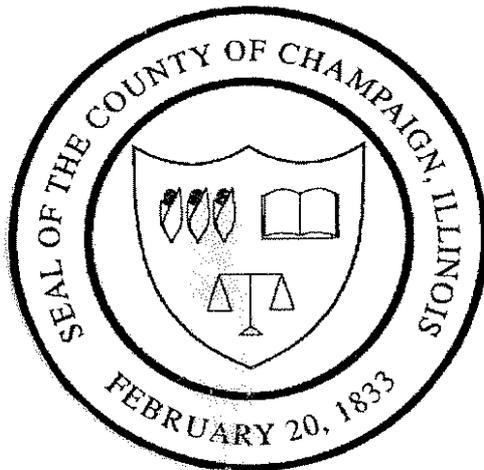


Environment & Land Use Committee Agenda

March 12, 2007



7:00 p.m.

*Lyle Shields Meeting Room
Brookens Administrative Center
1776 East Washington, Urbana, Il 61802
(217) 384-3708*

AGENDA

Champaign County Environment & Land Use Committee

Members:

*Jan Anderson, Chris Doenitz, Matthew Gladney,
Brad Jones, Ralph Langenheim, Carrie Melin, Steve
Moser, Jon Schroeder (VC), Barbara Wysocki (C)*

Date: *March 12, 2007*

Time: *7:00 p.m.*

Place: *Lyle Shields Meeting Room
(Meeting Room 1)
Brookens Administrative Center
1776 E. Washington St.
Urbana, Illinois*

Phone: *(217) 384-3708*

AGENDA

Old Business shown in Italics

1. Call to Order
2. Approval of Agenda
3. Approval of Minutes (February 12, 2007) 1 thru 20
4. Public Participation
5. Correspondence
 - A. Public Notice of the Proposed Issuance of a Federally Enforceable State Operating Permit to Collins and Aikman – Rantoul Products Plant No. 1 in Rantoul 21
 - B. Public Notice of the Proposed Issuance of a Federally Enforceable State Operating Permit to Collins and Aikman – Rantoul Products Plants No. 2 and 3 in Rantoul 22
6. County Board Chair's Report
7. Presentation by Board Parliamentarian Susan W. McGrath on correct parliamentary procedure for motions made in committee.
8. CDAP Loan- CIPH, LLC d/b/a American Pride Plumbing, Heating & Air Conditioning 23 thru 24
9. *Remanded Zoning Case 520-AM-05 Petitioner: Gene Bateman*

Request: Amend the Zoning Map to allow for the development of 2 single-family lots in the AG-1, Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District

Location: Approximately seven acres of an existing 62.20 acre parcel in the East Half of the Northeast Quarter of Section 29 of Newcomb Township that is commonly known as the farm field that borders the south side of CR 2600N and CR 200E.

ENVIRONMENT AND LAND USE COMMITTEE AGENDA
MARCH 12, 2007
PAGE 2

10. **Zoning Case 573-AM-06:** Petitioner: **Bill Cope and Mary Kalantzis** 25 thru 51
Request: **Amend the Zoning Map to allow for the development of 3 single family residential lots in the CR, Conservation Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**
Location: **An 18.96 acre tract that is approximately in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32 of Somer Township and commonly known as the tree farm at 4100 North Lincoln Avenue.**
11. **Zoning Case 579-AM-07:** Petitioner: **Bill Cope and Mary Kalantzis** 52 thru 66
Request: **Amend the Zoning Map to change the zoning district designation from AG-2, Agriculture Zoning District to CR, Conservation Recreation Zoning District.**
Location: **A 10 acre tract that is approximately the West Half of the East Half of the Northeast Quarter of the Northwest Quarter of Section 32 of Somer Township and commonly known as the western half of the tree farm at 4100 North Lincoln Avenue.**
12. **Alternatives for Zoning Ordinance text amendment for land use compatibility near pipelines** 67 thru 78
13. **2007 Electronics Recycling Event Update** 79
14. *Proposal to prepare a Champaign County Government Land Use Plan*
15. *FY07 Regional Planning Commission County Work plan (annual work plan for the County Special Projects Planner at the RPC)*
16. **Review of Closed Session Minutes (October 16, 2006)**
17. **Update on Enforcement Cases**
18. **Monthly Report (February, 2007)**
(Information to be distributed at meeting)
19. **Other Business**
20. **Determination of Items to be placed on the County Board Consent Agenda**
21. **Adjournment**

SUBJECT TO APPROVAL

1 **MINUTES OF REGULAR MEETING**

3 **Champaign County Environment** **DATE:** **February 12, 2007**
4 **& Land Use Committee** **TIME:** **7:00 p.m.**
5 **Champaign County Brookens** **PLACE:** **Lyle Shields Meeting Room**
6 **Administrative Center** **Brookens Administrative Center**
7 **Urbana, IL 61802** **1776 E. Washington Street**
8 **Urbana, IL 61802**

10
11
12 **MEMBERS PRESENT:** Jan Anderson, Chris Doenitz, Matthew Gladney, Brad Jones, Ralph
13 Langenheim, Carrie Melin, Jon Schroeder (VC), Barbara Wysocki (C)

15 **OTHER COUNTY**
16 **BOARD MEMBERS**
17 **PRESENT:** C. Pius Weibel (County Board Chairman)

DRAFT

18
19
20 **MEMBERS ABSENT:** Steve Moser

21
22 **STAFF PRESENT:** John Hall, Leroy Holliday, Susan Monte (Regional Planning Commission
23 County Planner), Rita Morocoima-Black (CUAATS), Frank DiNovo
24 (Regional Planning Commission)

25
26 **OTHERS PRESENT:** Michael Tague, Eric Thorsland, Hal Barnhart, Tama Fruhling, Louis
27 Wozniak, Doug Turner

30
31 **1. Call to Order, Roll Call**

32
33 The meeting was called to order at 7:00 p.m. The roll was called and a quorum declared present.

34
35 **2. Approval of Agenda and Addendum**

36
37 **Ms. Anderson moved, seconded by Mr. Gladney to approve the agenda and addendum as submitted.**
38 **The motion carried by voice vote.**

39
40 **3. Approval of Minutes (January 16, 2007)**

41
42 **Mr. Doenitz moved, seconded by Mr. Jones to approve the January 16, 2007, minutes as submitted.**
43 **The motion carried by voice vote.**

44
45 **4. Public Participation**

46
47 Mr. Michael Tague, legal representative for Mr. Bateman addressed agenda Item #8. He stated that he could
48 either make his comments regarding Case 520-AM-05, at this time or he can wait until the case his called.

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Ms. Wysocki asked Mr. Tague if he would like to give any preliminary comments regarding Case 520-AM-05.

Mr. Tague stated that Mr. Bateman has a farm which has four existing residential lots. He said that all of the four existing residential lots are within the potential impact radius of the gas pipelines which are not located on his property. He said that Mr. Louis Wozniak, Petitioner for Case 542-AM-06, will also speak about the gas pipelines because he shares the same problem with the pipelines. He said that Mr. Bateman had submitted a proposal to create five more lots in an area that appeared appropriate for rural suburban lots. He said that the location is not considered "best prime farmland." He said that when creating small residential properties the impact upon farm traffic, placement of mailboxes, drainage tiles and easements must be considered and all interested parties have been satisfied with the proposed plan. He said that even though there are two gas pipelines located across the road to the east and north from Mr. Bateman's property, the only easement which was found would give People's Gas 45 feet to install three more pipelines if necessary. He said that the representative for People's Gas informed the Zoning Board of Appeals that People's Gas had no present intention of installing more pipelines along Mr. Bateman's property. He said that the Petitioner is aware that no property, which could be developed upon, could be included within the 45 foot easement although People's Gas wanted to make everyone aware of the potential impact radius which in essence created a 350 foot type of an area which could not be developed upon. He said that People's Gas did not state that people could not build in this area but did inform everyone that the pipelines were present so that people could make an informed choice. He said that revised lots were proposed which had suitable buildable area outside of the potential impact area and will have proposed restrictions so that no one would place a dwelling within the potential impact area although there is no legal prohibition. He said that the existing four lots could build within the potential impact area and if the RRO was not necessary someone could build within a few feet of the pipeline. He said that the ZBA did not feel that this was appropriate because people may not be within their dwelling but upon their property in the potential impact area. He said that a new plan was submitted which would have lots in which all of the lot, except for the driveway, would be outside of the potential impact area therefore the only way that someone could be effected would be by failure. He said that the ZBA felt that this was a reasonable way to deal with the potential impact radius although flag lots must be created to accomplish this concept. He said that if there was no reason for the flag lots he could understand any hesitation from ELUC but the Petitioner felt that they were being pushed by the ZBA to make safety the concern and to create suitable buildable lots outside of the potential impact radius.

Mr. Louis Wozniak stated that he will submit his comments when Case 542-AM-06 is called.

Mr. Doug Turner, who resides at 248 CR 2500N, Mahomet stated that he owns property to the south and operates a fairly large livestock facility on his property. He said that his family also owns the property to the east of the proposed subdivision. He said that there are three existing homes on Mr. Bateman's property and they were built prior to the initiation of the RRO process. He said that the two homes which are located the closest to his livestock operation are very good neighbors and they do like the livestock facility although he is not sure what future owners will think of his operation. He said that his livestock facility has been in his

1 family since 1902 and he is concerned that his operation could be effected by people building houses next to
 2 his property. He said that this request came to the Committee in January and failed to pass due to the lack of
 3 a second. He said that flag lots in Champaign County have already presented numerous problems and one of
 4 those problems is that ideal conditions would need to exist to turn around an emergency vehicle on a flag lot.
 5 He said that the turn-around radius of 40 feet is required for an emergency vehicle but usually a house fire
 6 requires more than one emergency vehicle and if water must be hauled in from a different location there is
 7 no way to get enough water to the facility to put out the fire therefore placing the homeowners at risk. He
 8 said that another issue to consider is the ability of a homeowner to clear out their drive after a large snow
 9 event to allow an emergency vehicle to reach the home. He said that very few people who move to the
 10 country understand how different the wind and the snow affect a rural lot. He said that he believes that the
 11 flag lots are a bad idea and would impact the adjacent farming operation. He said that if the proposed lots
 12 are approved he believes that Mr. Bateman will be back in front of this Committee requesting additional lots
 13 in the future. He requested that the Committee recommend denial.

14
15

16 **5. Correspondence**

17 **A. Letter from Reg Ankrom, Illini Ethanol, LLC**

18
19 **The consensus of the Committee was to place the letter from Reg Ankrom, Illini Ethanol, LLC on file.**

20
21

22 **6. County Board Chair’s Report**

23
24 None

25
26

27 **7. Recreation and Entertainment License: Shirley’s Oasis, 2705 CR 3000N, Penfield, IL**
28 **February 1, 2007 through December 31, 2007.**

29 **Mr. Doenitz moved, seconded by Ms. Anderson to approve the Recreation and Entertainment License**
30 **for Shirley’s Oasis.**

31
32

32 Ms. Melin requested clarification of the term “amusement machine.”

33
34

34 Ms. Anderson stated that pinball machines are considered a type of “amusement machine.” She asked if the
35 property recently changed ownership.

36
37

37 Ms. Wysocki stated yes.

38
39

39 Mr. Hall stated that the “amusement machines” are licensed with the county and those licenses are also
40 processed through the Planning and Zoning Department.

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42 **The motion carried by voice vote.**

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8. **Remanded Zoning Case 520-AM-05** Petitioner: **Gene Bateman** Request: **Amend the Zoning Map to allow for the development of 2-single family lots in the AG-1, Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.** Location: **Approximately seven acres of an existing 62.20 acre parcel in the East Half of the Northeast Quarter of Section 29 of Newcomb Township that is commonly known as the farm field that borders the south side of CR 2600N and CR 200E.**

Ms. Anderson moved, seconded by Mr. Langenheim to recommend approval of Case 520-AM-05.

Mr. Schroeder stated that he will not support this proposal due to the proposed flag lots.

Ms. Anderson requested clarification of the term “flag lot.”

Mr. Hall stated that a “flag lot” is a lot where the frontage is less than the width. He said that in this case the frontage is as much as 90 feet but tapers back to a 40 foot access strip and the main portion of the lot is set back from the road based upon the potential impact area. He said that the Land Use Goals and Policies do not address flag lots and flag lots are entirely in conformance with the Zoning Ordinance although that does not mean that the Committee has to agree with flag lots but they are permitted. He said that various Board members have concerns regarding flag lots but until a text amendment prohibits flag lots this proposal conforms to the Zoning Ordinance.

Mr. Doenitz requested a roll call vote.

Mr. Hall noted that the State’s Attorney is not present at tonight’s meeting and he explained that if the Committee decides to vote against the recommendation of the ZBA the finding must be revised to support the Committee’s decision.

Mr. Langenheim asked Mr. Hall when the Committee would need to revise the finding.

Mr. Hall stated that the finding will need to be revised prior to the case being forwarded to the full County Board.

Mr. Langenheim asked if the revision of the finding should be completed during the course of this meeting.

Mr. Hall stated yes.

Ms. Melin stated that the proposal indicates that the driveway will be paved. She asked if a paved driveway is the “norm” for a flag lot in other rural developments in the County.

Mr. Hall stated that a paved driveway is not a requirement of the Zoning Ordinance. He said that the paved

1 driveway is a special condition required by the ZBA so that these lots will be in conformance with the fire
2 protection district requirements.

3
4 Ms. Melin asked if the lot was not considered a flag lot would a paved driveway be required.

5
6 Mr. Hall stated that a paved driveway would still be a requirement of the fire protection district but the ZBA
7 would probably not require it as a special condition. He said that in Case 542-AM-06, the ZBA did make a
8 paved driveway a special condition even though the lots are regular frontage lots.

9
10 Ms. Wysocki stated that she visited the subject properties for both Case 520-AM-05 and Case 542-AM-06.
11 She said that she read the concerns of the ZBA about the gas lines and she wished that there had been an
12 indication on one of the maps where the lines were located. She said that she observed the substation and
13 the indicators that there are gas lines in the territory but it is not clear where the lines run and how it impacts
14 the placement of the proposed lots. She said that she traveled to the west of the Bateman property and
15 realized that there are a number of existing homesteads that are in relatively close proximity to one of the
16 substations. She said that obviously the previous homeowners had someone approving their lots even
17 though they were within close proximity to the gas lines and she has a hard time making a case for why not
18 these tonight.

19
20 Mr. Doenitz stated that a lot of the existing homes were there before the gas lines were installed and the new
21 homes are located on by-right lots therefore the lots did not require approval.

22
23 Ms. Wysocki asked Mr. Doenitz if the gas lines ran parallel to the road.

24
25 Mr. Doenitz stated yes.

26
27 Ms. Melin stated that it is her understanding that the livestock facility is protected from the Nuisance
28 Ordinance.

29
30 Mr. Hall stated that the County has an ordinance which makes it very clear that the County will not enforce
31 its Nuisance Ordinance on the livestock facility although it does not mean that the homeowners could not
32 take a private course of action if they chose to do so.

33
34 The roll was called:

35			
36	Anderson-yes	Doenitz-no	Gladney-no
37	Jones-no	Langenheim-yes	Melin-yes
38	Moser-absent	Schroeder-no	Wysocki-yes
39			

40 Ms. Wysocki stated that the motion failed due to a tie vote.

41
42 Mr. Hall stated that it might be better to have a motion to reconsider Case 520-AM-05 and then go in to the

1 motion and then, if the case, make a motion to deny. He said that the reason that this case had to come back
2 to the Committee this month was because the motion was not handled properly in January.

3
4 **Mr. Schroeder moved, seconded by Mr. Langenheim to reconsider the original motion. The motion**
5 **carried by voice vote.**

6
7 **Mr. Schroeder moved, seconded by Mr. Doenitz to recommend denial of Case 520-AM-05, per the**
8 **following amended finding:**

9
10 Mr. Schroeder stated that the proposed site is **not suitable** for the development of two residences because:

- 11 1. the fact that there are two high pressure gas pipelines in the vicinity; and the existing lots are
- 12 either in conformance to the Ordinance or were already in place prior to the installation of the
- 13 gas pipelines; and
- 14 2. the site has much worse than typical Champaign County conditions because it is bordered on
- 15 one side by livestock management facilities; and
- 16 3. emergency services vehicle access is limited by flooding.
- 17 4. the ZBA voted for acceptance with nine conditions for two flag lots and it would be very
- 18 difficult to police.

19
20 Mr. Schroeder stated that development of the proposed site under the proposed Rural Residential Overlay
21 development **will not** be compatible with surrounding agriculture because:

- 22 1. the presence of adjacent livestock management facilities on one side and four other livestock
- 23 management facilities within one-mile radius of the property for a total of three active
- 24 families that are by law allowed to expand up to 1,000 animal units; and
- 25 2. the presence of a drainage district tile near the proposed RRO District.

26
27 Mr. Langenheim suggested the removal of the reference to the gas lines because the lots boundaries are
28 outside of the described easement for the gas lines therefore they comply with the existing safety regulations.

29
30 Mr. Schroeder concurred with Mr. Langenheim’s request to strike his comments in Item #1 regarding
31 suitability regarding the two high pressure gas pipelines in the vicinity. He said that he opposes the proposed
32 RRO because of the jigsaw puzzle effect that it creates strips of land that would be difficult to farm. He said
33 that row crops would be out of the question.

34
35 Mr. Tague stated that the Petitioner’s whole approach has been to work with the problems that are created by
36 the uniqueness of the proximity of the high pressure gas lines and the other challenges that have been
37 encountered. He said that Mr. Hall has reminded him that there is another potential configuration in which
38 the lots could be put together to deal with fragmentation and flag lot problems. He said that the 1.6 acre lot
39 could be abutted to the farthest lot to the south therefore only having one flag lot and eliminating the
40 fragmentation of the farming. He said that the current configuration minimizes taking prime farm ground
41 out of production. He said that by putting the flag lots adjacent to each other and sharing a common lane
42 would eliminate a legitimate finding that the emergency vehicles could not reach the properties due to

1 flooding. He said that he would appreciate another opportunity to revise the site plan so that all of the
2 objections relative to the number of farms in the vicinity could be eliminated with reconfiguration of the lots.
3 He said that the lane would be designated as a public street rather than a shared, private lane.

4
5 Mr. Schroeder stated the approval of the township road supervisor must be obtained if the road is to become
6 a public street.

7
8 Mr. Hall stated that if the lane is to become a public street there is a process for getting the street constructed
9 through the subdivision process and this process would require County Board approval. He said that Mr.
10 Tague's concerns appear to be focused on the flag lots and admittedly the ZBA is not as experienced with
11 flag lots as the County Board. He said that if this is a revision that the Committee might be willing to
12 entertain the case could be remanded back to the ZBA for review of the revised site plan.

13
14 Mr. Schroeder stated that flag lots are a bad use of property unless there is an instance where a flag lot is
15 needed. He said that he is concerned that there is more and more density piling in to this area and the
16 dangerous conditions that sometimes exist for emergency vehicles to access the properties. He said that he is
17 not a big proponent of flag lots.

18
19 Mr. Tague stated that originally the high pressure gas pipelines were the main concern. He said that one of
20 the proposals that was created was to have no flag lots but regular lots along the road which would have a
21 lane of approximately 300 feet to access the area outside of the potential impact radius where the house
22 could be built. He said that the ZBA was concerned that people could be in their yards which were inside
23 the potential impact area therefore the approach of regular lots was abandoned. He asked the Committee if
24 the approach of having regular lots with super setback lines to deal with the potential impact radius concern
25 would satisfy the Committee's concerns.

26
27 Mr. Schroeder stated that after reviewing the documentation he is still concerned about the high pressure gas
28 lines and placing homes within this area. He said that he has a high pressure gas line on the west side of his
29 property which runs from Morris, Illinois to Tuscola, Illinois and he can just farm over this pipeline. He said
30 that someone who lives in this new subdivision and requires maintenance in their backyard could easily be
31 unaware of the location of the high pressure lines and disturb one of those lines. He said that he is concerned
32 about how many lots are being created in this area.

33
34 Mr. Gladney asked Mr. Hall if when the ZBA makes a recommendation regarding a case is the Committee
35 expected to go with their recommendation. He said that he gets the sense that not forwarding the ZBA's
36 recommendation to the County Board is an issue.

37
38 Ms. Wysocki stated that ELUC does not have to accept the ZBA's recommendation but if the
39 recommendation is turned down ELUC must prepare a statement as to why ELUC is varying from the ZBA's
40 recommendation.

41
42 Mr. Hall stated that this guidance comes from legal precedence where the County has been involved in legal

1 cases before and the State’s Attorney informed the Committee that if action is taken which is counter to the
2 ZBA’s recommendation then ELUC’s action must be justified in writing.

3
4 Mr. Schroeder stated that it is very rare that ELUC overturns a recommendation by the ZBA.

5
6 Ms. Wysocki suggested that ELUC members visit a ZBA meeting so that they can appreciate the hard work
7 that the ZBA does have to go through in making their recommendations to this Committee. She asked the
8 Committee if they would prefer to defer this case to the March meeting.

9
10 Mr. Langenheim stated that perhaps this should be deferred to the March meeting so that the Petitioner can
11 revise his site plan for consideration.

12
13 Mr. Hall stated that if the plan is revised and the case is deferred he would like to obtain legal comments
14 from the State’s Attorney’s Office.

15
16 Mr. Langenheim asked if a motion to defer would charge the Petitioner to revise his site plan for further
17 recommendation.

18
19 Mr. Wysocki stated that revising the site plan is at the discretion of the Petitioner.

20
21 **Mr. Langenheim moved, seconded by Mr. Gladney to defer the consideration of the motion to**
22 **recommend denial of Case 520-AM-05, to the March, ELUC meeting. The motion carried by voice**
23 **vote with two opposing votes.**

24
25 Ms. Wysocki stated that Case 520-AM-05 has been deferred to the March meeting and it is up to the
26 Petitioner as to what his next step will be.

27
28
29 **9. Case 542-AM-06 Petitioner: Louis and JoAnn Wozniak Request: Amend the Zoning Map to**
30 **allow for the development of 8 single family residential lots in the AG-1, Agriculture Zoning**
31 **District by adding the Rural Residential Overlay (RRO) Zoning District. Location: A 57.64**
32 **acre tract of land located in the East ½ of the Southwest ¼ of Section 22 of Newcomb**
33 **Township and located on the west side of Illinois Route 47 and between CR 2600N and CR**
34 **2650N.**

35
36 **Mr. Doenitz moved, seconded by Mr. Jones to recommend denial of Case 542-AM-06.**

37
38 Mr. Doenitz stated that this is the kind of subdivision that the County Board clearly indicated that they do
39 not want in the County. He said that if he remembers correctly the County Board stated that they wanted
40 compact and contiguous development and this subdivision does not qualify for either one. He said that the
41 ZBA findings indicate the same.

1 Ms. Wysocki noted that the ZBA recommendation is denial.
2
3 Mr. Louis Wozniak distributed an informational handout to the Committee for review.
4
5 Ms. Wysocki reminded Mr. Wozniak that the Committee cannot accept new evidence regarding this case.
6
7 Mr. Wozniak stated that the handout is not new information regarding approval or denial and is only new
8 information about what he is about to petition the Committee for approval. He said that the distributed
9 information will answer many of the Committee's questions regarding his request.
10
11 Ms. Wysocki asked Mr. Wozniak what he is petitioning the Committee to do.
12
13 Mr. Wozniak stated that he is petitioning the Committee to defer his case until such time that the County
14 Board makes a decision on a text amendment regarding pipeline safety.
15
16 Mr. Schroeder asked Mr. Hall if currently there was such a text amendment.
17
18 Mr. Hall stated no.
19
20 Ms. Wysocki informed Mr. Wozniak that this case could be deferred for more than 30 days.
21
22 Mr. Wozniak stated that he would expect that his case be deferred for the rest of the year.
23
24 Mr. Doenitz stated that he believes that the Committee is walking a very thin line in accepting this
25 information from Mr. Wozniak.
26
27 Ms. Wysocki agreed and informed Mr. Wozniak that she is going to be very cautious and if this begins to
28 sound like a plea for something then she will interrupt him and deny further comments.
29
30 Mr. Wozniak stated that he understood. He said that during the previous case the Committee stated that
31 some of the homes existed prior to the installation of the high pressure gas pipeline. He said that this
32 information should make it very clear that People's Gas does not have any issues with installing their
33 pipelines within the potential impact radius of an existing home. He said that the two pipelines which are
34 next to Mr. Schroeder's property are not just a collection pipeline but is a transmission pipeline and is very
35 large. He said that the gas line easement is located on a deed to a property therefore if the future homeowner
36 reviews his deed to his newly obtained property he will be well informed of the existence of the pipeline next
37 to his property. He said that he would like to address the issue of pipeline safety. He said that he is not
38 questioning whether the ZBA acted in good reason or not but he does feel that they over stepped their
39 mandate because there are no regulations concerning the location of a home next to a high pressure gas
40 pipeline. He said that he would like to see a text amendment to the Ordinance which would clearly define to
41 everyone where buildable area is located on such a lot and where it is not. He said that the County Board
42 owes it to the people of the County to make this information very clear so that these issues do not

1 continuously occur before the ZBA.
2
3 Mr. Wozniak stated that the high pressure pipeline is located along Route 47 to the east and south of the
4 subject property. He said that the second page of the handout indicates the “no build zone” or potential
5 impact radius of the area. He said that in his request it was proposed that the homes be built outside of the
6 potential impact area and his request was denied. He said that the ZBA denied his request because of the
7 safety issue although the lots in Case 542-AM-06 do have a buildable area outside the potential impact
8 radius. He said that Case 520-AM-05 achieved approval by creating flag lots by which only the driveways
9 are located within the potential impact radius and one of the main concerns that the ZBA had with Case 520-
10 AM-05 is that kids would play in the potential impact radius. He said that kids would be gathered at the end
11 of the driveways, which are located within the potential impact radius, waiting for the school bus. He said
12 that Case 542-AM-06 also has the situation of the kids gathering at the end of their driveways, located within
13 the potential impact radius, waiting for a school bus which is a safety concern. He said that he cannot see a
14 difference between the two yet the ZBA decided that Case 520-AM-05 should be recommended for approval
15 and Case 542-AM-06 was recommended for denial. He said that this is why it is very important for the issue
16 of pipelines to be determined by the County Board so that recommendations are consistent with the County’s
17 determination. He requested that Case 542-AM-06 be deferred until such time that the County Board
18 decides to make a ruling on pipelines. He said that the subject property currently has five by-right lots
19 available for creation and could cover the entire acreage. He said that three of the lots could be less than ten
20 acres and two of the lots could be 35 acres or more therefore this is the basic difference between Case 520-
21 AM-05 and Case 542-AM-06 although they both have the issue of the pipeline which needs resolved.
22
23 Ms. Melin asked Mr. Wozniak if the subject property is currently being farmed.
24
25 Mr. Wozniak stated yes. He said that there is a huge swale in the middle of the property and it is not
26 extremely productive.
27
28 Ms. Melin asked Mr. Wozniak if the low productivity is why he desires to subdivide the property.
29
30 Mr. Wozniak stated yes. He said that to the north the surrounding area is basically subdivided into
31 approximately five acre lots.
32
33 Mr. Doenitz asked Mr. Wozniak what he will do with the drainage swale and the existing drainage tile.
34
35 Mr. Wozniak stated that the drainage swale will be preserved by an easement and only vegetation will be
36 permitted. He said that all lots are accessible without crossing the swale easement. He said that unless a
37 variance is permitted the drainage tile must be replaced with a continuous solid tube and if necessary he will
38 do such unless so many restrictions are imposed and he finds that it is not worth it and he decides to only go
39 with his five by-right lots. He said that if he proceeds with the RRO he will abide by all of the County’s
40 requirements. He noted that there is a 15 foot elevation difference between the southern and northern portion
41 of the property. He stated that he would appreciate it if the Committee would defer Case 542-AM-06 to a
42 later date and if Mr. Hall would propose text to deal with pipelines in the County.

1
 2 Mr. Schroeder stated that Mr. Wozniak appears to be creating the best scenario for his request therefore
 3 perhaps it would be in the best interest of Mr. Wozniak and Mr. Bateman if a text amendment was drafted to
 4 deal with the pipeline safety issue. He said that the County does not have a standard for pipeline safety and
 5 one is obviously needed.

6
 7 Mr. Hall stated that to be fair to the landowners it would be good if the County could review the Ordinance
 8 to see what the County Board’s position is on pipelines. He said that before he could initiate a text
 9 amendment he would like to create a memorandum for consideration by ELUC. He said that it is important
 10 that ELUC provides direction on how the Committee is predisposed to look at these situations regarding the
 11 potential impact radius. He said that the federal guidelines were only discovered during the process of these
 12 two cases. He said that he did not propose a text amendment because he did not want to bias the
 13 Committee’s decision in either case. He said that the recommendation of a text amendment should come
 14 from a petitioner and he informed Mr. Wozniak that he should expect a deferral no earlier than the
 15 September 10, 2007, ELUC meeting.

16
 17 Mr. Schroeder stated that it isn’t like the County has pipelines everywhere but it would benefit the County to
 18 have some sort of guidelines.

19
 20 Mr. Hall stated that just last month the ZBA had a third RRO where there was large diameter, low pressure
 21 pipeline running along the subject property. He said that it would be his hope that a text amendment could be
 22 created which would address all of the known pipelines in Champaign County. He said that he would
 23 recommend that Case 542-AM-06 be deferred until the September 12, 2007, ELUC meeting pending the
 24 Committee’s action in regard to the text amendment.

25
 26 **Mr. Schroeder moved, seconded by Ms. Melin to defer Case 542-AM-06, at the request of the**
 27 **Petitioner, to the September 12, 2007, ELUC meeting so that the County Board can amend the Zoning**
 28 **Ordinance with setbacks from pipelines. The motion carried by voice vote.**

29
 30
 31 **10. Endorsement of the US Route 130 Corridor Plan prepared by the Champaign – Urbana**
 32 **Urbanized Area Transportation Study (CUUATS)**

33
 34 Mr. Hall stated that the endorsement could be construed to go beyond merely acknowledging that the plan
 35 exists and the endorsement could be interpreted to indicate a measure of support. He said that if the
 36 Committee wants to indicate a measure of support they can endorse it or if the Committee really only wants
 37 to acknowledge that the plan exists then the Committee should place it on file.

38
 39 Ms. Black stated that she would appreciate the Committee’s support.

40
 41 **Mr. Langenheim moved, seconded by Ms. Anderson recommended endorsement of the plan.**
 42

1 Mr. Doenitz asked if the Committee is committed if they endorse the plan.
 2
 3 Ms. Black stated the Committee is not committed to provide anything other than their support of the plan.
 4
 5 **Mr. Doenitz offered an alternative motion, seconded by Mr. Schroeder to accept the plan and place it**
 6 **on file.**

7
 8 Ms. Wysocki stated that currently the motion on the floor is to endorse the plan.
 9

10 Mr. Gladney requested an explanation of the study.
 11

12 Ms. Black stated that the Champaign County Regional Planning Commission (CCRPC) was contracted by
 13 the City of Urbana to conduct a study on land use and transportation issues on Urbana’s east side. She said
 14 that there was a lot of public participation involved in this study and at the end of the process CCRPC
 15 developed an implementation. She said the goal is to implement the plan when something is needed in the
 16 study area.
 17

18 Mr. Weibel stated that there is no formal intergovernmental agreement regarding this plan and endorsement
 19 at this time amounts to recognizing that the plan exists therefore there is no financial obligation to be
 20 considered at this time.
 21

22 Ms. Wysocki requested a roll call vote.
 23

24 The roll was called as follows:
 25

26	Anderson-yes	Doenitz-no	Gladney-yes
27	Jones-no	Langenheim-yes	Melin-yes
28	Moser-absent	Schroeder-no	Wysocki-yes

29
 30 **The motion carried.**
 31

32 **11. Proposal to prepare the Comprehensive Land Use Plan for Champaign County**
 33

34 Ms. Monte gave a Power Point presentation regarding the Proposal to prepare the Comprehensive Land Use
 35 Plan for Champaign County.
 36

37 Ms. Monte stated that the memorandum dated February 9, 2007, provides three distinct paths that can be
 38 taken in developing a county plan. She said that a county government land use plan would be adopted by the
 39 County Board but endorsed by the other governmental units. She said that agreement of a county
 40 government land use plan would be accomplished by a simple majority of the County Board while the other
 41 regional plans would require or assume broad agreement from multiple parties. She said that other
 42 governmental units would provide input to the county government land use plan and members of the steering

1 committee would react to proposed plan development as it occurred over time. She said that the steering
2 committee would be participating in developing a regional land use plan and regional comprehensive plan.
3 She said that a county government land use plan or a regional land use plan would serve primarily to guide
4 regulatory decision making. She said that regulatory is the only tool that the County has at this point. She
5 said that a regional land use plan would be focused on land use and the regulatory tools used to regulate land
6 use. She said that a comprehensive plan would open up the tools and go beyond regulatory tools which other
7 governmental units have such as taxing and spending powers and public investment.
8

9 Mr. DiNovo stated that, for example, the County does not directly control where or when sanitary sewers are
10 constructed. He said that the County does not have direct control over construction of local streets and most
11 of the construction for public facilities and the provisions for fire protection districts are controlled by other
12 entities other than the County government.
13

14 Ms. Monte stated that it cannot be assumed that other governmental units will buy-in to a county government
15 land use plan because it is a county plan which deals with county regulatory tools. She said that it could be
16 assumed that other governmental units would buy in to a regional land use plans. She said that there is
17 no difference in the level of technical analysis for the county government land use plan or the regional land
18 use plan. She said that once a regional comprehensive plan is considered there is a wider array of subjects to
19 consider. She said that the time to complete a county government land use plan is approximately 2-1/2 years
20 or less while the time to complete a regional land use plan may take approximately 2-1/2 years, maybe more
21 given its wider scope of focus. She said that there is no significant difference expected in the development
22 of a county regional land use plan or regional land use plan. She said that there are no cost estimates before
23 the Committee tonight but those estimates are anticipated at the March meeting. She said that a regional
24 comprehensive plan is anticipated to cost significantly more but it could be made to fit a budget.
25

26 Mr. DiNovo stated that the RPC can prepare any of the three kinds of plans within whatever dollar amount is
27 budgeted. He said that the more comprehensive the plan the less specific in detail it could be and that would
28 be the trade off.
29

30 Ms. Monte stated that the county government plan is simply to guide the County Board decisions about land
31 use, subdivision and zoning decisions. She said that other governmental units would sit on a steering
32 committee and would simply react and provide information for different type of interest.
33

34 Mr. DiNovo stated that ELUC must be specific in their direction. He asked the Committee if this is to just
35 be a plan for the County Board or is it a county plan where other units of government will be directly
36 involved in developing and ultimately adopting a plan.
37

38 Mr. Doenitz asked Mr. DiNovo what other units of governments would be involved.
39

40 Mr. DiNovo stated that the larger municipalities and depending upon the subject matter it might be advisable
41 to have the sanitary district and forest preserve districts involved. He said that he has always been a little bit
42 ambivalent about a comprehensive plan because the word "comprehensive" means that you are covering all

1 of the subject matter and it gets very complicated. He said that it must be made clear if the County Board
2 members really want a comprehensive plan or a land use plan. He said that if there is a concern about the
3 overlap of extra-territorial jurisdictions then all of the larger municipalities should be involved.
4

5 Mr. Doenitz stated that those larger municipalities should be involved at a very minimum. He said that
6 when he was referring to a plan he was referring to units of government such as townships, township
7 planning commissions and fire protection districts which are the little guys in the County which the cities
8 walk right over.
9

10 Mr. DiNovo stated that if a regional plan is to be developed the more buy-in that you get the better. He said
11 that if a way can be figured out to where everyone involved will buy-in to it then that would be great but then
12 you have to deal with a lot of different players therefore it becomes very complicated. He said that it is
13 assumed that either way there would be a high degree of input from a lot of different sources so that there
14 would be a steering committee that would have township representatives, village representatives, and
15 municipal representatives on it for either a county or regional plan. He said that if it was just a county
16 government plan those people would be brought together to provide input but then ultimately the only
17 decision maker would be the County Board where as for a regional plan those people would be brought
18 together and the purpose would be to get them to sign off on the document so that they can all go back and
19 adopt endorsement resolutions.
20

21 Mr. Doenitz stated that the cities and villages that exercise their ETJ do whatever they please and he does not
22 believe that they need to be sitting on the steering committee for the County.
23

24 Mr. DiNovo stated that it is an opportunity for the County to ask for things from them. He said that anyone
25 who comes to the table on this issue must come with the appreciation that it is a two way street. He said that
26 everyone is being asked to give and take and if the attitude of a government is that they are not going to give
27 up any of their of their independent authority and are not going to make any changes to their plans and
28 policies and only wants the County to adopt verbatim what they have already done then there isn't much of a
29 prospect of adopting a regional plan.
30

31 Mr. Doenitz stated that at this point the cities and the villages do not need the County. He said that if they
32 wanted to they could just annex in a property so what would they have to gain by supporting a regional plan.
33

34 Mr. DiNovo stated that the *Chatham Decision* gave the municipalities the ability to encroach upon each
35 others ETJ and this creates a motivation for them to work out a venue between themselves. He said that it
36 can be assumed that the County will get an ear full from the municipalities one way or the other.
37

38 Ms. Melin asked Mr. DiNovo if a regional comprehensive plan would be less detailed.
39

40 Mr. DiNovo stated that it depends on how much money the County has to spend on the project. He said that
41 a plan can be very detailed to include detailed ambulance service areas and it could be mapped but if the
42 money was not available general statements and policies about ambulance service and what type of

1 development is appropriate in areas with ambulance response times. He said that if there is a limited amount
2 of money the only way to cover the comprehensive array of subjects is to cover them all in a more general
3 way. He said that if money was not a problem the comprehensive plan could be very detailed and specific
4 but it would be very specific.

5
6 Ms. Melin stated that at the very minimum the framework could only be developed which would coordinate
7 policies.

8
9 Mr. DiNovo stated that if a plan was developed focusing on land use for the county government then it will
10 only be about zoning. He said that if a comprehensive plan is developed about land use then it would also be
11 about sanitary sewer extension such as when and where the extension will occur and how it will be financed.
12 He said that in order for that plan to be meaningful the people who actually control and build sanitary sewers
13 must adopt that plan otherwise they will not pay very much attention to it. He said that in most of the county
14 comprehensive plans that have been reviewed there have been multiple units of government which were
15 involved in its development.

16
17 Ms. Wysocki stated that she sent everyone the introductory chapter of the McLean County Comprehensive
18 Plan and has since discovered that it was adopted in 2000. She said that McLean County is now in the
19 position to revisit the plan with the idea of updating and modifying it. She said that McLean County dealt
20 with natural environment, economic development, historic preservation and urban revitalization, population
21 housing, community facilities and services, transportation as well as land use. She said that she assumes that
22 when they put their steering committee together they had some mechanism by which these issues rose to the
23 top as far as interest and need. She said that McLean County worked with Bloomington and Normal as well
24 as some of the smaller communities in the county and other taxing bodies.

25
26 Mr. DiNovo stated that this kind of communication helps to build shared understandings and he does not
27 want to give anyone the impression that developing this broad agreement will be easy. He said that there is
28 nothing magical about planning that makes controversy go away. He said that there are disagreements that
29 are very fundamental and some people have very sincere libertarian ideas which they will not abandon just
30 because the county is going through the planning process. He said that there can be a level of agreement
31 from a few people who represent a broad majority on the issues at the table. He said that when those people
32 are brought to the table there is a lot of negotiating and compromising involved and that is a different kind of
33 result than if you did it yourself. He said that he does not want to diminish the key feature in doing a plan
34 for the county government. He said that a plan for the county government is a plan that gets worked out
35 amongst 27 people and could be a plan that is worked out amongst 14 people. He said that what is really on
36 everyone's mind is that there needs to be a better way to deal with the Rural Residential Overlays when they
37 show up at ELUC and guidelines are needed for staff and the ZBA. He said that a county government land
38 use plan would most directly provide those guidelines. He said that if you want to get all of the different
39 units of government in Champaign County on the same page and moving in the same direction a regional
40 approach is what needs to be done. He said that the scope of a regional plan could vary but direction is
41 needed from this Committee before anything else can move forward.

1 Mr. Doenitz stated that he does not want everyone and their dog involved in what the County controls. He
2 said that the cities and villages with ETJ are going to do whatever they want. He said that the County needs
3 to take care of itself and go with that.
4

5 Ms. Anderson asked how different this process would be from the process that the County completed in
6 2001 regarding the Land Use Regulatory Policies.
7

8 Mr. Doenitz stated that we don't listen to what others tell us.
9

10 Mr. DiNovo stated that there would be a couple of differences. He said that there would be more technical
11 work completed such as more statistical data collected, maps, etc. He said that the public input in the
12 process of developing the Land Use Regulatory Policies came in two ways by poorly attended town meetings
13 and public participation at the ELUC meetings. He said that to do a more formal county land use plan there
14 would be more opportunities for public participation and it would be a more deliberate process and there
15 would be drafts available for public comment. He said that the Committee is assuming that ELUC would be
16 in the driver's seat and would be the overseeing body although this is not true because ELUC would not be
17 involved day to day. He said that there would be a steering committee that had township representatives,
18 Farm Bureau representatives, environmentalist, etc that would actually do the day to day work subject to
19 periodic reviews by this Committee. He said that there would be more input in many different ways in this
20 process than occurred with the Land Use Regulatory Policies. He said that when the town meetings were
21 held it was very disappointing when there was poor attendance for public input.
22

23 Mr. Doenitz stated that we should concentrate on local government officials that have been elected for input.
24

25 Mr. DiNovo stated that staff needs direction on which option the Committee would like to take in regard to a
26 plan.
27

28 Mr. Doenitz stated that he would be glad to do that if he knew who was going to be involved.
29

30 Mr. DiNovo stated that he would like direction so that his staff can come back with a detailed proposal in
31 March.
32

33 Mr. Schroeder stated that he would be in favor of a land use plan and he would like to incorporate, for
34 information only, the plans from the Sanitary District, fire protection districts, municipalities, forest preserve
35 plans, etc. He said that he cannot foresee this County doing a comprehensive plan like McLean County's
36 because there is so much difference between what people in Champaign-Urbana believe should be done in
37 comparison to the rural residents of the County. He said that there is too much political difference for trust
38 to be gained between the municipalities and other governing bodies for a comprehensive plan. He said that
39 he did live in McLean County for a short period of time and it is very cohesive and there is no real animosity
40 out in the rural area like there is in Champaign County. He said that it is unfortunate that there isn't enough
41 trust between everyone to create a comprehensive plan for the County. He said that there are benefits in
42 having cohesive planning. He said that he would like to see a land use plan with all of the current plans of

1 the other government units and municipalities incorporated for information purposes only.
2
3 **Mr. Schroeder moved, seconded by Mr. Doenitz to direct the RPC County Planner to prepare a**
4 **proposal to develop a Champaign County Government Land Use Plan which includes existing plans**
5 **from other entities.**
6
7 Mr. Weibel asked if the County adopted a government land use plan could it be incorporated into a
8 comprehensive plan in the future.
9
10 Ms. Monte stated that generally comprehensive plans are updated or reviewed at least once every 10 years.
11
12 Mr. Weibel stated that he understands the review process. He asked if the County adopted a government
13 land use plan could it be a stepping stone for a comprehensive plan.
14
15 Mr. DiNovo stated that if the County was to propose a comprehensive plan today most of the other
16 participants would come in to the effort with existing plans.
17
18 Mr. Weibel stated that he wanted to be assured that the County was not going to travel a dead end road.
19
20 Ms. Wysocki stated that she would be very surprised that when the cities and villages review their plans they
21 would not take in to consideration what was done at the county level.
22
23 Mr. Schroeder asked if the RPC staff had a discussion with any representatives from the various
24 municipalities regarding a possible regional comprehensive plan.
25
26 Ms. Wysocki stated that there has been discussion and there has been no flat rejection of the concept of a
27 regional comprehensive plan. She said that currently the RPC has a lot on its plate because they are involved
28 in a search for a new director, the weatherization program, and big.small.all., etc. She said that as of late last
29 year there had been some talk about opening up opportunities for some of the smaller villages to become a
30 member of RPC.
31
32 Mr. Schroeder stated that he would think that one of priorities of this County is to have the RPC to bring in
33 the smaller municipalities like Ogden and Pesotum to join in and have a voice.
34
35 Mr. DiNovo stated that this topic has been debated vigorously at the RPC.
36
37 Mr. Schroeder stated that the charge of the RPC is to do the regional planning in this area and why these
38 smaller villages haven't been included is a mystery. He said that there is too much meddling going on in
39 certain areas of the RPC in trying to change what the RPC is about and that is part of the reason why this
40 County cannot do a comprehensive plan.
41
42 Mr. DiNovo stated that under the RPC's current by-laws which are memorialized in the County Board's

1 Ordinance there is room for only two more voting members on the commission. He said that two more
2 municipalities could join as voting members and beyond that any other municipalities that joined the RPC
3 would have to share a single voting representative.
4

5 Mr. Schroeder stated that this is a problem. He asked if the County Board needs to make a change to this
6 policy or the RPC. He said that currently the County has a mess called METCAD and firemen from
7 Seymour and Mahomet have indicated their dissatisfaction. He said that one of the biggest problems with
8 this County is that there is so much mistrust out in the rural areas for good reasons. He said that no one
9 wants to cooperate with each other and they just want to run things.
10

11 Mr. DiNovo stated that he is reluctant to get in to this discussion because he is not sure what is going on. He
12 said that the last time that the issue came up it was addressed as a question for the Regional Planning
13 Commission members to address and it was to be handled by the Commission. He said that at the same time
14 the RPC was created by the County Board and whether the current members would continue to pay dues to
15 an organization that they are unhappy with is another question.
16

17 Mr. Schroeder stated that his problem with METCAD is that there is a new fire station on the west side of
18 Champaign yet if a fire occurs in west Champaign the Savoy Fire Protection District is alerted. He said that
19 this could be a potential life threatening situation when the Savoy Fire Protection District is trying to get
20 back up.
21

22 **The motion carried by voice vote.**
23
24

25 **12. FY07 Regional Planning Commission County Work Plan (annual work plan for the County**
26 **Special Projects Planner at the RPC)**
27

28 Mr. Hall stated that there is no information regarding this item therefore it will be placed on the March, 2007
29 agenda.
30
31

32 **13. Update on Enforcement Cases**
33

34 Mr. Hall stated that Christine Papavasiliou, Assistant State’s Attorney, informed him that foreclosure
35 proceedings are proceeding on the two properties that the Committee gave direction on last month. He said
36 that an agreement is being drafted for the Norman property so that the County can pursue demolition. He
37 said that prior to pursuing demolition staff will obtain direction from the Committee.
38
39

40 **14. Monthly Report (January, 2007)**
41

42 Mr. Hall distributed the monthly report for January, 2007, to the Committee for review. He said that the

1 work load for the ZBA is getting close to what it historically has been. He said that normally the Committee
2 places the monthly report on file.

3
4 **Mr. Schroeder moved, seconded by Mr. Langenheim to place the January, 2007 monthly report on**
5 **file. The motion carried by voice vote.**

6
7
8 **A1. Proposal to request federal funding for completion of the Mahomet Aquifer Study**

9
10 Ms. Wysocki stated a proposal has been requested to support federal funding of the completion of the
11 Mahomet Aquifer Study. She said that the proposal is not asking for any financial resources and is only
12 asking for an endorsement of the request to seek federal monies.

13
14 **Mr. Langenheim moved, seconded by Mr. Schroeder to recommend support for federal funding for**
15 **completion of the Mahomet Aquifer Study. The motion carried by voice vote.**

16
17 Ms. Wysocki stated that on February 16, 2007, there is an all day meeting of the Special Committee of the
18 Mahomet Aquifer Study to be held at the Holiday Inn at 9:00 a.m.

19
20
21 **15. Other Business**

22
23 None

24
25
26 **16. Determination of Items to be placed on the County Board Consent Agenda**

27
28 **The consensus of the Committee was to place Item #A1 on the County Board Consent Agenda**

29
30
31 **17. Adjournment**

32
33 **Ms. Wysocki moved, seconded by Mr. Schroeder to adjourn the February 12, 2007, meeting.**

34
35 The meeting adjourned at 9:30 p.m.

36
37
38 Respectfully submitted,

1 Secretary to the Environment and Land Use Committee
2
3 eluc\minutes\minutes.fm

Illinois Environmental Protection Agency

Public Notice

of the Proposed Issuance of a Federally Enforceable State Operating Permit
to Collins and Aikman – Rantoul Products Plant No. 1 in Rantoul

Collins and Aikman has requested that the Illinois Environmental Protection Agency issue a federally enforceable state operating permit (FESOP) regulating the air emissions from its Rantoul Products Plant No. 1 located at 300 Shelhouse Drive in Rantoul. The facility manufactures interior parts and accessories for motor vehicles. The Illinois EPA has made a preliminary determination to issue a permit to the company and has prepared a draft permit for public review.

The Illinois EPA is accepting comments on the draft permit. Comments must be postmarked by midnight March 30, 2007. If sufficient interest is expressed in the permit, a hearing may be held. Requests for information, comments, and questions should be directed to Brad Frost, Division of Air Pollution Control, Illinois Environmental Protection Agency, PO. Box 19506, Springfield, Illinois 62794-9506, phone 217/782-2113, TDD phone number 217/782-9143.

Persons wanting more information may obtain copies of the draft permit, and project summary at www.epa.gov/region5/air/permits/ilonline.htm (please look under All Permit Records, FESOP, New). These documents and the application may also be obtained from the Illinois EPA's offices at 2125 South First Street in Champaign, 217/278-5800 and 1340 North Ninth St., Springfield, 217/782-7027 (please call ahead to assure that someone will be available to assist you). Copies of the documents will be made available upon request.

The 1990 amendments to the Clean Air Act require potentially major sources of air emissions to obtain federally enforceable operating permits. A FESOP permit allows a source that is potentially major to take operational limits in the permit so that it is a non-major source. The permit will contain federally enforceable limitations that restrict the facility's emissions to non-major levels. The permit will be enforceable by the USEPA, as well as the Illinois EPA.

Illinois Environmental Protection Agency

Public Notice

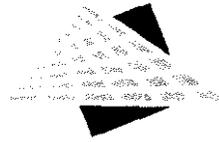
of the Proposed Issuance of a Federally Enforceable State Operating Permit
to Collins and Aikman – Rantoul Products Plants No. 2 and 3 in Rantoul

Collins and Aikman has requested that the Illinois Environmental Protection Agency issue a federally enforceable state operating permit (FESOP) regulating the air emissions from its Rantoul Products Plants No. 2 and 3 located at 707 Veterans Parkway and 735 Pacesetter Drive respectively in Rantoul. The facilities manufacture interior parts and accessories for motor vehicles. For purposes of the FESOP and Title I of the Clean Air Act and Section 39.5 of the Illinois Environmental Protection Act (Act), the two facilities are considered a single source of air emissions. The Illinois EPA has made a preliminary determination to issue a permit to the company and has prepared a draft permit for public review.

The Illinois EPA is accepting comments on the draft permit. Comments must be postmarked by midnight March 30, 2007. If sufficient interest is expressed in the permit, a hearing may be held. Requests for information, comments, and questions should be directed to Brad Frost, Division of Air Pollution Control, Illinois Environmental Protection Agency, PO. Box 19506, Springfield, Illinois 62794-9506, phone 217/782-2113, TDD phone number 217/782-9143.

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To: Environmental Land Use Committee
From: Brent Rose
Re: Loan request from CIPH, LLC d/b/a American Pride Plumbing, Heating & Air
Date: March 12, 2007

This is a request for up to \$200,000 in Community Development Assistance Program (CDAP) assistance.

Background

CIPH, LLC, located at 2201 South Cottonwood Road, Urbana, engages in the plumbing, heating and air conditioning business.

CIPH, LLC is acquiring the business assets of American Pride Plumbing, Heating, and Air Conditioning.

Loan Request

CIPH, LLC is requesting financing of \$200,000 for the acquisition of business assets of American Pride Plumbing, Heating, and Air Conditioning. American Pride Plumbing, Heating, and Air Conditioning is currently owned by Bradley Abel and Lee Ann Cartwright. Bradley Abel and Lee Ann Cartwright will sell the existing American Pride Plumbing operation to CIPH, LLC, which will continue to do business using the American Pride Plumbing, Heating, & Air Conditioning name.

Sources and Uses of Funds

Busey Bank participation of no less than \$236,000, CDAP/CDC participation of up to \$200,000, and \$100,000 in owners' equity injection for a total project cost of \$536,000.

Debt Service Coverage

Projected debt service coverage is sufficient

Collateral Coverage

Collateral for the CDAP loan consists of a lien on all the business assets of CIPH, LLC.

Jobs Created

As a result of the CDAP assistance, this project will create/retain 13 Full-Time Equivalent jobs.

Rate and Term of CDAP loan

Up to \$200,000 for 5 years at a 6.0% fixed interest rate for the term of the loan. There will be a 1% closing fee and monthly payments of \$3,866.56.

Staff Recommendation

The adequate projected debt service and the borrowers' experience in this type of business give this company a great chance of success.

Staff recommends approval of up to \$200,000 for 5 years with a fixed interest rate of 6%, the personal guaranty's of Bradley Abel, David Cartwright, Raymond Ronk and Troy Ronk, and a 1% fee at closing.

Champaign
County
Department of

**PLANNING &
ZONING**

Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
FAX (217) 328-2426

To: **Environment and Land Use Committee**
From: **John Hall, Zoning Administrator**
JR Knight, Associate Planner

Date: **March 12, 2007**

RE: **Zoning Case 573-AM-06**

Zoning Case 573-AM-06

Request **Amend the Zoning Map to allow for the development of 3 single family residential lots in the CR Conservation-Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

Petitioners **Bill Cope and Mary Kalantzis**

STATUS

The Zoning Board of Appeals voted to "RECOMMEND APPROVAL" of this proposed Rural Residential Overlay (RRO) rezoning at their March 1, 2007 meeting. Relevant maps have been excerpted from the Documents of Record and are attached. The Summary of Evidence is attached and includes relevant testimony from the public hearing. The ZBA is required to make two specific findings for RRO determinations and those findings are reproduced below in this memorandum and also appear in the Finding of Fact.

The west half of the subject property is currently zoned AG-2 Agriculture, but in related Zoning Case 579-AM-07 the Petitioner proposes to rezone that half to CR Conservation-Recreation to match the rest of the subject property.

The proposed RRO is within the one and one half-mile extraterritorial jurisdiction (ETJ) of the City of Urbana. The Urbana Plan Commission considered this case at their February 16, 2007 meeting and forwarded a recommendation of no protest. At their March 5, 2007 meeting the Urbana City Council voted to not protest the RRO.

REQUIRED FINDINGS

With respect to map amendments requesting creation of a Rural Residential Overlay (RRO) Zoning District, Section 5.4.3 of the Zoning Ordinance requires the ZBA to make two specific findings before forwarding a recommendation to the County Board. The required findings are stated as follows in the Ordinance:

1. **That the proposed use is or is not suitable for the development of the specified maximum number of residences; and**
2. **That the proposed residential development will or will not be compatible with surrounding agriculture.**

The Land Use Regulatory Policies that were adopted on November 21, 2001 establish requirements for RROs proposed on "best prime farmland" that the land be "well suited" and that the land be used in the "most efficient way". The proposed RRO is not on best prime farmland so the higher requirements do not

apply. The required findings on page 19 of the attached Final Determination have been reproduced below with references to the relevant items in the Summary of Evidence.

Required Finding 1. Regarding Whether the Site is Suitable for the Development of the Specified Maximum Number of Residences:

1. The proposed site **IS SUITED** for the development of 3 residences because:
 - A. Every category is rated as “typical” or better with no negative finding.
 - B. Lot 4 could be developed by-right therefore it is not considered.
 - C. There is essentially no farmland being taken out of production.
 - D. The proposed RRO is in accordance with the City of Urbana’s long range comprehensive plan for the development of this area.
 - E. No endangered species have been identified on the subject property.

And despite:

The intersection with Lincoln Avenue is a concern at this time, but will be mitigated during the subdivision process with the City of Urbana.

* refers to items in Summary of Evidence

NOTE: This is not the actual finding. See the As-Approved Finding of Fact.

Required Finding 2. Regarding Whether the Site is Suitable for the Development of the Specified Maximum Number of Residences:

1. Development of the proposed site under the proposed Rural Residential Overlay development **WILL BE COMPATIBLE** with surrounding agriculture because:
 - A. **There are only two sides of the proposed RRO District that are in agricultural production.**
 - B. **The property drains directly into the Saline Branch Drainage Ditch with very little upstream watershed and there is no evidence of drainage tile outlets to the Saline Branch Drainage Ditch from the subject property.**
 - C. **The access to the subject property will be in one location off of Lincoln Avenue which should mitigate the effect on farming operations.**
 - D. **The plan is to maintain the tree farm in as close to its present condition as possible.**

And despite:

That there is a livestock management facility within one half-mile of the subject property, which the proposed RRO District will not impact with regards to its expansion under the *Illinois Livestock Management Facilities Act*.

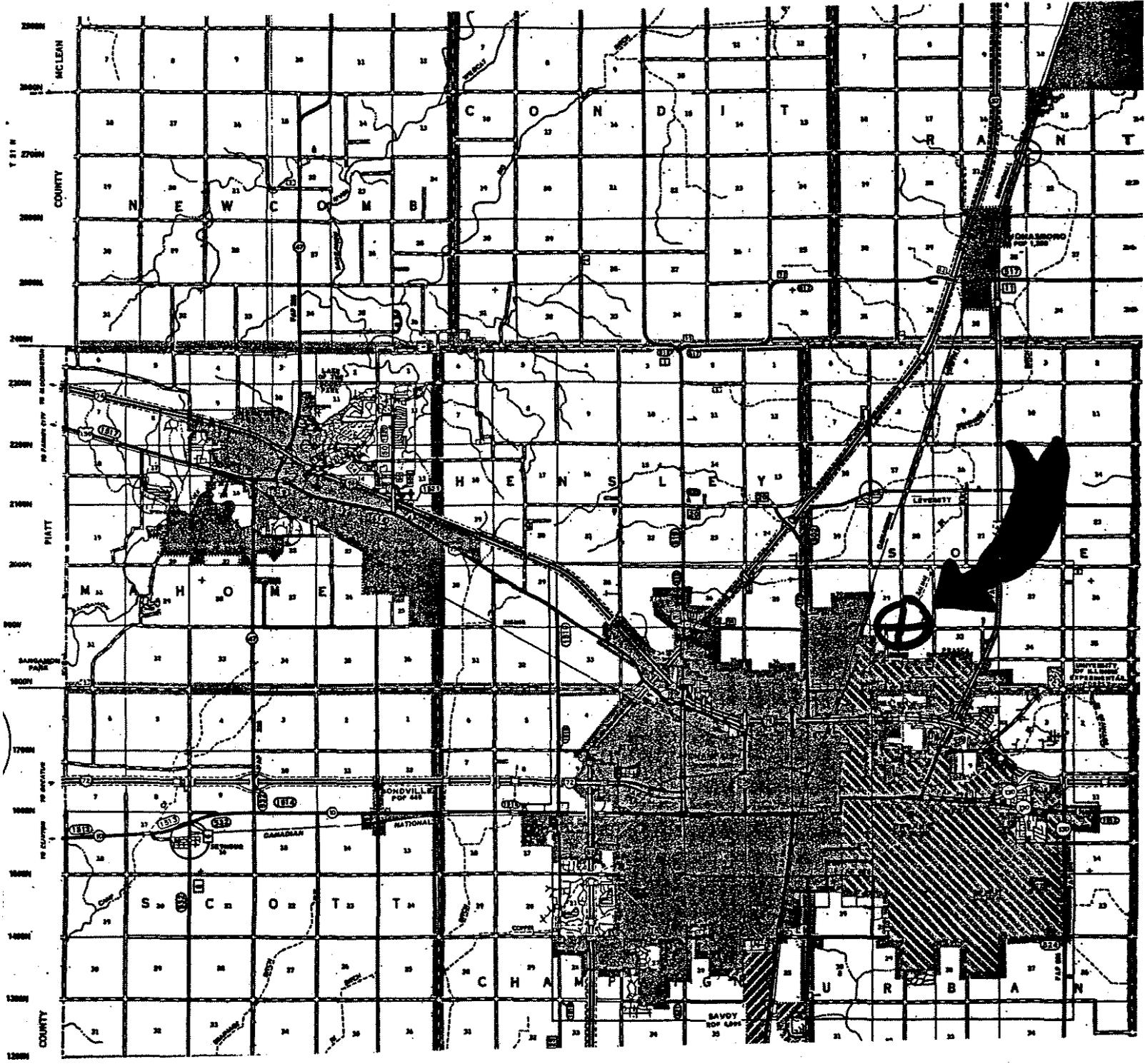
* refers to items in Summary of Evidence

NOTE: This is not the actual finding. See the As-Approved Finding of Fact.

ATTACHMENTS (excerpted from Documents of Record)

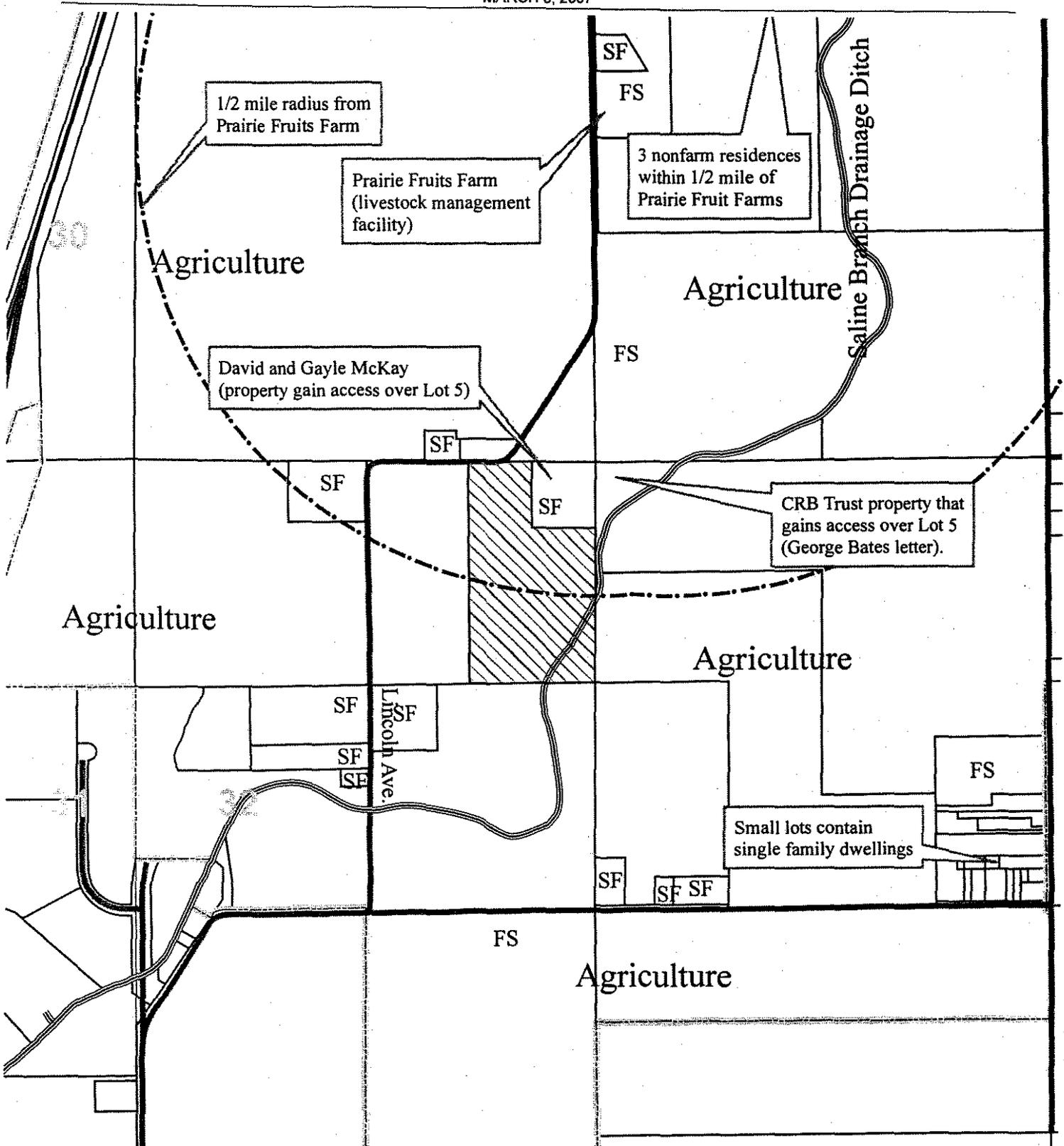
- A Zoning Case Maps (Location, Revised Land Use, Zoning)
- B Cope Subdivision Schematic Plan, received on February 1, 2007
- C Summary of Evidence, Finding of Fact, and Final Determination of the Champaign County Zoning Board of Appeals as approved on March 1, 2007

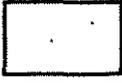
ATTACHMENT A. LOCATION MAP
Cases 573-AM-06 & 579-AM-07
MARCH 8, 2007



Champaign
County
Department of
**PLANNING &
ZONING**

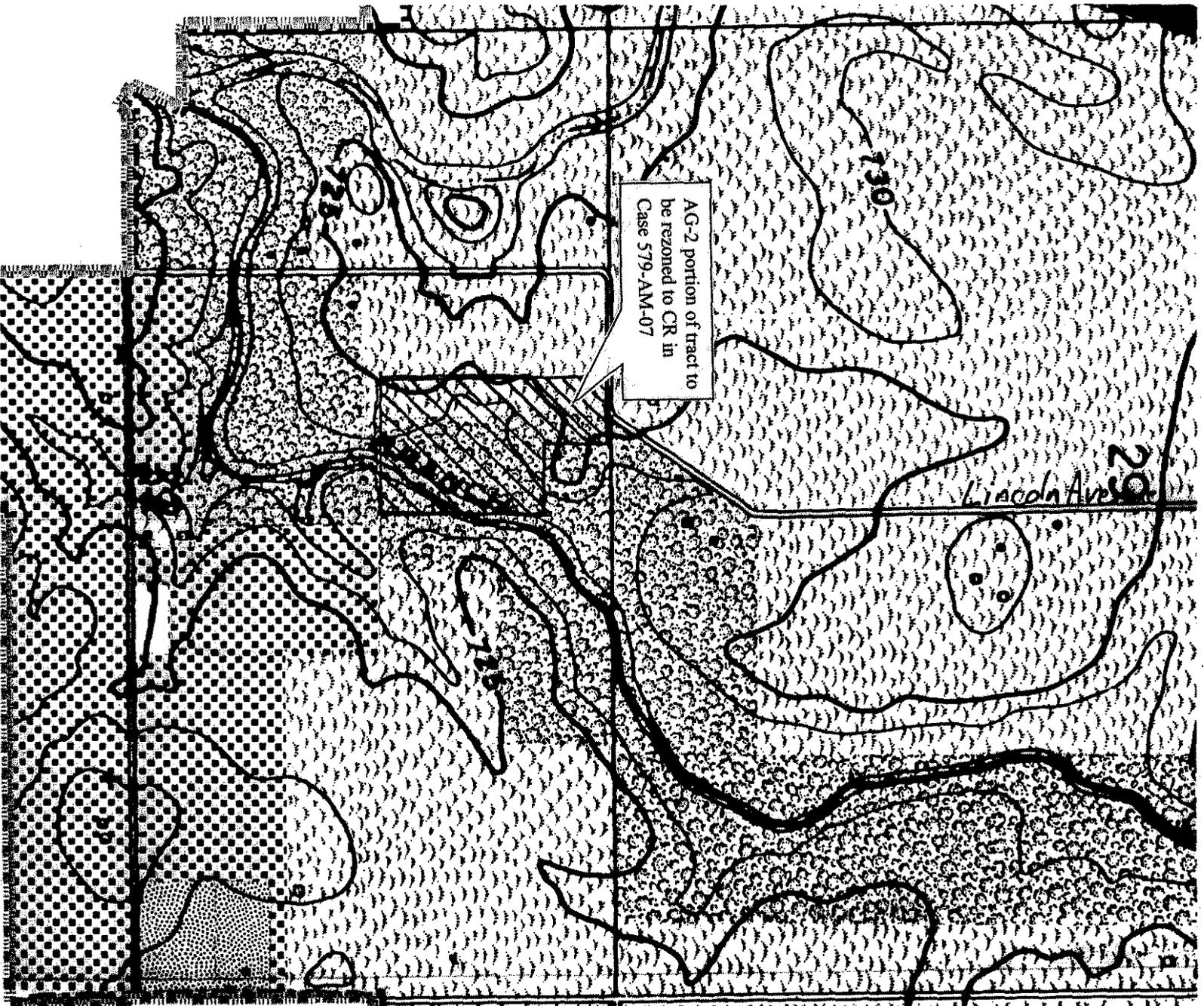
ATTACHMENT A. REVISED LAND USE MAP
Cases 573-AM-06 & 579-AM-07
 MARCH 8, 2007



	Area of Concern	
	Single Family	
	Farmstead	

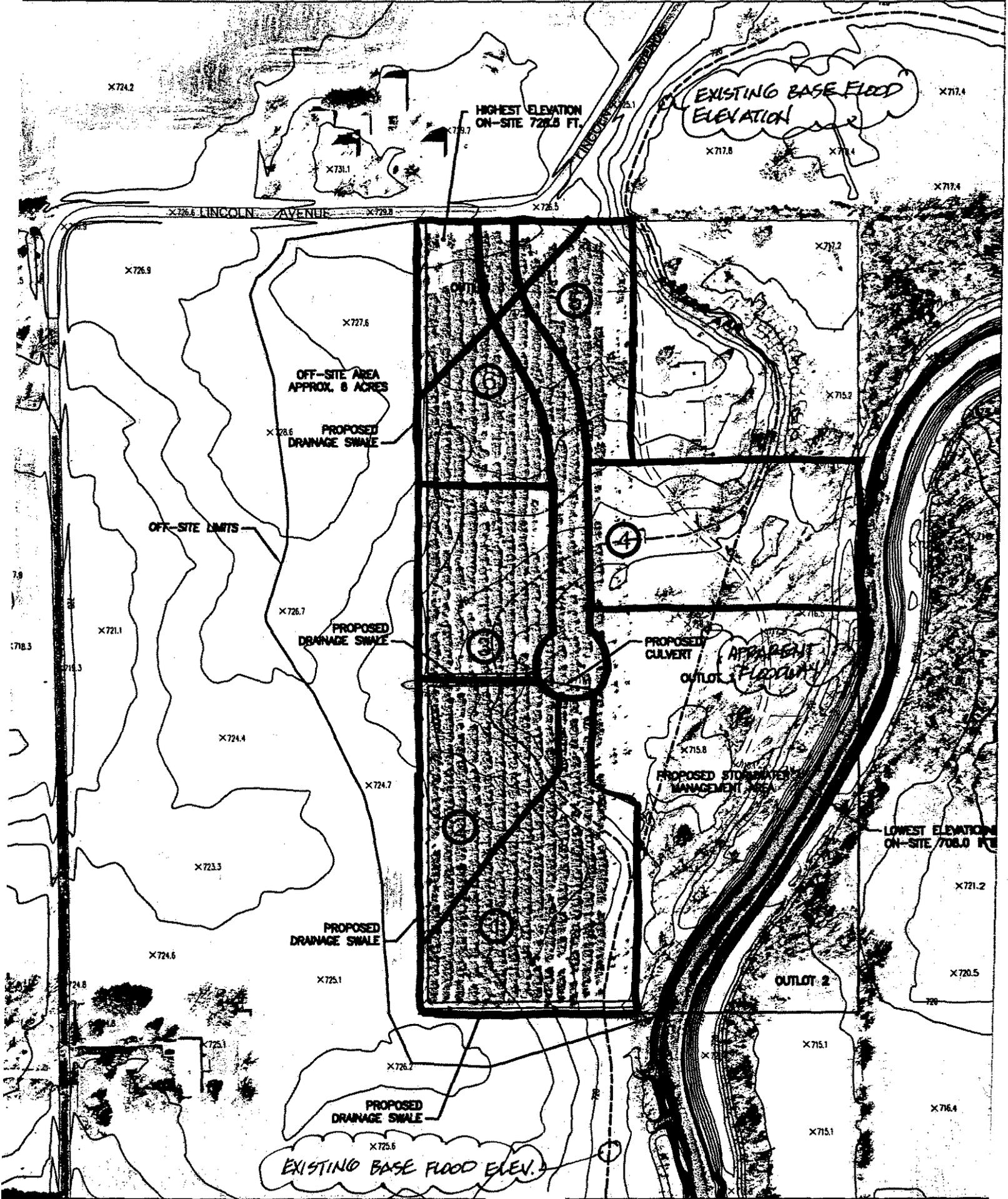


ATTACHMENT A. ZONING MAP
 Cases 573-AM-06 & 579-AM-07
 MARCH 8, 2007



	AG-1 Agriculture		R-1 Single Family Residence		R-4 Multiple Family Res.		B-2 Neighborhood Business		B-5 Central Business		Channing County Department of PLANNING & ZONING
	AG-2 Agriculture		R-2 Single Family Residence		R-5 Mobile Home Part		B-3 Highway Business		I-1 Light Industry		
	CR Conservation-Development		R-3 Two-Family Residence		B-1 Rural Tract Center		B-4 General Business		I-2 Heavy Industry		

30



X724.2

HIGHEST ELEVATION ON-SITE 726.5 FT.

EXISTING BASE FLOOD ELEVATION

X717.4

X726.6 LINCOLN AVENUE X729.8 X726.5

X726.9

X727.6

OFF-SITE AREA APPROX. 8 ACRES

X728.6 PROPOSED DRAINAGE SWALE

X727.2

OFF-SITE LIMITS

X726.7

PROPOSED DRAINAGE SWALE

4

X721.1

PROPOSED CULVERT

OUTLOT APPROXIMATE FLOODING

X724.4

PROPOSED STORAGE MANAGEMENT AREA

X724.7

LOWEST ELEVATION ON-SITE 706.0 FT

X723.3

PROPOSED DRAINAGE SWALE

X721.2

X724.6

X725.1

OUTLOT 2

X720.5

PROPOSED DRAINAGE SWALE

X726.2

X715.1

X716.4

EXISTING BASE FLOOD ELEV.

PROPOSED DRAINAGE SWALE

BERNS, CLANCY AND ENGINEERS • SURVEY 405 EAST MAIN STREET - P URBANA, ILLINOIS

31

ES ERS

AERIAL PHOTO PLAN CHAMPAIGN COUNTY ORTHOPHOTOGRAPHY AND TOPOGRAPHIC DATA DATED APRIL 2005

BILL COPE & NE 1/4 OF TOWNSHIP 20 OF THE THIR SOMER TOWNSHIP.



AS APPROVED

573-AM-06

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: **RECOMMEND APPROVAL**

Date: March 1, 2007

Petitioner: Bill Cope and Mary Kalantzis

Request: Amend the Zoning Map to allow for the development of 3 single family residential lots in the CR Conservation-Recreation Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 15, 2007 and March 1, 2007**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Bill Cope and Mary Kalantzis, own of the subject property.
2. The subject property is an 18.96 acre tract that is approximately in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32 of Somer Township, and commonly known as the tree farm at 4100 North Lincoln Avenue.
3. The subject property is located within the one-and-a-half-mile extraterritorial jurisdiction of the City of Urbana. Municipalities have protest rights on map amendments and they are notified of all such cases. At their February 16, 2007 meeting the City of Urbana Plan Commission considered this case and passed a recommendation of "no protest" to the City Council. At their March 5, 2007 meeting the Urbana City Council voted not to protest the proposed RRO.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner wrote the following: "**None.**"
- *5. Land use and zoning on the subject property and in the immediate vicinity are as follows:
 - A. The subject property is split-zoned AG-2 Agriculture and CR Conservation-Recreation, and is currently in use as a tree farm. The subject property is proposed to be rezoned to entirely CR in related Zoning Case 573-AM-07.

*Same evidence as in related Zoning Case 579-AM-07

AS APPROVED

- B. Land north and east of the parcel is zoned AG-2 Agriculture and is in use as farmland. There is also a single family dwelling adjacent and northeast of the subject property.
- C. Land south of the subject property is zoned CR Conservation-Recreation and is in use as farmland.
- D. Land west of the subject property is zoned AG-2 Agriculture and is in use as farmland. There is also a single family dwelling adjacent and northwest of the subject property.

GENERALLY REGARDING THE REQUIREMENTS FOR ESTABLISHING AN RRO DISTRICT

- 6. Generally regarding relevant requirements from the *Zoning Ordinance* for establishing an RRO District:
 - A. The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning. An RRO is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District.
 - B. Paragraph 5.4.3.C.1 of the *Zoning Ordinance* requires the Zoning Board of Appeals to make two specific findings for RRO approval which are the following:
 - (1) That the proposed site is or is not suitable for the development of the specified maximum number of residences; and
 - (2) That the proposed residential development will or will not be compatible with surrounding agriculture.
 - C. Paragraph 5.4.3 C.1 of the *Zoning Ordinance* requires the Zoning Board of Appeals to consider the following factors in making the required findings:
 - (1) Adequacy and safety of roads providing access to the site;
 - (2) Effects on drainage both upstream and downstream;
 - (3) The suitability of the site for onsite wastewater systems;
 - (4) The availability of water supply to the site;
 - (5) The availability of emergency services to the site;
 - (6) The flood hazard status of the site;
 - (7) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat;
 - (8) The presence of nearby natural or man-made hazards;
 - (9) Effects on nearby farmland and farm operations;

- (10) Effects of nearby farm operations on the proposed residential development;
- (11) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated;
- (12) The Land Evaluation and Site Assessment (LESA) score of the subject site;

GENERALLY REGARDING CHAMPAIGN COUNTY LAND USE POLICIES

7. The Land Use Goals and Policies were adopted on November 29, 1977, and were the only guidance for County Map Amendments until the Land Use Regulatory Policies-Rural Districts (LURP) were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). The LURP's were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP's adopted on November 20, 2001, remain the relevant LURP's for discretionary approvals (such as map amendments) under the current Zoning Ordinance. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies. LURP's that are relevant to any proposed RRO District are the following:
- A. Land Use Regulatory Policy 1.1 provides that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. Other land uses can be accommodated in those areas provided that:
 - (1) the conversion of prime farmland is minimized;
 - (2) the disturbance of natural areas is minimized;
 - (3) the sites are suitable for the proposed use;
 - (4) infrastructure and public services are adequate for the proposed use;
 - (5) the potential for conflicts with agriculture is minimized.
 - B. Land Use Regulatory Policy 1.2 states that on the best prime farmland, development will be permitted only if the land is well suited to it, and the land is used in the most efficient way consistent with other County policies.
 - C. Land Use Regulatory Policy 1.3.3 provides that development beyond the basic development right will be permitted if the use, design, site and location are consistent with County policy regarding:
 - (1) the efficient use of prime farmland;
 - (2) minimizing the disturbance of natural areas;
 - (3) suitability of the site for the proposed use;
 - (4) adequacy of infrastructure and public services for the proposed use; and

Item 7.C. (continued)

- (5) minimizing conflict with agriculture.
- D. Land Use Regulatory Policy 1.4.2 states that non-agricultural land uses will not be permitted if they would interfere with farm operations or would damage or negatively effect the operation of agricultural drainage systems, rural roads or other agriculture related infrastructure.
- E. Land Use Regulatory Policy 1.5.3 states that development will not be permitted if existing infrastructure, together with proposed improvements, is inadequate to support the proposed development effectively and safely without undue public expense.
- F. Land Use Regulatory Policy 1.5.4 states that development will not be permitted if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.

GENERALLY REGARDING THE MAXIMUM ALTERNATIVE DEVELOPMENT WITHOUT AN RRO

- 8. Regarding the maximum number of new zoning lots that could be created out of the subject property without the authorization for the RRO Zoning District:
 - A. As amended on February 19, 2004, by Ordinance No. 710 (Case 431-AT-03 Part A), the *Zoning Ordinance* requires establishment of an RRO District for subdivisions with more than three lots (whether at one time or in separate divisions) less than 35 acres in area each (from a property larger than 50 acres) and/or subdivisions with new streets in the AG-1, AG-2, and CR districts (the rural districts) except that parcels between 25 and 50 acres may be divided into four parcels.
 - B. There can be no more than three new lots smaller than 35 acres in area that can be created from the subject property without authorization for the RRO Zoning District.

GENERALLY REGARDING THE PROPOSED RRO DISTRICT

- 9. The plan that was received on February 1, 2007 in fulfillment of the Schematic Plan requirement indicates the following:
 - A. There are 6 proposed buildable lots that range in area from 1.04 acres to 2.67 acres. The net average lot area after subtracting rights-of-way is 1.76 acres.
 - B. There are also 3 outlots proposed. Outlot 1 contains the stormwater management area and is located on the west side of the Sailine Branch Drainage Ditch. Outlot 2 is located in the southeast corner of the subject property on the east side of the drainage ditch. Outlot 3 is located in the northwest corner of the site and has been placed there to allow for the realignment of North Lincoln Avenue according to the Comprehensive Plan of the City of Urbana.
 - C. The RRO District is necessary for only 3 of the 6 buildable lots proposed on the subject property.

Item 9. continued

- D. The subject property has access to North Lincoln Avenue. There is a new street proposed as part of this RRO. All lots are proposed to access the new street and not Lincoln Avenue.
- E. The property at the northeast corner of the subject property (parcel 25-15-32-100-003) gains access from Lincoln Avenue by means of an easement over proposed Lot 5. Tom Berns testified at the March 1, 2007 meeting of the ZBA that access concerns will be addressed in the subdivision platting process with the City of Urbana.
- F. A letter received on February 27, 2007 from George Bates indicated that the property on the east border of the subject property (parcel 25-15-226-001) gains access to the portion of that property on the west side of the Saline Branch Drainage Ditch over a lane that may partially lie proposed Lot 5. Tom Berns testified at the March 1, 2007 meeting of the ZBA that access concerns will be addressed in the subdivision platting process with the City of Urbana.
- G. All of the lots in the requested RRO District meet or exceed all of the minimum lot standards in the *Zoning Ordinance*.
- H. For purposes of analysis the RRO will include lots 1, 2, 3, and 6, but, at this time, the proposed RRO District remains the entire tract.

GENERALLY REGARDING THE SOILS ON THE PROPERTY

- 10. A Section 22 Natural Resource Report was prepared for the proposed RRO by the Champaign County Soil and Water Conservation District and received on February 12, 2007, which discusses the types of soils and other site characteristics, as follows:
 - A. Regarding the soils on the subject property, their extents, and their relative values are as follows:
 - (1) Approximately 9.4 acres of the subject property consists of Sawmill silty clay loam, 0-2% slopes (map unit 3107A; formerly Colo silty loam, map unit 402), which makes up approximately 48.4% of the subject property; Sawmill soil is located generally in two bands; one halfway between the north and south boundaries of the subject property that stretches from the east boundary almost to the west boundary. The other is located on the east boundary of the subject property and runs the entire length. A majority of the Sawmill soil is located in non-buildable areas of the proposed RRO District.
 - (2) Approximately 5.19 acres of the subject property consists of Birkbeck silt loam, 1-5% slopes (map unit 233B), which makes up approximately 27.5% of the subject property; Birkbeck soil is located both at the north-most boundary of the subject property as well as in the southwest corner. There is a sliver of Birkbeck soil in the southeast corner of the site as well, but this is away from any buildable area.

Item 10A. continued

- (3) Approximately 4.56 acres of the subject property consists of Sabina silt loam, 0-3% slopes (map unit 236A), which makes up approximately 24.1% of the subject property; Sabina soil is located in the north half of the subject property in one area between the Birkbeck at the north and the Sawmill running through the middle of the site.
- B. The subject property is not Best Prime Farmland under the Champaign County Land Use Regulatory Policies, as follows:
- (1) Best Prime Farmland is identified by the Champaign County Land Use Regulatory Policies – Rural Districts as amended on November 20, 2001, as any tract on which the soil has an average Land Evaluation Factor of 85 or greater using relative values and procedures specified in the *Champaign County, Illinois Land Evaluation and Site Assessment System*.
 - (2) The Land Evaluation Worksheet in the Natural Resource Report indicates the overall Land Evaluation factor for the soils on the subject property is only 76.
- C. Site specific concerns stated in the Section 22 report are the following:
- (1) The area that is to be developed has 2 soil types that have severe wetness restriction and one that has flooding characteristics. This will be especially important for the septic systems that are planned.
 - (2) Lots 1 and 4 have areas in the 100-year floodplain that would be unsuitable for building. Construction on these lots will have to be well planned to avoid possible flooding.
 - (3) The west portion of the tract has many trees that were planted as part of the Conservation Reserve Program. An effort to save or transplant the high quality trees should be made. The contract ends 9/30/07, so any construction before that date would require a cancellation of that contract through the Farm Service Agency office Champaign.

GENERALLY REGARDING THE ADEQUACY AND SAFETY OF ROADS

11. Regarding the adequacy and safety of roads providing access to the proposed RRO District:
 - A. The Institute of Transportation Engineers publishes guidelines for estimating of trip generation from various types of land uses in the reference handbook *Trip Generation*. Various statistical averages are reported for single family detached housing in *Trip Generation* and the average “weekday” traffic generation rate per dwelling unit is 9.55 average vehicle trip ends per dwelling unit. *Trip Generation* does not report any trip generation results for rural residential development.

Item 11. continued

- B. The Staff report *Locational Considerations for Rural Residential Development in Champaign County, Illinois* that led to the development of the RRO Amendment, incorporated an assumed rate of 10 average daily vehicle trip ends (ADT) per dwelling unit for rural residences. The assumption that each proposed dwelling is the source of 10 ADT is a standard assumption in the analysis of any proposed RRO.
- C. Based on the standard assumption that each proposed dwelling is the source of 10 ADT, the 3 residences in the requested RRO District are estimated to account for an increase of approximately 30 ADT in total, which is a 100% increase over the non-RRO alternative.
- D. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* are general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The *Manual* indicates the following pavement widths for the following traffic volumes measured in Average Daily Traffic (ADT):
 - (1) A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
 - (2) A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.
 - (3) A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.
 - (4) A local road with a pavement width of 22 feet has a recommended maximum ADT of more than 400 vehicle trips.
- E. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines also recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet.
- F. The subject property is located on North Lincoln Avenue less than a mile outside the City of Urbana. The City is proposing to realign Lincoln Avenue along a section containing the subject property to create a smooth curve where there now exists several right-angle turns that move the street eastwards. The realignment should mitigate any safety concerns at the intersection of the proposed street with Lincoln Avenue.
- G. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). the most recent (2001) AADT data in the vicinity of the subject property are as follows:
 - (1) 450 AADT along North Lincoln Avenue where it passes the subject property.

Item 11G. continued

- (2) Less than a mile south of the point where Lincoln Avenue passes the subject property the AADT is 2400.
- H. The relevant geometric standards for visibility are found in the *Manual of Administrative Policies of the Bureau of Local Roads and Streets* prepared by the Bureau of Local Roads and Streets of the Illinois Department of Transportation. Concerns are principally related to “minimum stopping sight distance”. Design speed determines what the recommended distance is. There appear to be no visibility concerns related to the placement of the new street.
- I. Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the adequacy and safety of roads providing access because access via Lincoln Avenue is equivalent to a County Highway and is only a mile and a half from Interstate 74.

GENERALLY REGARDING DRAINAGE

12. Regarding the effects of the proposed RRO District on drainage both upstream and downstream:
- A. The Engineer’s Drainage Report was received with the application on November 21, 2006 and described the existing conditions of the subject property and the proposed conditions for the RRO.
 - B. The Existing Conditions were described as follows:
 - (1) The subject property slopes generally from west to east and north to south towards the Saline Branch Drainage Ditch. The average ground slope is one percent.
 - (2) There are six acres to the west that drain across the subject property.
 - (3) There are four depressional areas on the east side of the subject property. Two are located in the southeast corner of the site, while the remaining two are in the northeast corner. The area located farthest to the north is part of a much larger depression in the land that continues off the subject property.
 - (4) These depressional areas collect stormwater that flows over the subject property. The water fills up until it overflows and drains into the Saline Branch Drainage Ditch.
 - C. The Proposed Conditions are as follows:
 - (1) Drainage swales will be constructed along the western and southern boundaries of the subject property. These swales will drain the subject property and the six acres from off the subject property.
 - (2) There will be two swales on the western boundary, one from north to south and one from south to north. They will meet at the line between Lots 2 and 3, where they will run along that line in one swale that will pass under the proposed street by means of a culvert.

Item 12C. continued

- (3) Once past the street, water will flow overland to the depression area on Outlot 1 that is proposed to be a stormwater management area.
 - (4) The swale on the southern boundary will flow to the edge of Lot 1 and then discharge directly into the Saline Branch Drainage Ditch.
 - (5) Because runoff accumulating in the depressed areas is unlikely to overflow very often, a culvert with a flap gate is proposed to connect the bottom of the depressional area with the channel of the Saline Branch Drainage Ditch. This culvert outlet will allow the depressional area to drain more rapidly than it does currently.
 - (6) The flap gate will allow flows from storm events to release into the channel under normal conditions. During flood events the flap will remain closed, which will maintain the existing floodplain characteristics.
- D. Overall, the proposed RRO District is comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the drainage effects on properties located both upstream and downstream because of the following:
- (1) The buildable portions of the proposed RRO District have an average slope of 1%.
 - (2) About 59% of the soils making up the buildable portion of the proposed RRO District are wet soils but the site drains directly to the Saline Branch drainage ditch so dry weather flows are not likely to be a problem.
 - (3) There is only about six acres of upstream area under different ownership that drains across the proposed buildable portion of the proposed RRO District and there is unlikely to be any drainage problems.
 - (4) There are no known underground drainage tiles on the property and it is unlikely that any exist.

GENERALLY REGARDING SUITABILITY OF THE SITE FOR ONSITE WASTEWATER SYSTEMS

13. Regarding the suitability of the site for onsite wastewater systems:
 - A. The pamphlet *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*, is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet contains worksheets for 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). The worksheets for the relevant soil types on the subject property can be summarized as follows:

Item 13A. continued

- (1) Sawmill silty clay loam, 0-2% slopes, (map unit 3107A; formerly Colo silty clay loam) has Very Low suitability for septic tank leach fields with a soil potential index of 3. Sawmill has severe wetness problems due to a water table high enough to cause flooding (1 foot above to 2 feet deep) and moderate permeability. The typical corrective measure is subsurface drainage to lower groundwater levels. Sawmill soil makes up about 48.4% (9.15 acres) of the subject property, and makes up 50% or more of the lot area for 1 of the 6 proposed buildable lots (lot 4), but only about 25% of the proposed buildable area.
- (2) Sabina silt loam, 0-3% slopes, (map unit 236A) has Medium suitability for septic tank leach fields with a soil potential index of 79. Sabina has severe wetness problems due to a high water table (1 to 3 feet deep) and severely limited permeability. The typical corrective measure is curtain drains to lower groundwater levels and a large absorption field. Sabina soil makes up about 24.1% (4.56 acres) of the subject property, and makes up 50% or more of the lot area for 2 of the 6 proposed lots (lots 3 and 6), and a significant portion of lot 4. Overall, Sabina soil makes up about 34% of the proposed buildable area.
- (3) Birkbeck silt loam, 1-5% slopes, (map unit 233B) has High suitability for septic tank leach fields with a soil potential index of 93. Birkbeck has severe wetness problems due to a high water table (3 to 6 feet deep) and moderate permeability. The typical corrective measure is curtain drains to lower groundwater levels. Birkbeck soil makes up about 27.5% (5.19 acres) of the subject property, and makes up 50% or more of the lot area for 3 of the 6 proposed lots (lots 1, 2, and 5). Overall, Birkbeck soil makes up about 44% of the proposed buildable area.

- B. If only the buildable portion of the property is considered regarding septic suitability the subject property is comparable to “much better than typical” conditions for Champaign County because approximately 79% of the soils on the buildable area of the subject property have Medium or Better suitability, as compared to the approximately 51% of the entire County that has a Low Potential.

GENERALLY REGARDING THE AVAILABILITY OF GROUNDWATER AT THE SITE

14. Regarding the availability of water supply to the site;
 - A. The Staff report *Locational Considerations and Issues for Rural Residential Development in Champaign County, Illinois* included a map generally indicating the composite thickness of water bearing sand deposits in Champaign County. The map was an adaptation of a figure prepared by the Illinois State Geological Survey for the Landfill Site Identification Study for Champaign County. A copy of the map from the Staff report was included as an attachment to the Preliminary Memorandum and indicates that the subject property is not within the area of limited groundwater availability.
 - B. The subject property and proposed RRO are comparable to “more or less typical” conditions for Champaign County in terms of common conditions for the availability of water supply.

GENERALLY REGARDING THE AVAILABILITY OF EMERGENCY SERVICES TO THE SITE

15. Regarding the availability of emergency services to the site:
- A. The subject property is located approximately 5.0 road miles from the Eastern Prairie Fire Protection District station; the approximate travel time is 7 minutes. The Fire District Chief has been notified of this request for rezoning.
 - B. Overall, the subject property and proposed RRO are comparable to “more or less typical” conditions for Champaign County in terms of common conditions for the availability of emergency services because the site is approximately 5.0 road miles from the Eastern Prairie fire station.

GENERALLY REGARDING FLOOD HAZARD AND OTHER NATURAL OR MANMADE HAZARDS

16. Regarding the flood hazard status of the site; pursuant to Federal Emergency Management Agency Panel No. 170894-0115 some of subject property is located within the Special Flood Hazard Area, as follows:
- A. For purposes of analysis, proposed lots 4 and 5 are not included in the RRO because these lots could be created “by-right.”
 - B. Approximately half of Lot 4 and a small portion of Lot 1 along its eastern boundary are the only buildable areas that are inside the mapped floodplain. A portion of the proposed street is also inside the mapped floodplain.
 - C. The existing Base Flood Elevation (BFE) of approximately 718.5, however, encompasses a greater area of subject property than the mapped floodplain. There are portions of Lots 1, 2, 3, and 4 below the BFE, and according to the Engineer’s Drainage Report fill will be required on Lots 1, 3, and 4 to accommodate development. Homes could be constructed on lots 1 and 3 outside of the floodplain. Lot 4 has the most buildable area below the BFE but is not included as part of the RRO for purposes of analysis.
 - D. Less than half a mile south of the subject property Lincoln Avenue crosses the Saline Branch Drainage Ditch and enters the mapped floodplain for a distance of 220 feet.
 - E. Overall, the proposed RRO District is comparable to “more or less typical” conditions for Champaign County in terms of flood hazard status because of the following:
 - (1) One lot is not in the SFHA and small portions of three lots are in the SFHA (based on ground elevation) but each has more than an acre of lot area outside of the SFHA.
 - (2) For purposes of analysis Lot 4 is not proposed to be part of the RRO, and the remaining lots all have only small areas under the BFE with adequate buildable area above it.
 - (3) The south one-third of the new street (including the cul-de-sac turnaround) will be in the SFHA.

17. Regarding the presence of nearby natural or man-made hazards:
- A. There appear to be no natural or man-made hazards near the subject property.
 - B. Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the presence of nearby natural or manmade hazards because there are no man-made or natural hazards near the subject property.

GENERALLY REGARDING COMPATIBILITY WITH SURROUNDING AGRICULTURE AND THE EFFECTS OF NEARBY FARM OPERATIONS ON THE DEVELOPMENT

18. Regarding the likely effects of nearby farm operations on the proposed development:
- A. Rough analysis of land use within a one-half mile radius of the subject property indicates the following:
 - (1) Row crop production agriculture occupies a significant portion of the land area within the immediate vicinity of the proposed RRO District and occurs on two sides of the proposed RRO, with the Saline Branch Drainage Ditch providing a buffer on the third side.
 - (2) Row crop production produces noise, dust and odors that homeowners sometimes find objectionable. Farm operations may begin early and continue until well after dark exacerbating the impact of noise related to field work.
 - (3) There is one known livestock management facility within one half-mile of the subject property, the Prairie Fruits Farm at 4410 North Lincoln Avenue.
 - B. Overall, the subject property and proposed RRO are comparable to “much better than typical” conditions for Champaign County in terms of common conditions for the effects of nearby farmland operations on the proposed development because the subject property is bordered on two sides by row crop agriculture but there are no livestock facilities nearby.

GENERALLY REGARDING THE (LESA) SCORE

19. Regarding the LESA score of the proposed RRO District:
- A. The Champaign County, Illinois LESA system is a method of evaluating the viability of farmland for agricultural uses. The LESA system results in a score consisting of a Land Evaluation portion and a Site Assessment portion. The score indicates the degree of protection for agricultural uses on that particular site and the degrees of protection are as follows:
 - (1) An overall score of 220 to 300 indicates a very high rating for protection of agriculture.
 - (2) An overall score of 200 to 219 indicates a high rating for protection of agriculture.
 - (3) An overall score of 180 to 199 indicates a moderate rating for protection of agriculture.
 - (4) An overall score of 179 or lower indicates a low rating for protection of agriculture.

Item 19A. continued

- (5) For comparison purposes, development on prime farmland soils but in close proximity to built up areas and urban services typically has scores between 180 and 200.
- B. The LESA worksheets are an attachment to the Preliminary Memorandum. The component and total scores are as follows:
- (1) The Land Evaluation component rating for the proposed RRO District is 76.
 - (2) The Site Assessment component rating for the proposed RRO District is 100 to 110.
 - (3) The total LESA score is 176 to 186 and indicates a Low to Moderate rating for protection of agriculture.
- C. Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of common conditions for the LESA score because the entire property is best prime farmland and the LE score is 76. The Site Assessment score is 100 to 110 for a total score of 176 to 186.

GENERALLY REGARDING THE EFFICIENT USE OF BEST PRIME FARMLAND

20. The subject property is not best prime farmland overall.

GENERALLY REGARDING THE EFFECTS ON WETLANDS, ARCHAEOLOGICAL SITES, AND NATURAL AREAS

21. Regarding the effects on wetlands, endangered species, and natural areas:
- A. A report from the Illinois Department of Natural Resources was received on February 21, 2007, and indicated there were no threatened or endangered species or protected natural areas in the vicinity of the subject property.
 - B. According to the Thomasboro Panel of the National Wetlands Inventory there are no regulatory wetlands on the subject property.
 - C. Regarding the effects on archaeological resources, a letter reply from the Illinois Historic Preservation Agency was received on November 17, 2006, and indicated that the subject property has a high probability of containing significant prehistoric/historic archaeological resources; indicating that a Phase I archaeological survey should be performed on the subject property. A completed Phase I Archaeological Survey of the subject property was received on February 15, 2007. It indicated that no archaeological materials were located, and project clearance was recommended.
 - D. Overall, the subject property and proposed RRO are comparable to “ideal or nearly ideal” conditions for Champaign County in terms of effects on wetlands, archaeological sites, and natural areas because reports from the appropriate agencies showed there were no effects.

GENERALLY REGARDING OVERALL SUITABILITY OF THE SITE FOR RURAL RESIDENTIAL DEVELOPMENT

22. Compared to “common conditions” found at rural sites in Champaign County, the subject property is similar to the following:
- A. “Ideal or Nearly Ideal” conditions for four factors (nearby hazards, LESA score, environmental concerns, and road safety)
 - B. “Much Better Than Typical” conditions for three factors (septic suitability, effects of farms, and effects on drainage)
 - C. “More or Less Typical” conditions for three factors (availability of groundwater, flood hazard, and emergency services)

GENERALLY REGARDING COMPATIBILITY WITH SURROUNDING AGRICULTURE AND THE EFFECTS OF THE DEVELOPMENT ON NEARBY FARM OPERATIONS

23. Regarding the likely effects of the proposed development on nearby farm operations:
- A. The surrounding land use on three sides of the subject property is agriculture. Direct interactions between the proposed development and nearby farmland are likely to include the following:
 - (1) The added traffic from the proposed development will increase the conflicts with movement of farm vehicles. See the concerns related to adequacy and safety of roads.

The 6 single-family dwellings that will result from the proposed RRO (including 3 by-right homes) would generate 100% more traffic than the non-RRO alternative development of only 3 homes.
 - (2) Trespassing onto adjacent fields possible resulting into damage to crops or to the land itself.

The 6 single-family dwellings that will result from the proposed RRO (including 3 by-right homes) could generate 100% more trespass than the non-RRO alternative development of only 3 homes.
 - (3) Blowing litter into the adjacent crops making agricultural operations more difficult.

The 6 single-family dwellings that will result from the proposed RRO (including 3 by-right homes) could generate 100% more litter than the non-RRO alternative development of only 3 homes. Windblown litter would probably affect the farmland to the north the most.
 - (4) Discharge of “dry weather flows” of stormwater or ground water (such as from a sump pump) that may make agricultural operations more difficult.

Item 23A.(4) continued

Because the subject property is adjacent to the Saline Branch Drainage Ditch, there should be no problems with dry weather flows, which means there would be no difference between the proposed RRO and the non-RRO alternative.

- (5) If trees are planted close to the property lines, they can be expected to interfere with some farming operations (such as harvesting) and may contribute to blockage of underground tiles (if any exist). Perimeter fencing, if installed, could also interfere with farming operations.

The subject property currently contains a tree farm, which has trees planted very close to the south and west property lines, and the adjacent farmland does not appear to be negatively impacted. Therefore, there would be no difference between the proposed RRO and the non-RRO alternative.

B. The indirect effects are not as evident as the direct effects:

- (1) A potential primary indirect effect of non-farm development on adjacent farmers (as identified in *Locational Considerations and Issues for Rural Subdivisions in Champaign County*) is that potential nuisance complaints from non-farm neighbors about farming activities can create a hostile environment for farmers particularly for livestock management operations.
- (2) Champaign County has passed a “right to farm” resolution that addresses public nuisance complaints against farm activities. The resolution exempts agricultural operations from the Public Nuisance Ordinance (except for junk equipment) but does not prevent private law suits from being filed.
- (3) The State of Illinois Livestock Management Facilities Act (510ILCS 77) governs where larger livestock facilities (those with more than 50 or more animal units) can be located in relation to non-farm residences and public assembly uses (churches, for example). The separation distances between larger livestock facilities and non-farm residences is based on the number of animal units occupying the livestock facility and the number of non-farm residences in the vicinity. The *Illinois Livestock Management Facilities Act* was adopted on May 21, 1996, and facilities in existence on the date of adoption are exempt from the requirements of that act so long as the fixed capital cost of the new components constructed within a 2-year period does not exceed 50% of the fixed capital cost of a comparable entirely new facility.

There is a known livestock management facility, the Prairie Fruits Farm, one half-mile north of the subject property. The Prairie Fruits Farm, located on five acres at 4410 North Lincoln Avenue, Urbana, makes cheese from the milk produced from their head of approximately 25 goats (based on information from the The Prairie Fruits Farm website).

Item 23 continued

- C. Regarding the effects of the proposed RRO on the Prairie Fruits Farm:
- (1) The Prairie Fruits Farm was established after the adoption of the *Illinois Livestock Management Facilities Act* on May 21, 1996, and is not exempt from the requirements of the Act.
 - (2) There are seven existing non-farm residences within one half-mile of the Prairie Fruits Farm.
 - (3) There are three lots allowed on the subject property by-right, which would bring the number of non-farm residences within one half-mile of the Prairie Fruits Farm to ten.
 - (4) Ten non-farm residences is considered a Populated Area under the *Illinois Livestock Management Facilities Act* and new livestock facilities of more than 50 animal units must meet maintain a separation of one-half mile from a populated area.
 - (5) The *Illinois Livestock Management Facilities Act* defines one animal unit as 0.1 goats and 50 animal units equals 500 goats.
 - (6) The three additional residences requested in the proposed RRO would not increase the restrictions placed on the Prairie Fruits Farm beyond what the three by-right residences would impose.

DOCUMENTS OF RECORD

1. Application, received November 21, 2006, with attachments:
 - A Petitioner's list of submittals
 - B Petitioner's Engineer's Report to the Champaign County Zoning Board of Appeals
 - C Cope Subdivision Schematic Plan
 - D Letter to Deanna Glossner, dated November 14, 2006
 - E Application to IDNR, dated November 14, 2006
 - F Letter to Anne Haaker, dated November 14, 2006
 - G Letter from Anne Haaker, dated November 17, 2006
 - H Petitioner's Land Evaluation and Site Assessment Worksheet
 - I Application for Section 22 Natural Resource Report dated November 14, 2006
 - J Engineer's Drainage Report
 - K Lincoln Avenue Location Study dated October 1998
2. Title Policy for subject property, received on December 21, 2006
3. Cope Subdivision Schematic Plan, received on February 1, 2007
4. Preliminary Memorandum for Case 573-AM-06, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Table of Petitioner Submittals
 - C Cope Subdivision Schematic Plan received on February 1, 2007
 - D Engineer's Report to the Champaign County Zoning Board of Appeals on RRO Factors
 - E Engineer's Drainage Report
 - F Champaign County Land Use Regulatory Policies as amended 11/20/01
 - G Excerpted worksheets from *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*
 - H Letter to Dr. Deanna Glossner dated November 14, 2006
 - I Application to IDNR dated November 14, 2006
 - J Letter to Anne Haaker dated November 14, 2006
 - K Letter from Anne Haaker dated November 17, 2006
 - L Application to Champaign County Soil and Water Conservation District dated November 14, 2006
 - M IDOT maps, showing AADT, of roads surrounding subject property
 - N Excerpt from Federal Emergency Management Agency Special Flood Hazard Area Map Panel No. 170894-0115
 - O Excerpt from Thomasboro Panel of the National Wetlands Inventory Map
 - P Map of Subject Property with Soil Information from the Champaign County GIS Database
 - Q Commitment for Title Insurance from Chicago Title Insurance Company
 - R Staff Land Evaluation and Site Assessment Worksheet
 - S Engineer's Land Evaluation and Site Assessment Worksheet
 - T Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County

- U Comparing the Proposed Site Conditions to Common Champaign County Conditions
 - V Summary of Site Comparison for Factors Relevant to Development Suitability
 - W Summary of Comparison for Factors Relevant to Compatibility with Agriculture
 - X Draft Finding of Fact for Case 573-AM-06
5. Preliminary Memorandum for Case 579-AM-07, with attachments
- A Case Maps for Cases 573-AM-06 and 579-AM-07 (Location, Land Use, Zoning)
 - B Preliminary Finding of Fact for Case 579-AM-07
6. Supplemental Memorandum dated February 15, 2007, with attachments:
- A Natural Resource Report
 - B Phase 1 Archaeological Survey
 - C Illinois Livestock Management Facilities Act General Requirements Related to Size of Facility
 - D Revised Finding of Fact for Case 573-AM-06
7. Supplemental Memorandum dated February 23, 2007, with attachments:
- A Endangered Species Report from IDNR
 - B Comparing the Proposed Site Conditions to Common Champaign County Conditions
 - C Summary of Site Comparison for Factors Relevant to Development Suitability
 - D Revised Summary of Evidence for Case 573-AM-06
8. Supplemental Memorandum dated March 1, 2007, with attachments:
- A Revised Land Use Map
 - B Letter from George Bates received February 27, 2007
9. A Summary of Evidence in Support of Suitability with Evidence Against Suitability

FINDING OF FACT

From the Documents of Record and the testimony and exhibits received at the public hearing conducted on **February 15, 2007 and March 1, 2007**, the Zoning Board of Appeals of Champaign County finds that:

1. The Proposed Site *IS SUITED* overall for the development of 3 residences because:
 - A. Every category is rated as “typical” or better with no negative finding.
 - B. Lot 4 could be developed by-right therefore it is not considered.
 - C. There is essentially no farmland being taken out of production.
 - D. The proposed RRO is in accordance with the City of Urbana’s long range comprehensive plan for the development of this area.
 - E. No endangered species have been identified on the subject property.

and despite:

The intersection with Lincoln Avenue is a concern at this time, but will be mitigated during the subdivision process with the City of Urbana.

2. Development of the Proposed Site under the proposed Rural Residential Overlay development *WILL BE COMPATIBLE* with surrounding agriculture because:
 - A. There are only two sides of the proposed RRO District that are in agricultural production.
 - B. The property drains directly into the Saline Branch Drainage Ditch with very little upstream watershed and there is no evidence of drainage tile outlets to the Saline Branch Drainage Ditch from the subject property.
 - C. The access to the subject property will be in one location off of Lincoln Avenue which should mitigate the effect on farming operations.
 - D. The plan is to maintain the tree farm in as close to its present condition as possible.

and despite:

That there is a livestock management facility within one half-mile of the subject property, which the proposed RRO District will not impact with regards to its expansion under the *Illinois Livestock Management Facilities Act*.

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Map Amendment requested in Case 573-AM-06 should ***BE ENACTED*** by the County Board ***AS REQUESTED***.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Debra Griest, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Champaign
County
Department of



Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
FAX (217) 328-2426

To: **Environment and Land Use Committee**
From: **John Hall, Zoning Administrator**
JR Knight, Associate Planner

Date: **March 12, 2007**

RE: **Zoning Case 579-AM-07**

Zoning Case 579-AM-07

Request **Amend the Zoning Map to change the zoning district designation from AG-2 Agriculture Zoning District to CR Conservation-Recreation Zoning District.**

Petitioners **Bill Cope and Mary Kalantzis**

STATUS

The Zoning Board of Appeals voted to "RECOMMEND APPROVAL" of this proposed rezoning at their March 1, 2007 meeting. Relevant maps are attached to the memo for related Zoning Case 573-AM-06. The Finding of Fact is attached.

The subject property for this case is only the western 10 acres of the subject property for Case 573-AM-06. That portion of the parcel is currently zoned AG-2 and is proposed to be rezoned to CR to make it the same as the rest of the parcel.

The proposed rezoning is within the one and one half-mile extraterritorial jurisdiction (ETJ) of the City of Urbana. The Urbana Plan Commission considered this case at their February 16, 2007 meeting and forwarded a recommendation of no protest. At their March 5, 2007 meeting the Urbana City Council voted to not protest the rezoning.

ATTACHMENTS

A As Approved Finding of Fact for Case 579-AM-07

AS APPROVED

579-AM-07

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: *RECOMMEND APPROVAL*

Date: March 1, 2007

Petitioners: Bill Cope and Mary Kalantzis

Request: Amend the Zoning Map to change the zoning district designation from AG-2 Agriculture Zoning District to CR Conservation-Recreation Zoning District

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 15 and March 1, 2007**, the Zoning Board of Appeals of Champaign County finds that:

- *1. The petitioners, Bill Cope and Mary Kalantzis, own the subject property
2. The subject property is a 10 acre tract that is approximately the West Half of the East Half of the Northeast Quarter of the Northwest Quarter of Section 32 of Somer Township, and commonly known as the western half of the tree farm at 4100 North Lincoln Avenue. It is the western portion of an approximately 19 acre tract that is split-zoned; the eastern nine acres are zoned CR.
- *3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioners indicated nothing.
5. Regarding comments by the petitioners when asked on the petition what other circumstances justify the amendment the petitioners indicated nothing.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- *6. The subject property is part of a parcel that is split-zoned AG-2 Agriculture and CR Conservation-Recreation; this case is to rezone the AG-2 portion to CR. There has never been any zoning activity on the subject property. The whole parcel is proposed to be developed into 6 residential lots under a 3 lot RRO in related Zoning Case 573-AM-06.

* Same evidence as in related Zoning Case 573-AM-06

- *7. Land use and zoning in the vicinity and adjacent to the parcel containing the subject property are as follows:
- A. Land north and east of the parcel is zoned AG-2 Agriculture and is in use as farmland. There is also a single family dwelling adjacent and northeast of the subject property.
 - B. Land south of the parcel is zoned CR Conservation-Recreation and is in use as farmland.
 - C. Land west of the parcel is zoned AG-2 Agriculture and is in use as farmland. There is also a single family dwelling adjacent and northwest of the subject property.
8. Previous zoning cases in the vicinity are the following:
- A. Case 342-AM-79 (approved) was a request to rezone 5 acres in the CR Conservation-Recreation District to the AG-2 Agriculture District. The location of the 5 acres is approximately 600 feet west of the subject property on the west side of Lincoln Avenue. There was a related Zoning Case 338-S-78, which was a request for a Special Use Permit for a Wholesale Greenhouse in the AG-2 District. The request was denied and there is only a single family dwelling there today.
 - B. Case 499-AM-84 (approved) was a request to rezone 6.45 acres in the I-1 Light Industry District to the AG-2 Agriculture District. It was requested to make several non-conforming residences and a business conforming. The properties are located in the southeast corner of Section 32 of Somer Township.
 - C. Case 147-AM-98 (approved) was a request to rezone 0.36 acres from the R-5 MANUFACTURED HOME PARK District to the AG-2 Agriculture District. This rezoning was requested to allow the construction of a single family dwelling on a parcel that was adjacent to the Country View Estates Manufactured Home Park on Olympian Road. There was a related Case 148-V-98, which was a request for a variance from the minimum required lot size and average lot width because the parcel in question was too small for the AG-2 District. The variance was granted with one condition.
 - D. Case 173-AM-98 (approved) was a request to rezone 5 acres in the AG-2 Agriculture District to I-1 Light Industry. This case was brought about because a large property immediately south of the subject property was split-zoned AG-2 and I-1, and part of the I-1 portion of the property contained a farmstead and two single family dwellings. The entire property was rezoned to place the farmstead and two single family dwellings in the AG-2 District and leave the rest of the property in the I-1 District.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

9. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:

- (1) The AG-2 Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
 - (2) The CR, Conservation-Recreation DISTRICT is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the COUNTY.
- B. Regarding the general locations of the existing and proposed zoning districts:
- (1) The CR District is generally along the major rivers of the County.
 - (2) The AG-2 District is generally a belt that surrounds the larger municipalities and villages.
- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) Single family dwellings are authorized by right in both districts but two-family dwellings (duplexes) are authorized in the AG-2 District (but not the CR District) and require a Special Use Permit.
 - (2) There are 7 different types of non-residential and non-agricultural uses authorized by right in the AG-2 District (not including temporary uses) and only one type of non-residential and non-agricultural use (public parks; not including temporary uses) authorized by right in the CR District. The non-residential and non-agricultural principal uses authorized by right in the AG-2 District (other than single family dwellings and temporary use) are the following:
 - (a) Rural specialty business (minor)
 - (b) Plant nursery
 - (c) Country club or golf course
 - (d) Commercial breeding facility
 - (e) Christmas tree sales lot
 - (f) Off-premises signs within 660 feet of interstate highways
 - (g) Off-premises signs along federal highways except interstate highways.
 - (3) There are 67 different types of uses authorized by Special Use Permit in the AG-2 District and there are 27 different types of uses authorized by Special Use Permit in the CR District.

- (4) In total, Section 5.2 of the Ordinance indicates 74 different types of uses authorized in the AG-2 District and 28 different types of uses authorized in the CR District, not including agriculture and Temporary Uses.

GENERALLY REGARDING WHETHER THE SUBJECT PROPERTY IS WITHIN A MUNICIPAL ETJ AREA

10. Regarding any relevant municipal or township jurisdiction:
- A. Amendments to the Champaign County Zoning Map can be protested by any zoned municipality within one-and-one-half miles of the subject property and/ or the township in which the subject property is located if it has a township plan commission. In the event of either a municipal or township protest, a three-fourths majority of the County Board will be required to grant the rezoning request instead of a simple majority.
 - B. The subject property is located within the mile-and-a-half extraterritorial planning jurisdiction of the City of Urbana, which has a comprehensive Plan. The City has received notice of this request. The 2006 Update to the 2005 Comprehensive Plan of the City of Urbana, shows the subject property as Residential, and states that such areas, “contain primarily single-family housing, but may contain a variety of compatible land uses...Suburban development patterns are found in newer areas, with larger lots served by a well-connected street network with pedestrian and bicycle facilities. At their February 16, 2007 meeting the City of Urbana Plan Commission considered this case and voted to forward a recommendation of “no protest” to the City Council.

REGARDING CHAMPAIGN COUNTY LAND USE GOALS AND POLICIES

11. The Land Use Goals and Policies were adopted on November 29, 1977, and were the only guidance for County Map Amendments until the Land Use Regulatory Policies-Rural Districts (LURP) were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). The LURP’s were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP’s adopted on November 20, 2001, remain the relevant LURP’s for discretionary approvals (such as map amendments) under the current Zoning Ordinance. The relationship of the Land Use Goals and Policies to the relevant LURP’s is as follows:
- A. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies.
 - B. The Land Use Goals and Policies cannot be directly compared to the Land Use Regulatory Policies because the two sets of policies are so different. Some of the Land Use Regulatory Policies relate to specific types of land uses and relate to a particular chapter in the land use goals and policies and some of the Land Use Regulatory Policies relate to overall considerations and are similar to general land use goals and policies.

GENERALLY REGARDING POLICIES FOR CONSERVATION OF NATURAL RESOURCES, CLEAN AIR AND WATER, OPEN SPACE, RECREATION, AND HISTORICAL PRESERVATION

12. There are nine land use policies for conservation of natural resources, clean air and water, open space, recreation, and historical preservation in the Land Use Goals and Policies. Several of these policies are not relevant to specific map amendments, as follows:
 - A. Policy 5.1 of the Land Use Goals and Policies states that the Environment and Land Use Committee will review the provisions of the Conservation-Recreation District of the County Zoning Ordinance for determination of the adequacy of protection of natural resource areas, and make appropriate recommendations to the County Board.
 - B. Policy 5.2 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will work with the County Forest Preserve and the local park districts to advise and/or review with them their efforts to program capital expenditures to acquire land or easements for parks and open space areas.
 - C. Policy 5.5 of the Land Use Goals and Policies states that the Environment and Land Use Committee will review County Zoning and Subdivision Ordinances to provide for reservation of open space in any commercial, industrial or large residential developments and make appropriate recommendations to the County Board.
 - D. Policy 5.8 of the Land Use Goals and Policies states that the County Board will encourage the development of tax exemption policies, development rights transfer, easements, and zoning to conserve identified natural resources.
 - E. Policy 5.9 of the Land Use Goals and Policies states that the Environment and Land Use Committee will review existing standards for air and water quality, and will work to establish procedures for maintaining the quality of these natural resources, and the maintenance of water supplies for the general welfare of County residents.
13. Policy 5.3 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will work with the County Highway Department and Township Road Officials, the State and Federal Highway Departments and the Bureau of Outdoor Recreation to develop scenic areas along transportation routes as identified in the Open Space and Recreation Plan and Program.

The proposed map amendment **CONFORMS** to Policy 5.3 because the subject property is not included in the Open Space and Recreation Plan and Program.
14. Policy 5.4 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will work with local governmental units for dedication of open space sufficient to meet any deficit of parks and recreational space in developed or developing areas with appropriate incentives to the developer.

AS APPROVED

The proposed map amendment **CONFORMS** to Policy 5.4 because the subject property is included on the 2005 Comprehensive Plan for the City of Urbana, and is indicated as Residential with no large areas of open space nearby.

15. Policy 5.6 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will encourage the identification and preservation of scenic or historical sites in their original state or in a way to retain their value as such sites.

Because the subject property is neither a historic location nor part of a large, scenic stream corridor this policy does not appear to be relevant to the proposed map amendment.

16. Policy 5.7 of the Land Use Goals and Policies states that the County Board and the Environment and Land Use Committee will encourage the preservation of natural areas and will cooperate with the County Forest Preserve District and other interested groups in a preservation and restoration program.

The proposed map amendment **CONFORMS** to Policy 5.7 because part of the intent of the CR District is to conserve the natural and scenic areas generally along the major stream networks of the county.

GENERALLY REGARDING POLICIES FOR AGRICULTURAL LAND USE

17. There are six policies related to agricultural land uses in the Land Use Goals and Policies. The agricultural land use policies are relevant because the property is proposed to be changed from the AG-2 District. The following agricultural land use policies do not appear to be relevant to any specific map amendment:
- A. Policy 1.1 of the Land Use Goals and Policies states that the Environmental and Land Use Committee will study the possibility of creating several agricultural districts which would provide one or more districts for agricultural uses, only, while other districts would permit limited non-agricultural uses.
 - B. Policy 1.3 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the Board of Appeals will work towards applying the concepts of development rights transfer, planned unit development, cluster development and special use permits to insure, when and where necessary, that development of non-agricultural uses is compatible to adjacent agricultural activities.
 - C. Policy 1.4 of the Land Use Goals and Policies states that the Environment and Land Use Committee will examine the zoning classification of lands on the urban periphery for the possibility of rezoning lands from district classifications which encourage productive farming.
 - D. Policy 1.5 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will encourage the development of tax assessment policies which will discourage the unnecessary conversion of agricultural land to non-agricultural uses.

- E. Policy 1.6 of the Land Use Goals and Policies states that the Environment and Land Use Committee and the County Board will initiate a coordinated effort among local units of government to create uniform standards and procedures to review developments proposed for agricultural areas.

- 18. Policy 1.2 of the Land Use Goals and Policies states that the Board of Appeals and the County Board will restrict non-agricultural uses to non-agricultural areas or
 - i. those areas served by:
 - adequate utilities
 - transportation facilities, and
 - commercial services or
 - ii. those areas where non-agricultural uses will not be incompatible with existing agricultural uses.

- A. The following policies relate to adequacy of utilities:
 - (1) Policy 7.3 states that the County Board will encourage development only in areas where both sewer and water systems are available. In areas without public sewer and water systems, development may occur only if it is determined that individual septic systems can be installed and maintained in a manner which will not cause contamination of aquifers and groundwater and will not cause health hazards. Requests for development should demonstrate that wastewater disposal systems, water supply, fire and police protection are adequate to meet the needs of the proposed development.

 - (2) Policy 7.3A states that new subdivisions and zoning changes should meet these (7.3 above) standards and will be considered where they are not in conflict with the goals and policies of this Plan.

- B. The proposed map amendment *CONFORMS* to Policy 1.2 because there are fewer non-agricultural uses authorized in the proposed CR District than in the current AG-2 District.

REGARDING GOALS FOR CONSERVATION OF NATURAL RESOURCES, CLEAN AIR AND WATER, OPEN SPACE, RECREATION, AND HISTORICAL PRESERVATION

- 19. There are six goals for conservation of natural resources, clean air and water, open space, recreation, and historical preservation in the Land Use Goals and Policies. The first, fifth, and sixth goals are not relevant to any specific map amendment, and are as follows:
 - Protection and conservation of publicly designated environmental and natural resources and historical site through open space reservation, conservation, zoning, easement, development rights, tax exemption policy, public acquisition and performance standards for commercial and industrial development.

 - Provision of sufficient recreational facilities for both active and passive recreation, based on standards recommended by the Champaign County Forest Preserve, local park districts, the State of Illinois Department of Conservation and the Federal Bureau of Outdoor Recreation.

- Establishment of a process for assisting local governments in the development of parks and recreational areas through the zoning and subdivision ordinances, and capital improvements programs.
- Development of taxing policies at the state level which will facilitate the conservation of natural resources, open space, parks and recreation and historical preservation.

20. The third goal for conservation of natural resources, clean air and water, open space, recreation, and historical preservation is as follows:

Development and/or preservation of greenbelts (including agricultural uses), scenic areas and open space corridors both public and private throughout the County.

A. The proposed map amendment *ACHIEVES* this goal because there are fewer non-agricultural uses authorized in the proposed CR District than in the current AG-2 District.

21. The fourth goal for conservation of natural resources, clean air and water, open space, recreation, and historical preservation is as follows:

Preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

A. The proposed map amendment *ACHIEVES* this goal because there are fewer non-agricultural uses authorized in the proposed CR District than in the current AG-2 District.

REGARDING GOALS FOR AGRICULTURAL LAND USES IN THE LAND USE GOALS AND POLICIES

22. The agricultural land use goals are relevant because the property is proposed to be changed from the AG-2 District. The first agricultural land use goal of the Land Use Goals and Policies is as follows:

Preservation and maintenance of as much agricultural land in food and fiber production as possible, and protection of these lands from encroachment by non-agricultural uses.

A. Based on the proposed development the proposed map amendment *ACHIEVES* this goal because there are fewer non-agricultural uses authorized in the proposed CR District than in the current AG-2 District.

23. The second agricultural land use goal of the Land Use Goals and Policies is as follows:

Establishment of an agricultural land classification system based on productivity. Improvement of rural drainage systems.

This policy does not appear to be relevant to relevant to any specific map amendment.

REGARDING GENERAL LAND USE POLICIES

- 24. There are two general land use policies in the Land Use Goals and Policies. The second land use policy is not relevant to any specific map amendment.
- 25. The first general land use policy is the following:

The County Board, the Environmental and Land Use Committee and the Zoning Board of Appeals will follow the policies of:

- i. encouraging new development in and near urban and village centers to preserve agricultural land and open space;
- ii. optimizing the use of water, sewer, and public transportation facilities; and reducing the need for extending road improvements and other public services.

Based on the review of the relevant conservational and agricultural land use policies and goals, the proposed map amendment **CONFORMS** to this policy because the CR District that is proposed is intended to facilitate development of the subject property for a rural residential use near the City of Urbana.

REGARDING GENERAL LAND USE GOALS

- 26. There are five general land use goals for all land use in the Land Use Goals and Policies. Three of the general land use goals are not relevant to the proposed map amendment for the following reasons:
 - A. The first and fifth general land use goals are not relevant to any specific map amendment.
 - B. The second general land use goal is so generally stated that it is difficult to evaluate the degree of achievement by the proposed map amendment.
- 27. The third general land use goal is as follows:

Land uses appropriately located in terms of:

- i. utilities, public facilities,
- ii. site characteristics, and
- iii. public services.

The proposed map amendment **ACHIEVES** the third general land use goal based on the following:

- A. **CONFORMANCE** with Policy 1.2 related to utilities, public facilities, and public services (see item 18);
- B. **ACHIEVES** in regards to site characteristics because the CR District is intended to apply to areas subject to frequent or periodic floods and the existing CR District on the property does not include all of the subject property that is below the Base Flood Elevation.

28. The fourth general land use goal is as follows:

Arrangement of land use patterns designed to promote mutual compatibility.

Overall the fourth general land use goal will **BE ACHIEVED** by the proposed map amendment based on conformance or achievement with the preceding policies and goals.

GENERALLY REGARDING COMPLIANCE WITH THE LAND USE REGULATORY POLICIES—RURAL DISTRICTS

29. The LURP's were originally adopted on November 20, 2001 as part of the Rural Districts Phase of the Comprehensive Zoning Review. The LURP's were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP's adopted on November 20, 2001, remain the relevant LURP's for discretionary approvals (such as map amendments) under the current Zoning Ordinance.

30. Regarding compliance with relevant Land Use Regulatory Policies (LURP's):

A. LURP 1.4.1 states that non-agricultural land uses will not be authorized unless they are of a type not negatively affected by agricultural activities or else are located and designed to minimized exposure to any negative affect caused by agricultural activities.

The CR District that is proposed is intended to facilitate development of the subject property for a rural residential use. Compatibility of that use will be determined in related Zoning Case 573-AM-06.

B. LURP 1.4.2 states that non-agricultural land uses will not be authorized if they would interfere with farm operations or would damage or negatively affect the operation of agricultural drainage systems, rural roads or other agriculture-related infrastructure.

The CR District that is proposed is intended to facilitate development of the subject property for a rural residential use. Compatibility of that use will be determined in related Zoning Case 573-AM-06.

C. LURP 1.5.2 states that development that requires discretionary review will not be allowed on best prime farmland unless the site is well suited, overall, for the proposed land use.

This policy is not relevant to the proposed map amendment because the subject property is not best prime farmland overall.

D. LURP 1.5.3 states that development that requires discretionary review will not be allowed if the existing infrastructures, together with the improvements proposed, is inadequate to support the proposed development effectively and safely without undue public expense.

The CR District that is proposed is intended to facilitate development of the subject property for a rural residential use. Compatibility of that use will be determined in related Zoning Case 573-AM-06.

- E. LURP 1.5.4 states that development that requires discretionary review will not be allowed if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.

The CR District that is proposed is intended to facilitate development of the subject property for a rural residential use. Compatibility of that use will be determined in related Zoning Case 573-AM-06.

- F. LURP's 1.6.1 and 1.6.2 relate to business and other non-residential uses; therefore, they are not relevant to the proposed map amendment, which is intended to facilitate development of the subject property for a rural residential use.

GENERALLY REGARDING ANALYSIS OF THE LASALLE FACTORS

32. In the case of *LaSalle National Bank of Chicago v. County of Cook* the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. The *Champaign County Zoning Ordinance* does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

A. ***LaSalle* factor: The existing uses and zoning of nearby property.**

- (1) This property is surrounded by land principally used for farmland.
- (2) The only residential property that directly abuts the subject property is a single family dwelling at the northeast corner of the subject property and across Lincoln Avenue from the subject property. There are also several other residential properties, many of which are not farm related within a mile of the subject property.
- (3) The populated area closest to the subject property is the City of Urbana, less than a mile away.
- (4) The nature of the existing uses of nearby properties appear to be compatible with the CR Conservation-Recreation Zoning District.

B. ***LaSalle* factor: The extent to which property values are diminished by the particular zoning restrictions.**

- (1) It is impossible to establish values without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.
- (2) In regards to the value of nearby agricultural properties, it is not clear if the requested map amendment would have any effect as this property is very similar to other residential properties in the area that are long-standing uses.

AS APPROVED

- (3) In regards to the value of the subject property the proposed map amendment would likely have little to no effect on value.
- C. ***LaSalle* factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**
- (1) As reviewed above, there is no appraisal available as evidence of value and any discussion of value at this time can only be general in nature.
 - (2) There is no evidence indicating that there will be any destruction of property values.
- D. ***LaSalle* factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.**
- (1) The proposed map amendment will allow for a more productive use of a small parcel of non-best prime farmland.
- E. ***LaSalle* factor: The suitability of the subject property for the zoned purposes.**
- (1) The suitability of the site has been determined by the degree of conformance to various policies and the degree of achievement of various goals from the Land Use Goals and Policies and the Land Use Regulatory Policies – Rural Districts (see above).
- F. ***LaSalle* factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.**
- (1) The subject property has not been vacant, as it appears to have been a tree farm for at least the past several years.
- G. ***Sinclair* factor: The need and demand for the use.**
- (1) There is a demand for rural residential lots particularly along the major streams of the County.
- H. ***Sinclair* factor: The extent to which the use conforms to the municipality’s comprehensive planning.**
- (1) The Future Land Use Map of the Comprehensive Plan of the City of Urbana indicates the subject property as Residential and the CR District that is proposed is intended to facilitate development of the subject property for a rural residential development.

DOCUMENTS OF RECORD

1. Preliminary Memorandum for Case 579-AM-07, with attachments
 - A Case Maps for Cases 573-AM-06 and 579-AM-07 (Location, Land Use, Zoning)
 - B Preliminary Finding of Fact for Case 579-AM-07

2. Preliminary Memorandum for Case 573-AM-06, with attachments:
 - A Case Maps for Cases 573-AM-06 and 579-AM-07 (Location, Land Use, Zoning)
 - B Table of Petitioner Submittals
 - C Cope Subdivision Schematic Plan received on February 1, 2007
 - D Engineer's Report to the Champaign County Zoning Board of Appeals on RRO Factors
 - E Engineer's Drainage Report
 - F Champaign County Land Use Regulatory Policies as amended 11/20/01
 - G Excerpted worksheets from *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*
 - H Letter to Dr. Deanna Glossner dated November 14, 2006
 - I Application to IDNR dated November 14, 2006
 - J Letter to Anne Haaker dated November 14, 2006
 - K Letter from Anne Haaker dated November 17, 2006
 - L Application to Champaign County Soil and Water Conservation District dated November 14, 2006
 - M IDOT maps, showing AADT, of roads surrounding subject property
 - N Commitment for Title Insurance from Chicago Title Insurance Company
 - O Staff Land Evaluation and Site Assessment Worksheet
 - P Engineer's Land Evaluation and Site Assessment Worksheet
 - Q Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County
 - R Comparing the Proposed Site Conditions to Common Champaign County Conditions
 - S Summary of Site Comparison for Factors Relevant to Development Suitability
 - T Summary of Comparison for Factors Relevant to Compatibility with Agriculture
 - U Draft Finding of Fact for Case 573-AM-06

3. All Documents of Record for related Zoning Case 573-AM-06

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Map Amendment requested in Case 579-AM-07 should **BE ENACTED** by the County Board.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Debra Griest, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Champaign
County
Department of

**PLANNING &
ZONING**

Brookens
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(217) 384-3708
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To: **Environment and Land Use Committee**
From: **John Hall, Zoning Administrator**
Date: **March 8, 2007**
RE: **Alternative approaches to ensure land use compatibility near pipelines**

BACKGROUND

At the February 12, 2007, meeting ELUC granted a deferral on Case 542-AM-06 to September 10, 2007, to allow for a Zoning Ordinance to add specific regulations for RROs in the vicinity of gas pipelines. This memorandum provides brief background information and alternative approaches for a Zoning Ordinance text amendment to add safety requirements to ensure land use compatibility in proximity to pipelines. ELUC should identify the preferred alternative that will guide staff in preparation of the amendment. Note that ELUC will not actually deal with the specific text amendment until after the public hearing and recommendation by the Zoning Board of Appeals (ZBA).

PIPELINES IN CHAMPAIGN COUNTY

There are many liquid and gas pipelines that cross Champaign County. The Manlove Gas Storage Facility in Newcomb, Brown, and East Bend Townships is the most concentrated area of pipelines in the County. Three recent requests for rezoning to the Rural Residential Overlay (RRO) Zoning District have been located on properties in close proximity to natural gas pipelines and two of those cases are in the Manlove area.

LAND USE SAFETY CONCERNS RELATED TO PIPELINES

Safety concerns related to pipelines are generally either related to damage prevention such as protection of easements and minimizing "third party damage" or mitigation of the impacts from pipeline accidents. Third party damage accounted for about 40% of pipeline accidents between 1971 and 1986. Even if all third party damage to pipelines is successfully prevented there will still be pipeline failures due to corrosion, defects, and other causes (see Attachment A).

The impacts of pipeline failure depend upon the hazards of the materials transported in the pipelines. The degree of hazard is related to the characteristics of the products transported in the pipeline; the pressures at which the products are transported; and the conditions of accidental release.

Federal regulations for gas pipelines identify a “potential impact radius” which is the area within which the potential failure of the pipeline could have significant impact on people or property. There is no similar “potential impact radius” formula for pipelines that carry hazardous liquids but a 1987 research survey by the American Petroleum Institute found that most damage occurred within 150 feet of liquid pipelines. See Attachment B.

LAND USE COMPATIBILITY CONSIDERATIONS IN FEDERAL PIPELINE REGULATIONS

Federal safety requirements for pipelines were first adopted in the late 1960’s. The U.S. Department of Transportation has responsibility for federal pipeline safety regulations although general safety concerns are considered in the location of new pipelines by the Federal Energy Regulation Commission (FERC). Federal regulations only apply to interstate pipelines. The states regulate intrastate pipelines.

A brief review of the relevant federal pipeline safety regulations reveals that the consideration of land use compatibility in regulation of liquid pipelines is much different than that taken in regulating natural gas pipelines. See Attachments C and D for summaries.

ALTERNATIVES FOR GREATER LAND USE COMPATIBILITY BETWEEN R.R.O. AMENDMENTS AND PIPELINES

The Zoning Ordinance already has basic provisions intended to ensure some degree of land use compatibility in the vicinity of pipelines (see Attachment E). Attachment F outlines several alternative amendments for additional requirements (except the No Action Alternative) that could ensure greater land use compatibility between RROs and pipelines to varying degrees. The alternatives are summarized in the table.

Other alternatives are certainly possible. There are no specific proposals at this time to address other map amendments or Special Use Permits or subdivision plats or lots that are created “by-right” even though the final amendment should address all possible situations as much as possible.

ATTACHMENTS

- A Causes of Pipeline Failures**
- B Impacts of Pipeline Failures**
- C Relevant Federal Safety Requirements Related to Location for Pipelines Transporting Hazardous Liquids**
- D Relevant Federal Safety Requirements Related to Location for Natural Gas Pipelines**
- E Relevant Existing Zoning Ordinance Requirements**
- F Alternative Zoning Ordinance Amendments**

Zoning Administrator
 Land Use Compatibility Near Pipelines
MARCH 8, 2007

Comparison of Alternatives For Greater Land Use Compatibility Between R.R.O. Amendments and Pipelines

Alternative	Additional Requirements	Pros or Cons
No Action Alternative	None (no change)	No real improvement over the existing situation
Require Adequate Notice to Prospective Buyers of RRO Lots	A standard notice filed with the Recorder of Deeds to ensure that prospective lot purchasers are aware of the presence of pipelines Could also include prohibition on pipeline easements within RRO District	No real improvement in land use compatibility but some buyers may be better informed
Require Minimal Separation Between RRO Structures and Adjacent Pipelines	A 50 feet separation would be required between all structures in an RRO and any adjacent pipelines. Should also include required notice to buyers Could also include prohibition on pipeline easements within RRO District	1. Should help minimize accidental "third party damage" 2. A separation this small has little impact on development but will not mitigate damage if an accident occurs
Require A Greater Separation That Minimizes Impacts on RRO Structures From Pipeline Accidents	A greater separation would be required between structures in the RRO and any adjacent pipeline depending on the type of adjacent pipeline: <ul style="list-style-type: none"> • 150 feet separation for liquid pipelines • The separation for gas pipelines would be based on the Potential Impact Radius (PIR) as defined in the Code of Federal Regulations Should also include required notice to buyers Could also include prohibition on pipeline easements within RRO District	1. Minimizes the chance of accidental "third party damage" and may mitigate most damage if an accident would occur 2. The lots in the RRO District could still be located very close to pipelines.
Prohibit RRO Lots Within A Significant Impact Radius of Any Pipeline	Requires a separation between lots in the RRO and adjacent pipeline depending on the type of adjacent pipeline: <ul style="list-style-type: none"> • 150 feet separation for liquid pipelines • The separation for gas pipelines would be based on the Potential Impact Radius (PIR) as defined in the Code of Federal Regulations Should also include required notice to buyers Could also include prohibition on pipeline easements within RRO District	1. Minimizes the chance of accidental "third party damage" and even greater damage mitigation 2. Even lawn areas would be separated from pipelines. 3. Flag lots with access strips in the required separation would not be permissible. 4. Subdivision design near pipelines will be more complicated and expensive and could result in inefficient (though more compatible) use of land.

ATTACHMENT A
Causes of Pipeline Failures
MARCH 8, 2007

CAUSES OF PIPELINE FAILURES

A review of pipeline accidents between 1971 and 1986 summarized the causes of pipeline failures as follows:

- **Third party damage** (generally due to adjacent excavation or construction) is the principal cause of pipeline accidents and accounted for about 43% of all pipeline accidents between 1971 and 1986.
- **Corrosion of pipelines** was the second highest cause of pipeline accidents and accounted for about 21% of pipeline accidents between 1971 and 1986.
- **Defects in construction, materials, and operation** caused about 19% of pipeline accidents between 1971 and 1986.
- **“Unidentified causes”** accounted for about 17% of pipeline accidents between 1971 and 1986.

Source: *Pipelines and Public Safety*. Transportation Research Board, National Research Council. Washington D.C. 1988.

ATTACHMENT B
Impacts of Pipeline Failures
MARCH 8, 2007

IMPACTS OF PIPELINE FAILURES

The impacts of pipeline failure depend upon the hazards of the materials transported in the pipelines. The degree of hazard is related to the characteristics of the products transported in the pipeline; the pressures at which the products are transported; and the conditions of accidental release¹.

Impacts of Gas Pipeline Failure

The federal regulations for gas pipelines (see the attachment) include a mathematical formula for identifying a “potential impact radius” (PIR) for any gas pipeline. The PIR is the area within which the potential failure of the pipeline could have significant impact on people or property. The PIR is based on the diameter of the gas pipeline and the maximum operating pressure of the pipeline.

Testimony in the pending RRO cases indicate that the PIR of the 12 inch high pressure gas pipelines in the Manlove Gas Storage Facility are a fair approximation of the damage that resulted from the pipeline and well rupture that occurred in 1998. In that particular event the wind was blowing from the southwest to the northeast and the farm ground was scorched for quite a distance to the northeast.

Impacts of Hazardous Liquid Pipeline Failure

The federal regulations for hazardous liquid pipelines do not include anything similar to the PIR for gas pipelines. The wide variety of liquids that are transported in liquid pipelines vary greatly in toxicity, volatility, and flammability. Propane, butane, Natural Gas Liquid, and ammonia are highly volatile and flammable. Benzene and high hydrogen sulfide content crude oils are highly toxic. Gasoline, jet fuel, and low flashpoint crude oils are flammable with a low flash point. Diesel fuel, fuel oil, and kerosene are non flammable.

Propane and butane are also transported under high pressure. In a pipeline accident involving rupture these materials will vaporize and atomize and create a highly flammable and explosive mixture that can form a cloud that may move considerable distance before ignition.²

A 1987 research study by the American Petroleum Institute surveyed pipeline companies for information regarding deaths, injuries, and property damage due to liquid pipeline accidents. The study found that about 67% of all property damage and about 77% of all injuries and about 63% of all deaths occurred within 150 feet of the pipelines³.

¹ *Pipelines and Public Safety*. Transportation Research Board, National Research Council. Washington D.C. 1988.

² Ibid.

³ Rusin, Michael and Evi Savvides-Gellerson. *The Safety of Interstate Liquid Pipelines: An Evaluation of Present Levels and Proposals for Change*. American Petroleum Institute Research Study 040. July 1987.

ATTACHMENT C

Relevant Federal Safety Requirements Related to Location for Pipelines Transporting Hazardous Liquids MARCH 8, 2007

RELEVANT FEDERAL SAFETY REQUIREMENTS RELATED TO LOCATION FOR PIPELINES TRANSPORTING HAZARDOUS LIQUIDS

As defined in the Code of Federal Regulations (49 CFR 195.2), “hazardous liquids” transported in pipelines consist of petroleum, petroleum products, and anhydrous ammonia. Petroleum products include propane, butane, Natural Gas Liquid, benzene, gasoline, jet fuel, diesel fuel, fuel oil, and kerosene. Pipelines carrying carbon dioxide are also regulated under this part of the Code of Federal Regulations.

The Code of Federal Regulations specifies the following requirements for location of new pipelines transporting hazardous liquids:

- 49 CFR 195.248 requires liquid pipelines to be buried below the level of cultivation and requires 36 inches of cover in industrial, commercial, and residential areas.
- 49 CFR 195.210 requires that rights-of-way for liquid pipelines must, as far as practicable, avoid areas containing private dwellings, industrial buildings, and places of assembly and also prohibits liquid pipelines within 50 feet of private dwellings, industrial buildings, and places of assembly unless there is an additional 12 inches of cover in addition to the minimum cover that is otherwise required. Thus, a liquid pipeline located less than 50 feet from a residence would have to have 48 inches of cover.
- 49 CFR 195.452 requires pipeline integrity management for any hazardous liquid pipeline that could affect a “high consequence area”. A “High consequence area” is a commercial navigable waterway; or a high population area (an urbanized area delineated by the Census Bureau that contains 50,000 or more people and has minimum population density of 1,000 people per square mile); or an other populated area as delineated by the Census Bureau; or an unusually sensitive area which may be any of several types of community water supplies or any of several types of ecological resource areas, any of which would be unusually sensitive to damage that would result from damage from a hazardous liquid pipeline release. Pipeline integrity management is a complicated method of assessing pipeline integrity and hazard to high consequence areas and identification of preventive and corrective actions to prevent and mitigate the consequences of any pipeline failure that could affect a high consequence area. Pipeline operators are responsible for continually monitoring population or environmental changes along the pipeline.

ATTACHMENT D
Relevant Federal Safety Requirements Related to Location for Natural Gas Pipelines
MARCH 8, 2007

RELEVANT FEDERAL SAFETY REQUIREMENTS RELATED TO LOCATION FOR NATURAL GAS PIPELINES

Minimum safety requirements for gas pipelines are included under Title 49 of the Code of Federal Regulations (CFR), Part 192 that establishes the following:

- (1) Potential impact radius (PIR) is defined by 49 CFR 192.03 as the radius of a circle within which the potential failure of a gas pipeline could have significant impact on people or property. PIR is determined by the formula $r=0.69*\sqrt{(p*d^2)}$, where r' is the radius of a circular area in feet surrounding the point of pipeline failure, p' is the maximum allowable operating pressure (MAOP) in the pipeline segment in pounds per square inch and d' is the nominal diameter of the pipeline in inches.
- (2) Class location is based upon population density using a standard class location unit that is defined by 49 CFR 192.5 as an onshore area that extends 220 yards on either side of the centerline of any continuous one mile length of pipeline. Defined class locations are the following:
 - (a) Each separate dwelling unit in a multiple dwelling unit building is counted as a separate building intended for human occupancy.
 - (b) A Class 1 location is any class location unit that has 10 or fewer buildings intended for human occupancy
 - (c) A Class 2 location is any class location unit that has more than 10 but fewer than 46 buildings intended for human occupancy.
 - (d) A Class 3 location is any class location unit that has more than 46 buildings intended for human occupancy; or anywhere a pipeline lies within 100 yards (91 meters) of an identified site, which is either a building or a small, well-defined outside area (such as a playground, recreation area, outside theater, or other place of public assembly) that is occupied by 20 or more persons on at least 5 days a week for 10 weeks in any 12 month period. (The days and weeks need not be consecutive.)
 - (e) A Class 4 location is any class location unit where buildings with four or more stories above ground are prevalent.
- (3) Class location may change as a result of development within 220 yards of a pipeline and whenever an increase in population density indicates a change in class location for a segment of pipeline operating at a hoop stress not commensurate with that class location the pipeline operator must within 24 months of the change in class location make a study as outlined in 49 CFR 192.609 and reduce the operating pressure of the pipeline in the covered segment to that allowed by 49 CFR 192.611.

ATTACHMENT D

Relevant Federal Safety Requirements Related to Location for Natural Gas Pipelines

MARCH 8, 2007

- (4) A high consequence area is undefined as an area where population density is great enough that the consequences in terms of impact on people or property from an undesired event are so great that a pipeline operator is required to develop and follow a written integrity management plan for all pipeline segments within high consequence areas. High consequence areas are classified as the following:
- (a) An area defined as either a Class 3 or 4 location under 49 CFR 192.5; or any area in a Class 1 or 2 location where the potential impact radius is greater than 660 feet (200 meters), and the area within a potential impact circle contains 20 or more buildings intended for human occupancy; or any area in a Class 1 or 2 location where the potential impact circle contains an identified site, which is either an outdoor area like a playground or other public gathering area; or a building such as a church, public meeting hall, or other public gathering place.
 - (b) Or the area within a potential impact circle containing 20 or more buildings intended for human occupancy; or an identified site.

ATTACHMENT E
Relevant Existing Zoning Ordinance Requirements
MARCH 8, 2007

RELEVANT EXISTING ZONING ORDINANCE REQUIREMENTS

The Zoning Ordinance already contains some basic zoning regulations that are relevant to ensuring safe land use in the vicinity of pipelines.

Zoning Requirements Applicable to Any Construction

Paragraph 4.2.2 D. prohibits any construction within utility easements as follows (capitalized words are defined in the Ordinance):

No USE shall be established, CONSTRUCTION undertaken, nor fill placed in any recorded drainage or utility easement that would interfere with the function of the easement.

It is difficult to enforce this requirement because staff reviewing Zoning Use Permit Applications will generally only have information regarding whether or not an easement is present if the application is on a lot in a platted subdivision. This prohibition could be clarified by also including "pipeline easement". Note that simple excavation or regrading is not prohibited in easements and the Zoning Ordinance does not regulate regrading.

Zoning Requirements Applicable Only to Map Amendments to the RRO District

Subparagraph 5.4.3 C.2.k. requires that in making findings for map amendments (rezoning) to the Rural Residential Overlay (RRO) Zoning District the Zoning Board of Appeals (ZBA) shall consider, among other things, "The presence of nearby natural or man-made hazards".

Paragraph 5.4.5 B. requires that an application for a map amendment to the RRO District must include an open title commitment or a title policy not more than 12 months old. The open title commitment will indicate if there is an easement for a pipeline on the property proposed for rezoning.

ALTERNATIVES FOR GREATER LAND USE COMPATIBILITY BETWEEN R.R.O. AMENDMENTS AND PIPELINES

Alternative A: The No Action Alternative

The County Board is not obligated to amend the Zoning Ordinance for this purpose. However, choosing not to amend the Zoning Ordinance would leave landowners with no idea of what to expect for any proposed RRO and the ZBA would be left to make recommendations with no clear guidance.

Alternative B: Require Adequate Notice to Prospective Buyers of RRO Lots

The minimal alternative would simply ensure that adequate notice is provided to prospective lot buyers in any RRO which is within a specified proximity (perhaps as little as 50 feet or as much as 150 feet) to any pipeline. The notice would be a standard form that would be filed with the Recorder of Deeds as a "miscellaneous document" and would be attached to the RRO lots. Amending the Ordinance to this limited extent would seem to indicate that the County Board is prepared to approve any RRO in proximity to any pipeline so long as the required notice is provided and so long as there are no other significant concerns.

This alternative could be modified to prohibit pipeline easements within RRO Districts.

Alternative C: Require Minimal Separation Between RRO Structures and Adjacent Pipelines

This alternative would require 50 feet of separation between any structures on a lot in an RRO and any adjacent pipeline. This minimal separation would be the same regardless of the hazard posed by the pipeline. As in Alternative B above, amending the Ordinance to this limited extent would seem to indicate that the County Board is prepared to approve any RRO in proximity to any pipeline so long as this minimal separation is provided and so long as there are no other significant concerns.

This alternative should probably also include the notice requirements of Alternative B and could also be modified to prohibit pipeline easements within RRO Districts.

Alternative D: Require A Greater Separation That Minimizes Impacts on RRO Structures From Pipeline Accidents

This alternative would require a much greater separation between the structures on a lot in an RRO and any adjacent pipeline. The separation would vary depending on the type of adjacent pipeline (gas or liquid) as follows:

- The minimum separation required for liquid pipelines would be 150 feet regardless of the size of the pipeline or the liquids conveyed.
- The minimum separation required for gas pipelines would be based on the Potential Impact Radius (PIR) as defined in the Code of Federal Regulations (see the attachment).

ATTACHMENT F

Alternatives For Greater Land Use Compatibility Between R.R.O. Amendments And Pipelines

MARCH 8, 2007

The minimum separation for a nominal 12 inch diameter gas pipeline with a maximum operating pressure of 2,000 pounds per square inch (PSI) would be approximately 373 feet.

The County Board could also require an alternative impact radius using something less than the maximum pressure that is required for the regulatory PIR. For example, if a nominal 12 inch diameter gas pipeline has a normal operating pressure (1,700 psi) and those values are used in the PIR formula the result is only 341 feet.

The required separation would only apply to structures in the RRO District which means that the lots in the RRO District could be within the required separation and lawn areas would presumably still be located very close to pipelines. Because pipelines are quite often next to existing public streets and roads, the required separation of homes from the pipelines could result in long driveways. The Zoning Ordinance does not contain driveway pavement requirements and poorly built driveways could result in access problems for emergency services vehicles.

This alternative should probably also include the notice requirements of Alternative B and could also be modified to prohibit pipeline easements within RRO Districts.

Alternative E: Prohibit RRO Lots Within A Significant Impact Radius of Any Pipeline

This alternative would prohibit any part of any lot in an RRO District from being within a "significant impact radius" of any pipeline. The significant impact radius in this approach is the same as the minimum building separation in Alternative D but it would be applicable to the entire lot area. Thus, the significant impact radius would depend on the type of adjacent pipeline (gas or liquid) as follows:

- The significant impact radius for liquid pipelines would be 150 feet regardless of the size of the pipeline or the liquids conveyed. No RRO lot could be within 150 feet of an adjacent liquid pipeline.
- The significant impact radius for gas pipelines would be based on the Potential Impact Radius (PIR) as defined in the Code of Federal Regulations (see the attachment) or some alternative version as described above. Either way, the separation in this approach would apply to each lot in the RRO District. Thus, for a nominal 12 inch diameter gas pipeline with a maximum operating pressure of 2,000 pounds per square inch (PSI) and a normal operating pressure (1,700 psi), the required separation distance for nearby RRO lots would be between 373 feet and 341 feet depending on whether the County Board adopted the regulatory PIR or something less as the defined "significant impact radius".

Because the separation applies to the entire lot area, flag lots with access strips in the required separation would not be permissible. And, because pipelines are quite often next to existing public streets and roads, the required separation of lots from the pipelines will require public streets which will increase the cost of development for even small subdivisions that are near pipelines.

ATTACHMENT F

Alternatives For Greater Land Use Compatibility Between R.R.O. Amendments And Pipelines

MARCH 8, 2007

Subdivision design will also be more complicated when pipelines are present because of the need to provide for large unbuildable areas between the RRO and the pipeline and it could result in inefficient (but more compatible) use of land.

This alternative should probably also include the notice requirements of Alternative B and could also be modified to prohibit pipeline easements within RRO Districts.



TO: Environment and Land Use Committee

FROM: Susan Monte, RPC County Planner

DATE: March 6, 2007

RE: 2007 Electronics Recycling Collection Event

REQUESTED ACTION: Information Only

BACKGROUND

Planning for a countywide 2007 Electronics Recycling Collection Event is underway. This is a jointly supported effort of participating municipalities and Champaign County. E-Scrap Technologies, Inc. (located in Bolingbrook, Illinois) will conduct the collection, with no charge to the County or municipalities. The participating municipalities and the County will share all advertising and promotion costs associated with this event.

This year's collection will take place on **Saturday, April 21, 2007** from 8:00 am to 3:30 p.m. At present, the location of the collection event is being finalized.

Electronics accepted for recycling include:

- Electronics
- Computers / PC's
- Monitors (*onsite fee of \$5 for monochrome monitor*)
- Printers
- Networking equipment
- Phones and cell phones
- PC peripherals and loose hardware
- Video conferencing equipment
- Servers
- Scanners
- Copiers (*onsite fee of \$10*)
- Televisions (*onsite fee of \$5 - \$10*)

Reasons to Recycle Electronics

Conserve natural resources.... Recycling recovers valuable material from old electronics which can be used to make new products. Recycling and reusing electronics saves resources, cutting down on the need to mine for new raw materials.

Protect the environment..... Safely recycling and reusing electronics helps keep substances like lead and mercury from harming people and the environment.

