no storage units will be accessible from that side or
26 there are doors therefore the facility is not fully fenced. She asked Mr. Sebens to clarify which assumption is
27 accurate.

28
29 Mr. Sebens stated that during Phase 2 there will not be any doors on the west side of the building and doors
30 will only be installed in the event that the last phase is constructed. He noted that Phase 3 will be fully
31 encompassed by a fence.

32
33 Mr. Thorsland stated that Ms. Griest addresses a good point in that a fence is already required around the
34 building therefore a secondary layer of fencing is triggered by a complaint by the adjacent landowner. He
35 said that he receives plastic bags in his fields and he is miles from any commercial site. He said that blowing
36 trash is a hard thing to police therefore perhaps there is a way to soften the condition or even remove it
37 completely. He said that testimony has been received from the adjacent landowner/tenant regarding trash
38 and the parking of vehicles.

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1 Mr. Thorsland asked Mr. Sebens if he has been diligent in keeping vehicles away from the property line.

2
3 Mr. Sebens stated that he has been diligent in keeping vehicles away from the property line.

4
5 Mr. Thorsland stated that the Board may want to talk about vehicles getting too close to the line or insert
6 something about any issue regarding an increase of trash after the fence is built the Board should revisit the
7 special use.

8
9 Mr. Hall stated that he approached holding the Land Resource Management Plan Goals and Policies as the
10 paramount thing so that we can protect agriculture. He said that this case has the best relationship that he
11 has ever seen between neighboring farmers and neighboring non-farmers. He said that he is always amazed
12 by how well these two uses have gotten along and in his view fencing should be an automatic requirement
13 and so the suggestion from the neighbor to not have the fencing be automatic but be merely triggered by
14 problems is more than a reasonable suggestion. He said that as the Zoning Administrator he does not want
15 to be responsible for tracking down the source of litter and he understands Mr. Sebens concern but so far the
16 two landowner's relationship appears to be wonderful. He said that the most likely source of future
17 problems is if Mr. Sebens ever sells the property to someone else who might not be as diligent as he has been
18 therefore the neighboring landowner/tenant is right back where he was before in having to train the new
19 owner on how to be a good neighbor. Mr. Hall stated that he wants to make sure that the rezoning cannot be
20 attacked on any policy basis but he does understand Mr. Sebens' concerns. He said that as far as he knows
21 staff has never received a complaint from the adjacent landowner/tenant regarding Mr. Sebens' operation
22 and that any problems have been resolved between the neighbors.

23
24 Ms. Griest asked Mr. Hall where the trash maybe coming from.

25
26 Mr. Hall stated that he believes that the trash will come from a source other than the storage units and he
27 would trust that the neighboring landowner will not make a false complaint. He said that there is a
28 neighboring landowner that is placing hundreds of feet of tile at his own expense and has been more than
29 reasonable at the public hearings therefore he does not see that person turning around and making claims
30 about litter that are from the gas station/mini-mart.

31
32 Ms. Griest agreed with Mr. Hall and she said that she was taken back by the condition overall in that the
33 Board had dealt with the encroachment issues, which were the larger issues, and that a fence would create
34 another obstacle for the landowner/tenant to work around therefore the landowner/tenant would be less
35 inclined to want a fence. She said that she thought that she had asked Mr. Reifsteck about a fence during the
36 first or second hearing and Mr. Reifsteck indicated that he would prefer not to have a fence.

37
38 Mr. Hall stated that he agrees that the fence is not necessary for encroachment because if encroachment
39 happens it is a zoning violation.

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1
2 Mr. Thorsland read Mr. Reifsteck's testimony regarding the fence from the July 17, 2014, approved minutes
3 as follows: Mr. Reifsteck stated that Mr. Sebens asked if he could not be required to install fencing around
4 the edge of the property because there will be a security fence around the self-storage units and will install a
5 grass area around the edge of the property to prevent the encroachment issues that had been previously
6 occurring. Mr. Reifsteck stated that he and Ms. Wills are willing to agree with Mr. Sebens' request to not
7 install the fence around the edge of the property at this time, although they would like to stipulate that if the
8 security fence does not provide for debris retention on the property or if other issues occur that the security
9 fencing does not prevent, that the security fencing must be installed around the perimeter of the west and
10 north of the subject property. He said that he has always gotten along with Mr. Sebens very well and he
11 understands that there are times when things just don't work. He said that he did not realize that Mr. Sebens
12 intended to install a tall fence around the storage area and he is willing to try not installing the fence around
13 the property area as long as Mr. Sebens would be willing to install it at a later date upon Mr. Reifsteck and
14 Ms. Wills' request.

15
16 Mr. Thorsland stated that the Board could install a one-time, 30-day opportunity to rectify the problem
17 without installing the fence and if it is not rectified the fence requirement will be enforced. He said that the
18 site plans for other storage units only indicated fencing around the perimeter of the buildings.

19
20 Ms. Lee stated that the proposed special condition is reasonable because there could be issues with the 30-
21 day opportunity to rectify the current complaint regarding trash.

22
23 Mr. Thorsland stated that the owner would have a 30-day opportunity to clean up the trash and if after that
24 period there is another complaint received the fence will be required.

25
26 Ms. Griest stated that she would like to see a condition prohibiting doors on the exterior of the unit that is
27 not enclosed by fencing.

28
29 Mr. Thorsland called Scott Reifsteck to testify.

30
31 Mr. Thorsland asked Mr. Reifsteck if there are recurring problems with trash.

32
33 Mr. Scott Reifsteck, who resides at 1341 CR 600 N, Tolono, stated that there is always a trash issue but
34 everything has been handled well. He said that a paper bag blowing across the field now and then or a
35 couple of times a year is not a problem but if at some point and time there is a large amount of trash blowing
36 across the fields a fence should be installed. He said that he does not enjoy attending meetings and his first
37 recourse will be to talk to Mr. Sebens first. He said that as with a lot of the storage facilities he does not
38 know what he is going to get out there and he would like to have the ability to remedy an issue if it occurs.
39 He noted that his requested condition is not due to the fault of Mr. Sebens or anyone else but he is trying to

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1 be a good neighbor and he is hoping that there will never be a need for the fence but if there is an issue he
2 would like the ability to have the fence required. He said that he and Mr. Sebens have worked well together
3 for years and he does not anticipate any change. He said that he is allowing Mr. Sebens to use his drainage
4 tile to help control the erosion. He said that trash blowing once does not constitute a problem but it is a
5 repeated occurrence of blowing trash when it becomes a problem and is the key to the stipulation regarding
6 the condition.

7
8 Mr. Thorsland stated that he is impressed by the cooperation between Mr. Sebens and Mr. Reifsteck.

9
10 Mr. Reifsteck stated that he and Mr. Sebens try to be good neighbors and both sides have worked very hard
11 to try to make sure that there is a minimal amount of problems. He said that he won't say that there have
12 never been problems because he is sure that he has done some things that Mr. Sebens has not liked and vice
13 versa but it has never been an issue yet. He said that he is concerned that if someone else becomes the owner
14 of this storage facility and he has no recourse to address the trash situation. He said that the fencing
15 requirement first came about because the fencing was shown on the preliminary sketches therefore it was his
16 impression that the fencing was a requirement for the special use. He said that he is perfectly willing to try it
17 without it and he does not believe that there will be a problem but he would like to have something in place
18 in case it does happen.

19
20 Mr. Thorsland asked Mr. Reifsteck if there was a new owner and trash became a problem would he be
21 willing to allow a one-time warning.

22
23 Mr. Reifsteck stated that he believes that with a new owner there will be more than a one-time warning. He
24 said that this would be a last resort for him. He said that if his farmland was to sell he could not indicate
25 how the new owner would deal with any encroachments or trash issues. He has no problem with speaking to
26 the owners prior to any contact with the Zoning Administrator because he does not see a point in addressing
27 the ZBA about a simple trash issue.

28
29 Mr. Thorsland stated that he assumes that as long as Mr. Sebens owns the subject property that the Board
30 will not hear about a trash or encroachment issue again but in case any ownership changes, the special
31 condition will be in place. He asked Mr. Reifsteck if he would have any issue with allowing the owner to
32 have a one-time opportunity to get issues rectified.

33
34 Mr. Reifsteck stated that he would not have any issue with allowing the owner to have a one-time
35 opportunity but he sees no reason to come to the ZBA to initiate a warning and then have to come back
36 again.

37
38 Mr. Thorsland stated that once the owner receives a warning there will be no reason for Mr. Reifsteck to
39 come back again because they will have 30 days to remedy the issue and after that point if it happens again

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1 they will be required to install the fence.

2
3 Mr. Reifsteck stated that he just wanted to make sure that there will be an instrument to handle the issues.

4
5 Mr. Hall stated that Mr. Reifsteck stated that he will always talk to the owner before he comes to the Zoning
6 Administrator and Mr. Hall is taking Mr. Reifsteck at his word. Mr. Hall stated that making Mr. Reifsteck
7 wait after he has spoken with the landowner once and then he comes to the Zoning Administrator who grants
8 another 30-day period is unfair. He said that the condition is written as it is because when the
9 landowner/tenant is fed up enough to come to the Zoning Administrator then it is time for fencing.

10
11 Ms. Griest stated that she agrees with Mr. Hall.

12
13 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Reifsteck and there
14 were none.

15
16 Mr. Thorsland asked the Board and staff if there were any additional questions for Mr. Sebens and there
17 were none.

18
19 Mr. Hall asked Mr. Reifsteck if he is satisfied with the condition regarding connection to the tile.

20
21 Mr. Reifsteck stated yes.

22
23 Mr. Thorsland asked Mr. Sebens if he had any further concerns or questions.

24
25 Mr. Sebens stated no.

26
27 Mr. Hall read new special condition H.(2). as follows:

- 28
29 **(2) Doors shall not be installed on any storage unit for which the exterior of that unit is not**
30 **enclosed by a six-foot tall chain link fence.**

31
32 He said that the original H.(2) will become H.(3).

33
34 Ms. Griest asked Mr. Hall how the Department of Planning and Zoning will feel about compliance
35 monitoring of when this building was built and the backside of it is outside of the fence. She asked if he is
36 so inclined to monitor that none of those units have been rented or to trust that none of the units have been
37 rented, which she is not in favor, or that the door cannot be installed until after it is fenced. She said that the
38 property could change hands in the midst of the phases and even though this petitioner has guaranteed the
39 Board that he will not use those units there is nothing that restricts any new owners from using them or

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1 renting them. She said that she is not in favor of the doors being installed and being outside of the fenced
2 area and indicating that the units cannot be rented. She said that she thought that she heard Mr. Sebens
3 indicate that he would not install those doors until Phase 3.

4
5 Mr. Sebens stated that Ms. Griest is correct.

6
7 Mr. Thorsland stated that the Board can either work through the Summary Finding of Fact or work through
8 the entire Finding of Fact.

9
10 Mr. Hall stated that there are a number of objectives under Goal 4 which have subsidiary findings that are
11 not included in the Summary Finding of Fact.

12
13 Mr. Thorsland stated that the Board will begin on Page 12 of 32, Item 14.

14
15 Mr. Thorsland stated that LRMP Goal 4 is entitled, "Agriculture" and states as follows: Champaign County
16 will protect the long term viability of agriculture in Champaign County and its land resource base. Goal 4
17 has 9 objectives and 22 polices. The proposed WILL/WILL NOT HELP ACHIEVE Goal 4 for the following
18 reasons: A. Objective 4.1 states, "Champaign County will strive to minimize the fragmentation of the
19 County's agricultural land base and conserve farmland, generally applying more stringent development
20 standards on best prime farmland."

21
22 **Ms. Capel stated that the proposed rezoning WILL HELP ACHIEVE Objective 4.1.**

23
24 Mr. Thorsland stated that Policy 4.1.6 states, "Provided that the use, design, site and location are consistent
25 with County policies regarding: i. Suitability of the site for the proposed use; and ii. Adequacy of
26 infrastructure and public services for the proposed use; and iii. Minimizing conflict with agriculture; and iv.
27 Minimizing the conversion of farmland; and v. Minimizing the disturbance of natural areas; then a) On best
28 prime farmland, the County may authorize discretionary residential development subject to a limit on total
29 acres converted which is generally proportionate to tract size and is based on the January 1, 1998
30 configuration of tracts, with the total amount of acreage converted to residential use (inclusive of by-right
31 development) not to exceed three acres plus three acres per each 40 acres (including any existing right-of-
32 way), but not to exceed 12 acres in total; or b) On best prime farmland, the County may authorize non-
33 residential discretionary development; or c) The County may authorize discretionary review development on
34 tracts consisting of other than best prime farmland." He said that the proposed rezoning WILL/WILL NOT
35 HELP ACHIEVE Policy 4.1.6.

36
37 **Mr. Thorsland stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.1.6.**

38
39 Mr. Thorsland stated that Objective 4.2 states, "Champaign County will require that each *discretionary*

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1 *review* development will not interfere with agricultural operations.” The proposed rezoning WILL/WILL
2 NOT HELP ACHIEVE Objective 4.2 because of the following: (1) Policy 4.2.1 states, “The County may
3 authorize a proposed business or other non-residential *discretionary review* development in a rural area if the
4 proposed development supports agriculture or involves a product or service that is better provided in a *rural*
5 area. The proposed rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.2.1 because based on the
6 evidence, the proposed Special Use in related Case 767-S-13 WILL/WILL NOT interfere with agricultural
7 operations and is a service which is appropriate for the rural area and therefore IS/IS NOT a service better
8 provided in a rural area than in an urban area.

9
10 **Mr. Randol stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.2.1 because based on**
11 **the evidence, the proposed Special Use in related Case 767-S-13 WILL NOT interfere with**
12 **agricultural operations and is a service which is appropriate for the rural area and therefore IS a**
13 **service better provided in a rural area than in an urban area.**

14
15 Mr. Thorsland stated that Policy 4.2.2 states, “The County may authorize *discretionary review* development
16 in a rural area if the proposed development: a. is a type that does not negatively affect agricultural activities;
17 or b. is located and designed to minimize exposure to any negative affect caused by agricultural activities;
18 and c. will not interfere with agricultural activities or damage or negatively affect the operation of
19 agricultural drainage systems, *rural* roads, or other agriculture-related infrastructure.” The proposed
20 rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.2.2 because based on the evidence, the proposed
21 Special Use in related Case 767-S-13 DOES/DOES NOT negatively affect agricultural activities, or IS/IS
22 NOT located and designed to minimize exposure to negative effects of agricultural activities, and
23 WILL/WILL NOT interfere with agricultural activities.

24
25 **Ms. Capel stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.2.2 because based on**
26 **the evidence, the proposed Special Use in related Case 767-S-13 DOES NOT negatively affect**
27 **agricultural activities, or IS located and designed to minimize exposure to negative effects of**
28 **agricultural activities, and WILL NOT interfere with agricultural activities.**

29
30 **Mr. Thorsland stated that overall the proposed rezoning WILL HELP ACHIEVE Objective 4.2.**

31
32 Mr. Thorsland stated that Objective 4.3 states, “Champaign County will require that each discretionary
33 review development is located on a suitable site.” The proposed rezoning WILL/WILL NOT HELP
34 ACHIEVE Objective 4.3 because of the following: (1) Policy 4.3.2 states, “On best prime farmland, the
35 County may authorize a discretionary review development provided the site with proposed improvements is
36 well-suited overall for the proposed land use.” The proposed rezoning WILL/WILL NOT HELP ACHIEVE
37 Policy 4.3.2 for the following reasons: a. As reviewed under Policy 4.1.6, the subject property is best prime
38 farmland; and b. The property IS/IS NOT WELL SUITED OVERALL based on the following: (a) The
39 property is only five acres in area; and (b) A Special Use Permit was authorized in Case 101-S-97; and (c)

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1 The B-1 District is intended to provide areas for rural business to offer products and services to rural
2 residents; and (d) The proposed development is subject to the *Stormwater Management Policy* and must
3 provide adequate stormwater detention that will not harm the drainage tile to the west or the drainage swale
4 on the south of the property; and (e) The subject property fronts and has access to Duncan Road (CR 900E);
5 and (f) A Traffic Impact Analysis was not required because the number of weekday and weekend peak hour
6 trips generated by the proposed use will be minimal; and (g) Access to I-57 is approximately 1 road mile
7 from the subject property; and (h) The subject property is served by a public water supply.

8
9 **Mr. Thorsland stated that the property IS WELL SUITED OVERALL and the proposed rezoning**
10 **WILL HELP ACHIEVE Policy 4.3.2.**

11
12 Mr. Thorsland stated that Policy 4.3.3 states, “The County may authorize a discretionary review
13 development provided that existing public services are adequate to support the proposed development
14 effectively and safely without undue public expense.” The proposed rezoning WILL/WILL NOT HELP
15 ACHIEVE Policy 4.3.3 for the following reason: a. the subject property is located approximately 4.3 miles
16 from the Savoy Fire Protection District Station. The fire protection district was notified of the case and no
17 comments have been received.

18
19 **Ms. Griest stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.3.**

20
21 Mr. Thorsland stated that Policy 4.3.4. states, “The County may authorize a discretionary review
22 development provided that existing public infrastructure, together with proposed improvements, is adequate
23 to support the proposed development effectively and safely without undue public expense.” The proposed
24 rezoning WILL/WILL NOT HELP ACHIEVE Policy 4.3.4 for the following reason: a. The subject property
25 has access to Duncan Road (CR900E). Duncan Road is an oil and chip road that is approximately 24 feet in
26 width that has adequate capacity for the proposed use. Access to I-57 is approximately 1 road mile from the
27 subject property; and b. no comments have been received from the Tolono Township Highway
28 Commissioner.

29
30 **Mr. Randol stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.4.**

31
32 Mr. Thorsland stated that Policy 4.3.5 states, “On best prime farmland, the County will authorize a business
33 or other non-residential use only if: a. It also serves surrounding agricultural uses or an important public
34 need; and cannot be located in an urban area or on a less productive site; or b. the use is otherwise
35 appropriate in a rural area and the site is very well suited to it.” The proposed rezoning WILL/WILL NOT
36 HELP ACHIEVE Policy 4.3.5 for the following reasons: a. As reviewed under Policy 4.1.6, the subject
37 property is best prime farmland; and b. The property is only five acres in area; and c. A Special Use Permit
38 was authorized in Case 101-S-97 on July 17, 1997; and d. The B-1 District is intended to provide areas for
39 rural business to offer products and services to rural residents. Contractors Facilities and Self-Storage

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1 Warehouses are USES that have been determined to be appropriate for the rural area in the B-1 District; and
2 e. The proposed development is subject to the *Stormwater Management Policy* and must provide adequate
3 stormwater detention; and f. The subject property fronts and has access to Duncan Road (CR 900E); and g.
4 Access to I-57 is approximately 1 road mile from the subject property; and h. the subject property is served
5 by a public water supply.

6
7 **Ms. Capel stated that the proposed rezoning WILL HELP ACHIEVE Policy 4.3.5.**

8
9 **Mr. Thorsland stated that overall the proposed rezoning WILL HELP ACHIEVE Objective 4.3.**

10
11 Mr. Thorsland stated that the proposed amendment WILL/WILL NOT IMPEDE the achievement of
12 Objectives 4.6, 4.7, and 4.9 and Policies 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.8, 4.2.3, 4.2.4, 4.6.1, 4.6.2, 4.6.3,
13 and 4.9.1. Objectives 4.4, 4.5, 4.8 and Policies 4.1.7, 4.1.19, and 4.3.1 are NOT RELEVANT to the
14 proposed amendment.

15
16 **Mr. Thorsland stated that the proposed amendment WILL NOT IMPEDE the achievement of**
17 **Objectives 4.6, 4.7, and 4.9 and Policies 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.8, 4.2.3, 4.2.4, 4.6.1, 4.6.2,**
18 **4.6.3, and 4.9.1. Objectives 4.4, 4.5, 4.8 and Policies 4.1.7, 4.1.9, and 4.3.1 are NOT RELEVANT to the**
19 **proposed amendment.**

20
21 **Mr. Thorsland stated that overall the proposed rezoning WILL HELP ACHIEVE GOAL 4.**

22
23 Mr. Thorsland stated that LRMP Goal 5 is entitled “Urban Land Use” and states as follows: “Champaign
24 County will encourage urban development that is compact and contiguous to existing cities, villages, and
25 existing unincorporated settlements. He said that Goal 5 had 3 objectives and 15 policies. The proposed
26 amendment WILL/WILL NOT IMPEDE Goal 5 for the following reasons: A. Objective 5.1 states,
27 “Champaign County will strive to ensure that the preponderance of population growth and economic
28 development is accommodated by new urban development in or adjacent to existing population centers.”
29 The proposed rezoning WILL/WILL NOT IMPEDE Objective 5.1 because of the following: (1) Policy 5.1.3
30 states, “The county will consider municipal extra-territorial jurisdiction areas that are currently served by or
31 that are planned to be served by an available public sanitary sewer service plan as contiguous urban growth
32 areas which should develop in conformance with the relevant municipal comprehensive plans. Such areas
33 are identified on the Future Land Use Map.”

34
35 **Ms. Capel stated that the proposed rezoning WILL NOT IMPEDE Objective 5.1.**

36
37 Mr. Thorsland stated that the proposed rezoning WILL/WILL NOT IMPEDE Policy 5.1.3.

38
39 **Mr. Randol stated that the proposed rezoning WILL NOT IMPEDE Policy 5.1.3.**

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1
2 Mr. Thorsland stated that Policy 5.1.4 states, “The County may approve discretionary development outside
3 contiguous urban growth areas, but within municipal extra-territorial jurisdictions areas only if: a. the
4 development is consistent with the municipal comprehensive plan and relevant municipal requirements; and
5 b. the site is determined to be well-suited overall for the development if on best prime farmland or the site is
6 suited overall, otherwise; and c. the development is generally consistent with all relevant LRMP objective
7 and policies.” The proposed rezoning WILL/WILL NOT IMPEDE Policy 5.1.4 for the same reasons stated
8 under Policy 5.1.3.

9
10 **Ms. Capel stated that the proposed rezoning WILL NOT IMPEDE Policy 5.1.4 for the same reasons**
11 **stated under Policy 5.1.3.**

12
13 Mr. Thorsland stated that Objective 5.3 states, “Champaign County will oppose proposed new urban
14 development unless adequate utilities, infrastructure, and public services are provided.” The proposed
15 rezoning WILL/WILL NOT IMPEDE Objective 5.3 because of the following: (1) Policy 5.3.1 states, “The
16 County will: a. require that proposed new urban development in unincorporated areas is sufficiently served
17 by available public services and without undue public expense; and b. encourage, when possible, other
18 jurisdictions to require that proposed new urban development is sufficiently served by available public
19 services and without undue public expense.” The proposed rezoning WILL/WILL NOT IMPEDE Policy
20 5.3.1 based on the same considerations as for Policy 4.3.3.

21
22 **Ms. Capel stated that the proposed rezoning WILL NOT IMPEDE Policy 5.3.1 based on the same**
23 **considerations as for Policy 4.3.3.**

24
25 Mr. Thorsland stated that Policy 5.3.2 states, “The County will: a. require that proposed new urban
26 development, with proposed improvements, will be adequately served by public infrastructure, and that
27 related needed improvements to public infrastructure are made without undue public expense; and b.
28 encourage, when possible, other jurisdictions to require that proposed new urban development, with
29 proposed improvements, will be adequately served by public infrastructure, and that related needed
30 improvements to public infrastructure are made without undue public expense.” The proposed rezoning
31 WILL/WILL NOT IMPEDE Policy 5.3.2 based on the same considerations as for Policy 4.3.4.

32
33 **Mr. Thorsland stated that the proposed rezoning WILL NOT IMPEDE Policy 5.3.2 based on the same**
34 **considerations as for Policy 4.3.4.**

35
36 Mr. Thorsland stated that the proposed amendment WILL NOT IMPEDE the achievement of Objective 5.2
37 and Policies 5.1.1, 5.1.2, 5.1.5, 5.1.6, 5.1.7, 5.1.8, 5.1.9, 5.2.1, 5.2.12, 5.2.3, and 5.3.3.

38
39 **Mr. Randol stated that overall the proposed rezoning WILL NOT IMPEDE Objective 5.3.**

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Mr. Thorsland stated that overall the proposed amendment WILL NOT IMPEDE Goal 5.

Mr. Thorsland stated that LRMP Goal 6 is entitled “Public Health and Safety” and states as follows: “Champaign County will ensure the protection of the public health and public safety in land resource management decisions. He said that Goal 6 has 4 objectives and 7 policies. The proposed rezoning WILL/WILL NOT HELP ACHIEVE Goal 6 for the following reasons: A. Objective 6.1 states, “Champaign County will seek to ensure that development in unincorporated areas of the County does not endanger public health or safety.” He said that staff recommended that the proposed rezoning WILL HELP ACHIEVE Objective 6.1, Policy 6.1.3 and WILL NOT IMPEDE the achievement of Policies 6.1.1, 6.1.2, 6.1.4 and Objectives 6.2, 6.3, and 6.4 and Policies 6.2.1, 6.2.2, and 6.2.3 are NOT RELEVANT to the proposed amendment.

Ms. Capel stated that the proposed rezoning WILL HELP ACHIEVE Goal 6.

Mr. Thorsland stated that LRMP Goal 7 is entitled “Transportation” and states as follows: “Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services. He said that Goal 7 has 2 objective and 7 policies. The proposed rezoning WILL/WILL NOT HELP ACHIEVE HELP ACHIEVE Goal 7 for the following reasons: A. Objective 7.1 states, “Champaign County will consider traffic impact in all land use decisions and coordinate efforts with other agencies when warranted.” The proposed rezoning WILL/WILL NOT HELP ACHIEVE Objective 7.1 because of the following: (1) Policy 7.1.1 states, “The County will include traffic analyses in discretionary review development proposals with significant traffic generation.” The proposed rezoning WILL/WILL NOT HELP ACHIEVE Policy 7.1.1 for the following reasons: (a) A traffic Impact Analysis is not necessary because the number of weekday and weekend peak hour trips generated will be minimal; and B. The proposed amendment WILL NOT IMPEDE the achievement of Objective 7.2 and Policies 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5 and 7.2.6.

Mr. Thorsland stated that the proposed rezoning WILL HELP ACHIEVE Objective 7.1 and Policy 7.1.1 therefore overall the proposed rezoning WILL HELP ACHIEVE Goal 7.

Mr. Thorsland stated that staff recommends that the proposed rezoning WILL NOT IMPEDE LRMP Goals 8, 9 and 10.

The Board agreed with staff’s recommendations.

Mr. Thorsland stated that the Board is required to make one determination for the following *LaSalle* Factor: The suitability of the subject property for the zoned purposes. (1) The subject property is suitable for the current zoned purposes; and (2) Based on the discussion of suitability under Items 14.C, the subject property

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1 IS/IS NOT SUITABLE for the proposed zoned purpose which is self-storage warehouses and an existing
2 contractor's facility.

3
4 **Ms. Capel stated that based on the discussion of suitability under Items 14.C, the subject property IS**
5 **SUITABLE for the proposed zoned purpose which is self-storage warehouses and an existing**
6 **contractor's facility.**

7
8 Mr. Thorsland stated that the Board is required to make one determination for the following *Sinclair* Factor:
9 The extent to which the use conforms to the municipality's comprehensive planning. (1) The proposed self-
10 storage warehouses will put the property to greater use, but not substantially different from what the property
11 has been used for in the past. Self-storage warehouses are facilities that may be utilized by residential
12 customers. (2) The area in which the subject property is located is indicated as "Primarily Farmland-Best
13 Prime" on the Land Resource Management (LRMP) map Future Land Use-2030. As described in the text of
14 the LRMP, agriculture is the primary land use in this area but other land uses (residential,
15 commercial/industrial, parks) are expected to locate in this area consistent with the LRMP. (3) Based on the
16 discussion above, the proposed Special Use DOES/DOES NOT CONFORM to the Land Resource
17 Management Plan.

18
19 **Mr. Randol stated that based on the discussion above, the proposed Special Use DOES CONFORM to**
20 **the Land Resource Management Plan.**

21
22 Mr. Thorsland stated that regarding the purpose of the Zoning Ordinance the proposed amendment
23 WILL/WILL NOT HELP ACHIEVE the purpose of the Zoning Ordinance as established in Section 2 of the
24 Ordinance.

25
26 **Mr. Randol stated that the proposed amendment WILL HELP ACHIEVE the purpose of the Zoning**
27 **Ordinance as established in Section 2 of the Ordinance.**

28
29 Mr. Thorsland stated that Paragraph 2.0(n) of the Ordinance states that one purpose of the zoning regulations
30 and standards that have been adopted and established is to protect the most productive agricultural lands
31 from haphazard and unplanned intrusions of urban uses. A. None of the subject property has been in
32 agricultural production since the adoption of the Zoning Ordinance on 10/10/73. B. The Special Use
33 WILL/WILL NOT be compatible with adjacent uses because the evidence established that the proposed
34 Special Use WILL/WILL NOT interfere with agricultural operations (see Item 14.B) and the subject site
35 IS/IS NOT suitable for the proposed Special Use (see item 14.C).

36
37 **Mr. Randol stated that the Special Use WILL be compatible with adjacent uses because the evidence**
38 **established that the proposed Special Use WILL NOT interfere with agricultural operations (see Item**
39 **14.B) and the subject site IS suitable for the proposed Special Use (see Item 14.C).**

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Mr. Thorsland read proposed special condition A. as follows:

- A. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

The above special condition is necessary to ensure the following:
Conformance with policies 4.2.3 and 5.1.5.

Mr. Thorsland asked Mr. Sebens if he agreed to the special condition as read.

Mr. Sebens stated that he agreed with special condition A.

Mr. Thorsland entertained a motion to approve special condition A.

Ms. Griest moved, seconded by Mr. Randol to approve special condition A. The motion carried by voice vote.

Mr. Thorsland entertained a motion to adopt the Documents of Record, Findings of Fact and Summary Findings of Fact for Case 766-AM-14 as amended.

Ms. Griest moved, seconded by Mr. Randol to adopt the Documents of Record, Findings of Fact and Summary Findings of Fact as amended. The motion carried by voice vote with one opposing vote.

Mr. Thorsland entertained a motion to move to the Final Determination for Case 766-AM-13.

Mr. Randol moved, seconded by Ms. Griest to move to the Final Determination for Case 766-AM-13. The motion carried by voice vote.

Mr. Thorsland informed the petitioner that two Board members were absent therefore it is at his discretion to either continue Case 766-AM-13 until a full Board is present or request that the present Board move to the Final Determination. He informed the petitioner that four affirmative votes are required for approval.

Mr. Hall informed Mr. Sebens that if Case 766-AM-13 is continued to the September 25th meeting the case will get to the County Board in the same amount of time either way.

Mr. Sebens stated that if he requests that the case be continued to a later meeting there is no guarantee that there will be a full Board at that time either.

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1 Mr. Thorsland stated no, but at best Mr. Sebens could hope for one more Board member and the case would
2 be the first case heard on September 25th.

3
4 Mr. Sebens requested that Case 766-AM-13 be continued to a later date when a full Board may be present.

5
6 Mr. Thorsland stated that the Board will now review Case 767-S-14. He said that item #8.L. requires a
7 determination from the Board. He read item #8.L as follows: The Special Use WILL/WILL NOT be
8 compatible with adjacent uses because the evidence in related Case 766-AM-13 established that the
9 proposed Special Use WILL/WILL NOT interfere with agricultural operations (see the analysis of Policy
10 4.2.1 in the Finding Fact for Case 766) and the subject site IS/IS NOT suitable for the proposed Special Use
11 (see the analysis of Policy 4.3.2 in the Finding of Fact for Case 766).

12
13 **Ms. Capel stated that the Special Use WILL be compatible with adjacent uses because the evidence in**
14 **related Case 766-AM-13 established that the proposed Special Use WILL NOT interfere with**
15 **agricultural operations (see the analysis of Policy 4.2.1 in the Finding Fact for Case 766) and the**
16 **subject site IS suitable for the proposed Special Use (see the analysis of Policy 4.3.2 in the Finding of**
17 **Fact for Case 766).**

18
19 Mr. Thorsland stated that item #9.B(6)b.(f) requires a determination from the Board. He read item
20 #9.B(6)b.(f) as follows: Based on the above analysis, the ZBA finds that the proposed Special Use provides
21 ADEQUATE/INADEQUATE parking.

22
23 **Mr. Randol stated that based on the above analysis, the ZBA finds that the proposed Special Use**
24 **provides ADEQUATE parking.**

25
26 Mr. Thorsland stated that item #9.G(2) requires a determination from the Board. He read item #9.G(2) as
27 follows: Compatibility of the proposed Special Use with surrounding agriculture was evaluated in related
28 Case 766-AM-13 under review of Land Resource Management Plan Objective 4.2 regarding interference
29 with agricultural operations and the Zoning Board of Appeals found that the proposed Special Use
30 WILL/WILL NOT interfere with agricultural operations.

31
32 **Ms. Griest stated that compatibility of the proposed Special Use with surrounding agriculture was**
33 **evaluated in related Case 766-AM-13 under review of Land Resource Management Plan Objective 4.2**
34 **regarding interference with agricultural operations and the Zoning Board of Appeals found that the**
35 **proposed Special Use WILL NOT interfere with agricultural operations.**

36
37 Mr. Thorsland stated that item #10.E(9)b. requires a determination from the Board. He read item #10.E(9)b.
38 as follows: The Special Use WILL/WILL NOT be compatible with adjacent uses because the evidence in
39 related Case 766-AM-13 established that the proposed Special Use WILL/WILL NOT interfere with

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1 agricultural operations and the subject site IS/IS NOT suitable for the proposed Special Use. See the
2 discussion under item 8.L on pg. 17.

3
4 **Ms. Griest stated that the Special Use WILL be compatible with adjacent uses because the evidence in**
5 **related Case 766-AM-13 established that the proposed Special Use WILL NOT interfere with**
6 **agricultural operations and the subject site IS suitable for the proposed Special Use. See the**
7 **discussion under item 8.L on pg. 17.**

8
9 Mr. Thorsland stated that the Board will now review the proposed special conditions of approval.

10
11 Mr. Thorsland read special condition A. as follows:

- 12
13 **A. The only two principal uses authorized by Case 767-S-13 Contractors Facility with**
14 **outdoor storage and/or outdoor operation and self-storage warehouse providing heat**
15 **and utilities to individual units. Other uses that can be established by right in the B-1**
16 **District may be established if they are the only use on the subject property other than**
17 **agriculture.**

18 The special condition stated above is necessary to ensure the following:

19 **That the petitioner and future landowners understand the requirements of the Zoning**
20 **Ordinance.**

21
22 Mr. Thorsland asked Mr. Sebens if he agreed with special condition A.

23
24 Mr. Sebens stated that he agreed with special condition A.

25
26 Mr. Thorsland read special condition B. as follows:

- 27
28 **B. The development of the site must be the same in the approved site plan that consists of**
29 **the following:**

30 **(1) the Revised Site plan received September 3, 2014.**

31 The special condition stated above is required to ensure the following:

32 **That the development of the site is the same as described in the public hearing.**

33
34 Mr. Thorsland asked Mr. Sebens if he agreed with special condition B.

35
36 Mr. Sebens stated that he agreed with special condition B.

37
38 Mr. Thorsland read special condition C. as follows:

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- 1 **C. The Zoning Administrator shall not authorize a Zoning Use Permit without an**
2 **approved septic system permit from the County Health Department for the**
3 **replacement leach field.**
4 The special condition stated above is required to ensure the following:
5 **That the septic system conforms to the requirements of the County Health Ordinance.**

6
7 Mr. Thorsland asked Mr. Sebens if he agreed with special condition C.

8
9 Mr. Sebens stated that he agreed with special condition C.

10
11 Mr. Thorsland read special condition D. as follows:

- 12
13 **D. Complete Stormwater Drainage Plan for both the North and South detention basins**
14 **that conform to the requirements of the Stormwater Management Policy shall be**
15 **submitted and approved as part of the Zoning Use Permit application for construction**
16 **and all required certifications shall be submitted after construction prior to issuance of**
17 **the Zoning Compliance Certificate.**
18 The special condition stated above is required to ensure the following:
19 **That the drainage improvements conform to the requirements of the Stormwater**
20 **Management Policy.**

21
22 Mr. Thorsland asked Mr. Sebens if he agreed with special condition D.

23
24 Mr. Sebens stated that he agreed with special condition D.

25
26 Mr. Thorsland read special condition E. as follows:

- 27
28 **E. The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner**
29 **has demonstrated that any new or proposed exterior lighting on the subject property**
30 **will comply with the lighting requirements of Section 6.1.2.**
31 The special condition stated above is required to ensure the following:
32 **That any proposed exterior lighting is in compliance with the Zoning Ordinance.**

33
34 Mr. Thorsland asked Mr. Sebens if he agreed with special condition E.

35
36 Mr. Sebens stated that he agreed with special condition E.

37
38 Mr. Thorsland read special condition F. as follows:
39

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1 **F. The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
 2 **authorizing occupancy of the proposed self-storage warehouses until the Zoning**
 3 **Administrator has received a certification of inspection from an Illinois Licensed**
 4 **Architect or other qualified inspector certifying that the new building complies with the**
 5 **following codes: (A) The 2006 or later edition of the International Building Code; (B)**
 6 **The 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois**
 7 **Plumbing Code.**

8 The special conditions stated above are required to ensure the following:

9 **That the proposed structure is safe and in conformance with Public Act 90-704.**

10
11 Mr. Thorsland asked Mr. Sebens if he agreed with special condition F.

12
13 Mr. Sebens stated that he agreed with special condition F.

14
15 Mr. Thorsland read special condition G. as follows:

16
17 **G. Regarding security on the subject property:**

18 **(1) The Zoning Administrator shall not authorize a Zoning Compliance Certificate**
 19 **until written documentation has been approved from the petitioner that the**
 20 **relevant fire protection district will have access through the security gate at all**
 21 **times.**

22 The special condition stated above is necessary to ensure the following:

23 **That the petitioner provides adequate security measures and provides access to**
 24 **appropriate public safety agencies.**

25
26 Mr. Thorsland asked Mr. Sebens if he agreed with special condition G.

27
28 Mr. Sebens stated that he agreed with special condition G.

29
30 Mr. Thorsland read special condition H. as follows:

31
32 **H. The property shall be enclosed by a six-foot tall chain link fence as follows:**

33 **(1) The self-storage buildings and related parking area shall be enclosed by a six-foot**
 34 **tall chain link fence prior to occupancy and at all times during occupancy.**

35 **(2) Doors shall not be installed on any storage unit for which the exterior of that**
 36 **unit is not enclosed by a six-foot tall chain link fence.**

37 **(3) The west and north sides of the property shall only need to be fenced with a six-**
 38 **foot tall chain link fence at such time as (a) windblown litter has become a**
 39 **problem on the adjacent farmland or (b) contractor operations have encroached**

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1 onto the adjacent farmland, and the adjacent landowner has submitted to the
2 Zoning Administrator a written request for installation of fencing, in which case
3 the petitioner shall install a six-foot tall chain link fence within two months of
4 receiving said notification to install the fencing from the Zoning Administrator.

5 The special condition above is required to ensure the following:

6 **That the proposed Special Use does not interfere with adjacent agriculture.**

7
8 Mr. Thorsland asked Mr. Sebens if he agreed with special condition H.

9
10 Mr. Sebens stated that he agreed with special condition H.

11
12 Mr. Hall explained to Mr. Sebens that special condition H. means that on Phase 2 one-half of the last
13 building will not be usable until the back side of it is enclosed.

14
15 Mr. Sebens stated that this is what he was planning on doing anyway. He said that the 3rd building will have
16 full depth units up until he builds the final building and then he still may not insert doors.

17
18 Mr. Hall stated that another possibility is that Mr. Sebens could have some units at the end of the building
19 because the ends would be within the enclosed fenced area.

20
21 Mr. Sebens stated that he still agrees to special condition H.

22
23 Mr. Thorsland read special condition I. as follows:

24
25 **I. The normal (i.e., non-emergency overflow) discharge of stormwater from the northwest**
26 **detention basin shall discharge directly into the neighbor's six-inch diameter tile with**
27 **no overland flow and the discharge into the tile shall be limited to an amount that does**
28 **not exceed the discharge capacity of the six-inch diameter tile.**

29 The special condition above is required to ensure the following:

30 **Normal (i.e., non-emergency overflow) flow of storm water from the proposed Special**
31 **Use does not create erosion on the adjacent farmland or surcharge the existing six-inch**
32 **diameter tile.**

33
34 Mr. Thorsland asked Mr. Sebens if he agreed with special condition I.

35
36 Mr. Sebens stated that he agreed with special condition I.

37
38 Mr. Thorsland entertained a motion to approve the special conditions for Case 767-S-13.
39

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1 Ms. Griest moved, seconded by Ms. Capel to approve the special conditions for Case 767-S-13. The
2 motion carried with one opposing vote.

3
4 Mr. Thorsland stated that there are no Documents of Record for Case 767-S-13.

5
6 **Findings of Fact for Case 767-S-13:**

7
8 From the documents of record and the testimony and exhibits received at the public hearing for zoning case
9 767-S-13 held on January 30, 2014; March 13, 2014; June 12, 2014; July 17, 2014; and September 11, 2014,
10 the Zoning Board of Appeals of Champaign County finds that:

- 11
12 **1. The requested Special Use Permit IS necessary for the public convenience at**
13 **this location.**

14
15 Mr. Randol stated that the requested Special Use Permit IS necessary for the public convenience at this
16 location because all evidence in the Summary of Evidence concluded that the proposal is following the
17 County requirements.

18
19 Mr. Thorsland stated that the property has not been in agricultural production since the adoption of zoning in
20 1973 and it is located in an area that will meet the needs of several communities and the surrounding rural
21 area and there is no other self-storage facility on this side of Champaign.

- 22
23 **2. The requested Special Use Permit, subject to the special conditions imposed herein, is**
24 **so designed, located, and proposed to be operated so that it WILL NOT be injurious to**
25 **the district in which it shall be located or otherwise detrimental to the public health,**
26 **safety and welfare because:**

- 27
28 **a. The street has ADEQUATE traffic capacity and the entrance location has**
29 **ADEQUATE visibility.**

30
31 Ms. Griest stated that the street has ADEQUATE traffic capacity and the entrance location has ADEQUATE
32 visibility.

- 33
34 **b. Emergency services availability is ADEQUATE.**

35
36 Ms. Griest stated that emergency services availability is ADEQUATE.

- 37
38 **c. The Special Use WILL be compatible with adjacent uses.**
39

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1 Ms. Griest stated that the Special Use WILL be compatible with adjacent uses.

2

3 **d. Surface and subsurface drainage will be ADEQUATE.**

4

5 Ms. Griest stated that surface and subsurface drainage will be ADEQUATE.

6

7 **e. Public safety will be ADEQUATE.**

8

9 Ms. Griest stated that public safety will be ADEQUATE.

10

11 **f. The provisions for parking will be ADEQUATE.**

12

13 Ms. Griest stated that the provisions for parking will be ADEQUATE.

14

15 **g. The property is BEST PRIME FARMLAND and the property with the**
16 **proposed improvement IS WELL SUITED OVERALL.**

17

18 Ms. Griest stated that the property is BEST PRIME FARMLAND and the property with the proposed
19 improvement IS WELL SUITED OVERALL.

20

21 **h. The existing public services ARE available to support the proposed special use**
22 **effectively and safely without undue public expense.**

23

24 Ms. Griest stated that the existing public services ARE available to support the proposed special use
25 effectively and safely without undue public expense.

26

27 **i. The only existing public infrastructure together with proposed improvements**
28 **ARE adequate to support the proposed development effectively and safely**
29 **without undue public expense.**

30

31 Ms. Griest stated that the only existing public infrastructure together with proposed improvements ARE
32 adequate to support the proposed development effectively and safely without undue public expense.

33

34 Mr. Thorsland stated that the requested Special Use Permit, subject to the special conditions imposed herein,
35 is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in
36 which it shall be located or otherwise detrimental to the public health, safety and welfare.

37

38 **3a. The requested Special Use Permit, subject to the special conditions imposed herein**
39 **DOES conform to the applicable regulations and standards of the DISTRICT in which**

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1 it is located.

2
3 Ms. Griest stated that the requested Special Use Permit, subject to the special conditions imposed herein
4 DOES conform to the applicable regulations and standards of the DISTRICT in which it is located.

5
6 **3b. The requested Special Use Permit, subject to the special conditions imposed herein,
7 DOES preserve the essential character of the DISTRICT in which it is located because:**

8
9 **a. The Special Use will be designed to conform to all relevant County ordinances
10 and codes.**

11
12 Mr. Thorsland stated that the Special Use will be designed to conform to all relevant County ordinances and
13 codes.

14
15 **b. The Special Use WILL be compatible with adjacent uses.**

16
17 Ms. Capel stated that the Special Use WILL be compatible with adjacent uses.

18
19 **c. Public safety will be ADQUATE.**

20
21 Mr. Thorsland stated that public safety will be ADEQUATE.

22
23 Ms. Griest stated that the requested Special Use Permit, subject to the special conditions imposed herein,
24 DOES preserve the essential character of the DISTRICT in which it is located.

25
26 **4. The requested Special Use Permit, subject to the special conditions imposed herein, IS
27 in harmony with the general and intent of the Ordinance because:**

28
29 **a. The Special Use is authorized in the District.**

30
31 **b. The requested Special Use Permit IS necessary for the public convenience at this
32 location.**

33
34 Ms. Griest stated that the requested Special Use Permit IS necessary for the public convenience at this
35 location.

36
37 **c. The requested Special Use Permit, subject to the special conditions imposed
38 herein, is so designed, located, and proposed to be operated so that it WILL
39 NOT be injurious to the district in which it shall be located or otherwise**

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detrimental to the public health, safety and welfare.

Ms. Griest stated that the requested Special Use Permit, subject to the special conditions imposed herein, is so designed, located, and proposed to be operated so that it WILL NOT be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety and welfare.

d. The requested Special Use Permit, subject to the special conditions imposed herein, DOES preserve the essential character of the DISTRICT in which it is located.

Ms. Griest stated that the requested Special Use Permit, subject to the special conditions imposed herein, DOES preserve the essential character of the DISTRICT in which it is located.

5. The requested Special Use IS NOT an existing nonconforming use.

Mr. Thorsland stated that the requested Special Use IS NOT an existing nonconforming use.

6. The Special Conditions imposed herein are required to ensure compliance with the Criteria for special use permits and for the particular purposes described below:

A. The only two principal uses authorized by Case 767-S-13 are Contractors Facility with outdoor storage and/or outdoor operation and self-storage warehouse providing heat and utilities to individual units. Other uses that can be established by right in the B-1 District may be established if they are the only use on the subject property other than agriculture.

The special condition stated above is necessary to ensure the following:

That the petitioner and future landowners understand the requirements of the Zoning Ordinance.

B. The development of the site must be the same in the approved site plan that consists of the following:

(1) the Revised Site plan received September 3, 2014.

The special condition stated above is required to ensure the following:

That the development of the site is the same as described in the public hearing.

C. The Zoning Administrator shall not authorize a Zoning Use Permit without an approved septic system permit from the County Health Department for the replacement leach field.

The special condition stated above is required to ensure the following:

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That the septic system conforms to the requirements of the County Health Ordinance.

- D. **Complete Stormwater Drainage Plan for both the North and South detention basins that conform to the requirements of the Stormwater Management Policy shall be submitted and approved as part of the Zoning Use Permit application for construction and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The special condition stated above is required to ensure the following:

That the drainage improvements conform to the requirements of the Stormwater Management Policy.

- E. **The Zoning Administrator shall not authorize a Zoning Use Permit until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The special condition stated above is required to ensure the following:

That any proposed exterior lighting is in compliance with the Zoning Ordinance.

- F. **The Zoning Administrator shall not authorize a Zoning Compliance Certificate authorizing occupancy of the proposed self-storage warehouses until the Zoning Administrator has received a certification of inspection from an Illinois Licensed Architect or other qualified inspector certifying that the new building complies with the following codes: (A) The 2006 or later edition of the International Building Code; (B) The 2008 or later edition of the National Electrical Code NFPA 70; and (C) the Illinois Plumbing Code.**

The special conditions stated above are required to ensure the following:

That the proposed structure is safe and in conformance with Public Act 90-704.

- G. **Regarding security on the subject property:**

- (1) **The Zoning Administrator shall not authorize a Zoning Compliance Certificate until written documentation has been approved from the petitioner that the relevant fire protection district will have access through the security gate at all times.**

The special condition stated above is necessary to ensure the following:

That the petitioner provides adequate security measures and provides access to appropriate public safety agencies.

- H. **The property shall be enclosed by a six-foot tall chain link fence as follows:**

- (1) **The self-storage buildings and related parking area shall be enclosed by a six-foot tall chain link fence prior to occupancy and at all times during occupancy.**

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1 (2) Doors shall not be installed on any storage unit for which the exterior of that
2 unit is not enclosed by a six-feet tall chain link fence.

3 (3) The west and north sides of the property shall only need to be fenced with a six-
4 feet tall chain link fence at such time as (a) windblown litter has become a
5 problem on the adjacent farmland or (b) contractor operations have encroached
6 onto the adjacent farmland, and the adjacent landowner has submitted to the
7 Zoning Administrator a written request for installation of fencing, in which case
8 the petitioner shall install a six-feet tall chain link fence within two months of
9 receiving said notification to install the fencing from the Zoning Administrator.

10 The special condition above is required to ensure the following:

11 That the proposed Special Use does not interfere with adjacent agriculture.

12
13 I. The normal (i.e., non-emergency overflow) discharge of stormwater from the northwest
14 detention basin shall discharge directly into the neighbor’s six-inch diameter tile with
15 no overland flow and the discharge into the tile shall be limited to an amount that does
16 not exceed the discharge capacity of the six-inch diameter tile.

17 The special condition above is required to ensure the following:

18 Normal (i.e., non-emergency overflow) flow of storm water from the proposed Special
19 Use does not create erosion on the adjacent farmland or surcharge the existing six-inch
20 diameter tile.

21
22 Mr. Thorsland entertained a motion to adopt the Summary of Evidence, Documents of Record and Findings
23 of Fact, as amended, for Case 767-S-14.

24
25 Ms. Griest moved, seconded by Ms. Capel to adopt the Summary of Evidence, Documents of Record
26 and Findings of Fact, as amended, for Case 767-S-14. The motion carried by voice vote with one
27 opposing vote.

28
29 Mr. Thorsland entertained a motion to move to the Final Determination for Case 767-S-13.

30
31 Ms. Griest moved, seconded by Mr. Randol to move to the Final Determination for Case 767-S-13.
32 The motion carried by voice vote.

33
34 Mr. Thorsland informed the petitioner that two Board members were absent therefore it is at his discretion to
35 either continue Case 767-S-13 until a full Board is present or request that the present Board move to the
36 Final Determination. He informed the petitioner that four affirmative votes are required for approval.

37
38 Mr. Sebens requested that Case 767-S-13 be continued to a later date when a full Board may be present.
39

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1 Mr. Thorsland entertained a motion to continue Cases 766-AM-13 and 767-S-13 to the September 25, 2014,
2 meeting.

3
4 **Ms. Griest moved, seconded by Ms. Capel to continue Cases 766-AM-13 and 767-S-13 to the**
5 **September 25, 2014, meeting. The motion carried by voice vote.**

6
7 Mr. Randol asked if the only thing that will happen at the September 25th meeting is final action and not
8 testimony will be heard.

9
10 Mr. Hall stated that based on the testimony tonight he would not anticipate any testimony to debate the
11 request although it is a public hearing and the Board has to accept any testimony that a witness wants to give.

12
13 Mr. Thorsland stated that the Board will take a five minute recess.

14
15 **The Board recessed at 8:25 p.m.**

16 **The Board resumed at 8:32 p.m.**

17
18 **Case 769-AT-13 Petitioner: Zoning Administrator Request to amend the Champaign County Zoning**
19 **Ordinance by amending the Champaign County Storm Water Management Policy by changing the**
20 **name to the Storm Water Management and Erosion Control Ordinance and amending the reference**
21 **in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control**
22 **Ordinance as described in the legal advertisement which can be summarized as follows: I. Revise**
23 **existing Section 1 by adding a reference to 55 ILCS 5/5-15-15 that authorizes the County Board to**
24 **have authority to prevent pollution of any stream or body of water. (Part A of the legal**
25 **advertisement); and II. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be**
26 **new Section 2 and add purpose statements related to preventing soil erosion and preventing water**
27 **pollution and fulfilling the applicable requirements of the National Pollutant Discharge System**
28 **(NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement); and III. Add new Section**
29 **3 titled Definitions to include definitions related to fulfilling the applicable requirements of the**
30 **National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of**
31 **the legal advertisement); and IV. Revised existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11,**
32 **12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance**
33 **activities including a requirement for a Land Disturbance Erosion Control Permit**
34 **including Minor and Major classes of Permits that are required within the Champaign County MS4**
35 **Jurisdictional Area; add a requirement that land disturbance of one acre or more in a common plan**
36 **of development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit**
37 **requirements; add fees and time limits for each class of Permit; add requirements for administration**
38 **and enforcement Permits; and add new Appendices with new standards and requirements for both**
39 **Minor and Major Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement); and V.**

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1 **Revise existing Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation**
2 **onto adjacent properties and add minimum erosion and water quality requirements that are required**
3 **for all construction or land disturbance; and VI. Revise existing Section 5 to be new Section 8 and add**
4 **a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement); and VII.**
5 **Revise and reformat existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18.**
6 **(Parts G, I, J, P, Q, R, S and W of the legal advertisement).**

7
8 **Case 773-AT-14 Petitioner: Zoning Administrator Request to amend the Champaign County Storm**
9 **Water Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by**
10 **adding the following: A. Add a requirement for a Grading and Demolition Permit for any grading or**
11 **demolition that disturbs an acre or more of land or for any grading or demolition that is part of a**
12 **larger common plan of development in which one acre or more of land disturbance will occur, and**
13 **that is not related to any proposed construction; and B. Add fees for Grading and Demolition Permits;**
14 **and C. Add required information to be provided in the application for a Grading and Demolition**
15 **Permit; and D. Add a requirement that any grading or demolition pursuant to a Grading or**
16 **Demolition Permit shall comply with the Illinois Environmental Protection Agency’s ILR 10 General**
17 **Storm Water Permit for Construction; and E. Add a requirement that any demolition pursuant to a**
18 **Demolition Permit shall comply with the Illinois Environmental Protection Agency’s regulations**
19 **enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos; and F.**
20 **Add prohibitions against changing the flow of water and blocking the flow of water; and G. Add other**
21 **requirements related to Grading and Demolition Permits.**

22
23 Mr. Thorsland called Cases 769-AT-13 and 773-AT-14 concurrently.

24
25 Mr. Thorsland informed the audience that anyone wishing to testify for any public hearing tonight must sign
26 the witness register for that public hearing. He reminded the audience that when they sign the witness
27 register they are signing an oath. He asked the audience if anyone desired to sign the witness register at this
28 time.

29
30 Mr. Thorsland asked the petitioner if he would like to make a brief statement regarding the requests.

31
32 Mr. John Hall, Zoning Administrator, distributed a new Supplemental Memorandum for Case 769-AT-13,
33 dated September 11, 2014, and an excerpt of the approved minutes from May 29, 2014 and June 12, 2014.
34 He said that the first draft evidence for Case 769-AT-13 has been included as attachments. He said that draft
35 evidence related to Policy 8.4.5 begins on Attachment HH. He said that Policy 8.4.5 states, “The County
36 will ensure that non-point discharges from new development meet or exceed state and federal water quality
37 standards.” He said that this is drafted for the Board’s review and acceptance and the Board will find that
38 this evidence for this policy to be really burdensome but the standard is not simply what the IEPA says it is
39 but is also what the NPDES program sets up therefore he needed to review both. He said that even after

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1 reviewing both this is not some short little description that is easy to review therefore it is rather lengthy and
2 he apologizes to the Board for that and anything that the Board would like stricken could probably be
3 honored.

4
5 Mr. Hall stated that the second evidence is included in Attachment II and is related to the purpose of the
6 Ordinance. He said that Paragraph 2.0(b) states that one purpose of the zoning regulations and standards that
7 have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES
8 throughout the COUNTY. He said that we can't really evaluate this proposed amendment very thoroughly
9 but it is relevant to review what the USEPA did in the beginning, which is what helped get this rule adopted
10 in the first place and the USEPA found that the costs will, in their words, not likely exceed the benefits. He
11 said that Attachment II is his attempt to review this information as easily and concisely as he could so that
12 the information is not ignored. He said that there were comments received at the beginning when this was
13 circulated at ELUC asking about costs and benefits and in fact the USEPA did this in the beginning and
14 there is a lot to disagree about but at least it is summarized. He said that the only thing that the Board can do
15 regarding costs is to try to estimate the costs for a typical lot, and again this information was presented to
16 ELUC originally, and now it has been summarized into a Finding of Fact.

17
18 Mr. Hall stated that staff has been trying to prepare a handout and Susan Chavarria, Interim Associate
19 Planner, recently had time to make exquisite illustrations which will be handy in both the technical manuals
20 and in a handout. He said that a draft handout with illustrations has been distributed to the Board for review.
21 He said that one of the illustrations is titled, "Example Zoning Use Permit Site Plan for a New Home on a
22 Typical Rural Lot." He said that the illustration indicates a stockpile with silt fence which is part of the
23 proposed minimum requirements and this information will be expected to be included on any future Zoning
24 Use Permit site plan, provided that the County Board approves those minimum requirements. He said that
25 all of the other information on this site plan is what is required for any other Zoning Use Permit received
26 today, except for the proposed sump pump discharge location which is also a new requirement that is part of
27 the minimums also. He said that everything on a site plan for a Zoning Use Permit should probably be on a
28 site plan for an Erosion and Sediment Control Plan (ESCP). He said that the Board may recall that the
29 Technical Appendices for the Minor Land Disturbance Erosion Control Permit only had the site plans that
30 are also in the Urbana and Champaign Technical Appendices and they will not be real useful for the County.

31 He stated that the other illustrations are titled, "Example Erosion and Sediment Control Plan (ESCP) for a
32 New Home on a Typical Rural Lot in MS4 Area, Example 2: All soil disturbed on property;" and "Example
33 Erosion and Sediment Control Plan (ESCP) for a New Home on a Typical Rural Lot in MS4 Area, Example
34 1: Grass already established-limited soil disturbance area." He said that this site plan is for a rural lot with a
35 septic field which will be part of the disturbed area and it shows the soil stockpile, stabilized construction
36 entrance, a silt fence and the area that will be disturbed. He said Example 1 indicates that the disturbed area
37 is kept as small as possible. He said that any comments that anyone may have regarding the site plans would
38 be appreciated because he has never done erosion control on a rural site plan. He said that Example 2
39 indicates that the whole lot is being disturbed. He said that the site plans look really good in color but we are

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1 not going to ask applicants to submit color therefore we prepared these in black and white. He said that this
2 is what we want people to put on site plans if they are building a new home in the MS4 Area.

3
4 Mr. Hall stated that the handout includes some information that has not been discussed yet during the public
5 hearing and that is because there will be changes in the future. He said that we are going to be required to
6 have Erosion and Sediment Controls on any lot located in the Special Flood Hazard Area (100-year
7 floodplain) on which there is one acre or more of land disturbance. He said that this will be required because
8 our Special Flood Hazard Ordinance requires any state or federal permits that are also necessary therefore the
9 ILR10 is necessary if you are disturbing more than one acre of land when a home is being built in the
10 floodplain. He said that this information is a new thing that he just realized within the past few weeks and
11 this requirement will need to be added to the draft ordinance. He said that of all of the requirements for
12 building in the floodplain he believes that this will be the easiest but since this did occur to staff previously it
13 will need to be included in the draft. He said that the same inspections will not be completed in the Special
14 Flood Hazard Area that are completed in the MS4 area, unless it is in within the MS4 area, but the point is
15 that they are going to have to comply with ILR10 therefore they are going to have to meet all of the Erosion
16 and Sedimentation Control measures.

17
18 Mr. Hall stated that the handout attempts to summarize all of the requirements on one page in a simple, easy
19 to read format and it is not meant to replace the ordinance. He said that he realized after the handout was
20 copied that there is no mention of exemptions and that information needs to be added; otherwise he believes
21 that this handout could work.

22
23 Mr. Hall noted that the new Champaign County MS4 Jurisdiction Map, which Mr. Levy updated before
24 leaving the County, is included on the back of the handout. He said that all of the major streets have been
25 labeled at the perimeter of the MS4 area; therefore, this map would work for the final ordinance. He said
26 that any comments that anyone has regarding this updated map are welcome.

27
28 Mr. Hall stated that he does not expect the Board to do a lot with this information tonight but the Board does
29 have evidence to review and critique and hopefully the handout including the site plans will give the Board a
30 better sense of what the ordinance actually means. He said that these cases should not be continued to the
31 September 25th meeting but should return to the Board on October 16th.

32
33 Ms. Lee asked Mr. Hall if there is any way that the Board could come to the office to make sure that their
34 notebooks are in the correct order as intended by staff. She said that she has no idea if she has inserted the
35 handouts in the correct order or if she has all of the required documents for review.

36
37 Mr. Hall stated that the Board can always come to the office on any day of the week. He said that mainly the
38 notebook is intended to be usable by the Board but if anyone would like to come to the office to assure that
39 they have all of the documents then staff would be happy to assist them.

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

Mr. Hall noted that the handout indicates that any stockpile or multiple stockpiles with a total volume of 150 cubic yards or more must also have appropriate erosion and sedimentation controls. He said that previously 100 cubic yards was indicated and when asked why 100 cubic yards was used he would reply that it was the information found in most ordinances. He said that the more he reviewed the 100 cubic yards he found that it would not be a stockpile big enough for a small house that didn't have a basement, which would be more in the order of 120 yards. He said that he decided that since there is no real requirement for this to be at 100 cubic yards he bumped it up to 150 cubic yards which would mean that a small house built without a basement would not result in a stockpile big enough to worry about. He said that anytime we can match real world occurrences it always helps improve the ordinance.

Mr. Hall stated that the 150 cubic yard threshold for soil stockpiles and the requirement for an ILR10 permit in the Special Flood Hazard Area are the only changes that he can really think of that are on the handout that the Board has not been given a copy of the draft ordinance that has those items included.

Mr. Thorsland asked Mr. Hall to indicate the purpose of the asterisks on the handout.

Mr. Hall stated that the asterisks are meant to flag those things that are part of the minimum requirements. He said that the handout will only be useful if the County Board adopts the minimum requirements. He said that if the County Board does not adopt the minimum requirements then the handout may get shorter.

Mr. Thorsland asked the Board if there were any additional questions for Mr. Hall.

Ms. Lee asked Mr. Hall if when he talks about the minimum requirements if he means that it has to be done within the MS4 area.

Mr. Hall stated that he is referring to Section 6 which would usually refer to the optional minimum requirements. He said that in the version of the draft ordinance that the Board received in May there are notes after each of those paragraphs that are part of the optional requirements so that it is made real clear.

Mr. Thorsland asked if it would be fair to say that the typical new home will not require an ILR10 permit.

Mr. Hall stated that the typical could be anything because we always require a Zoning Use Permit and the Erosion and Sediment Control Plan (ESCP) could be an ILR10 or could be a minor Land Disturbance Erosion Control (LDEC) permit, which would be theoretically under some ILR10.

Mr. Thorsland stated that it could be indicated that this is what we want to see for any site plan and it may

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1 fall under the requirements.

2
3 Mr. Thorsland stated that staff has requested that these cases not be continued to the September 25th meeting.

4
5 Mr. Hall stated that these cases could be continued to the September 25th meeting if the Board would like the
6 opportunity to come back with questions.

7
8 Mr. Thorsland stated that the Board needs time to review the distributed information.

9
10 He noted that he will not be in attendance at the October 16th meeting.

11
12 Mr. Hall stated that the Board does need to receive more evidence before making a final recommendation
13 and it is possible that by October 16th the Board will have received this evidence but he cannot guarantee that
14 the Board will have it before the meeting or very long before the meeting. He said that expecting final action
15 on October 16th is not realistic.

16
17 Mr. Thorsland entertained a motion to continue Cases 769-AT-13 and 773-AT-14 to the October 16, 2014,
18 meeting.

19
20 **Ms. Griest moved, seconded by Ms. Lee to continue Cases 769-AT-13 and 773-AT-14 to the October**
21 **16, 2014, meeting. The motion carried by voice vote.**

22
23 **6. New Public Hearings**

24
25 None

26
27 **7. Staff Report**

28
29 Mr. Hall stated that the Committee of the Whole tentatively recommended the upgrading of the Associate
30 Planner position and the recommendation will be on the County Board agenda for September 18th. He said
31 that we could be recruiting for an associate planner by the end of this month.

32
33 Mr. Hall stated that the docket indicates that there is not a big backlog of cases, which is good, but he can
34 think of a handful of cases that he is expecting to come in therefore we could get very busy very quickly. He
35 said that he is expecting to move forward recruiting an associate planner this fall.

36
37 **8. Other Business**

38 **A. Review of Docket**

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1 Mr. Thorsland asked the Board if anyone anticipates being absent from any of the future meetings. He noted
2 that he will be absent from the October 16th meeting.

3
4 Ms. Griest stated that she will be absent from the October 30th meeting.

5
6 Mr. Thorsland requested that the Board notify staff immediately if they are unable to attend any ZBA
7 meeting.

8
9 Mr. Hall informed the Board that the Environment and Land Use Committee recommended approval of
10 Case 771-AM-14 and it has been placed on the September 18, 2014, County Board Consent Agenda.

11
12 Ms. Lee asked how the Board is to notify staff after hours if they are unable to attend that night's meeting.

13
14 Mr. Hall stated that the Board can always leave a message at the office because staff always checks the
15 phone and e-mail for messages prior to the meeting.

16
17 Mr. Thorsland stated that if an emergency occurs and he is unable to attend a meeting he will call one of the
18 other Board members to make them aware of his absence. He said that staff has provided a listing of all
19 contact numbers for the Board's use.

20
21 **9. Audience Participation with respect to matters other than cases pending before the Board**

22
23 None

24
25 **10. Adjournment**

26
27 Mr. Thorsland entertained a motion to adjourn the public hearing.

28
29 **Ms. Griest moved, seconded by Ms. Lee to adjourn the public hearing. The motion carried by voice**
30 **vote.**

31
32 The meeting adjourned at 8:55 p.m.

33
34
35 Respectfully submitted

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1 Secretary of Zoning Board of Appeals
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