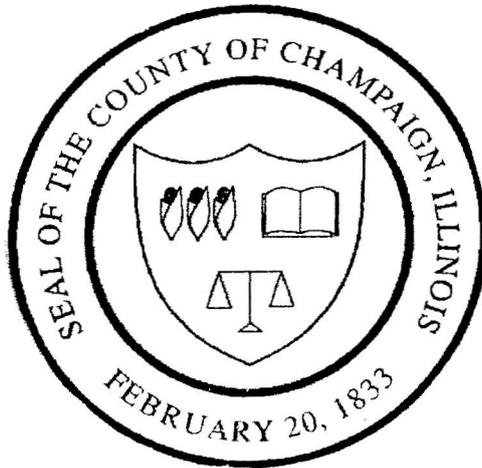


*Environment
& Land Use Committee
Meeting Agenda*

November 10, 2008



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 Alan Kurtz, Ralph Langenheim, Steve
Moser, Jon Schroeder (VC), Barbara Wysocki (C)*

Date: *November 10, 2008*
Time: *7:00 p.m.*
Place: *Lyle Shields Meeting Room
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 (October 14, 2008) 1 thru 11
4. Correspondence
5. Public Participation
6. Updates:
 - A. Champaign County Land Resource Management*
 - B. Champaign County Hazard Mitigation Plan*
7. Enterprise Zone Boundary Amendment 12 thru 22
8. Zoning Case 638-AM-08: Dewey State Bank and Craig Horsch, Senior V.P. 23 thru 51
Request: **Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-2 Neighborhood Business Zoning District.**
Location: **The Northwest 5 acres of 80 acres located at the West Half of the Northwest Quarter of Section 3 of Condit Township and commonly known as the farm field at the Southwest corner of CR 900E and IL 136.**
9. Zoning Case 583-AT-07: Zoning Administrator 52 thru 72
Request: **Amend the Zoning Ordinance to establish "pipeline impact radius" and restrict certain development within a pipeline impact radius**
10. Champaign County Zoning Ordinance requirements for wind turbine developments 73 thru 79

CHAMPAIGN COUNTY
ENVIRONMENT AND LAND USE COMMITTEE AGENDA
NOVEMBER 10, 2008

- 11. Monthly Reports (June, July, August, September and October, 2008)**
- 12. Old Business**
 - A. County Board Chair Discussion of Ordinance No. 836 Amending the Enterprise Zone on property located at 1400 Anthony Drive, Champaign, also known as the International Society of Arboriculture (ISA)**
- 13. Other Business**
- 14. Determination of Items to be placed on the County Board Consent Agenda**
- 15. Adjournment**

SUBJECT TO APPROVAL

MINUTES OF REGULAR MEETING

Champaign County Environment & Land Use Committee	DATE:	October 14, 2008
Champaign County Brookens Administrative Center	TIME:	7:00 p.m.
Urbana, IL 61802	PLACE:	Lyle Shields Meeting Room Brookens Administrative Center 1776 E. Washington Street Urbana, IL 61802

MEMBERS PRESENT: Jan Anderson, Matthew Gladney, Brad Jones, Ralph Langenheim, Steve Moser, Jon Schroeder (VC), Barbara Wysocki (C)

OTHER COUNTY BOARD MEMBERS PRESENT: Pius Wiebel (County Board Chair)

MEMBERS ABSENT: Chris Doenitz

STAFF PRESENT: John Hall, Leroy Holliday, J.R. Knight, Susan Chavarria (Regional Planning Commission)

OTHERS PRESENT: Wayne Busboom, Patty Busboom

DRAFT

1. Call to Order, Roll Call

The meeting was called to order at 7:04 p.m. The roll was called and a quorum declared present.

2. Approval of Agenda

Mr. Kurtz moved, seconded by Mr. Gladney to approve the agenda as submitted. The motion carried by voice vote.

3. Approval of Minutes:

A. Closed Session: September 20, 2007 & November 13, 2007

Mr. Langenheim moved, seconded by Mr. Gladney to approve the September 20, 2007 and November 13, 2007 closed session minutes as submitted and to keep the minutes closed. The motion carried by voice vote.

B. Open Session: September 08, 2008

Mr. Gladney moved, seconded by Mr. Kurtz to approve the September 08, 2008 minutes.

1 Ms. Anderson stated that the September 08, 2008 minutes indicate that she was both present and absent at
2 the meeting. She clarified that she was absent from this meeting.

3
4 Mr. Moser stated that the September 08, 2008 minutes also indicate that he was present and absent at the
5 meeting. He clarified that he was also absent from the meeting.

6
7 Ms. Wysocki stated that Ms. Melin is also indicated as both present and absent from the meeting. She said
8 that Ms. Melin has submitted her resignation from the County Board and is no longer a member of ELUC.
9 She noted that staff will amend the minutes to reflect these changes.

10
11 **The motion carried by voice vote.**

12
13 **4. Correspondence**

14 **A. Letter from the Kaskaskia Watershed Association regarding Localized Water Retention**

15
16 Ms. Wysocki recommended that the Committee authorize Mr. Hall to respond to the letter from the
17 Kaskaskia Watershed Association addressing the issue of localized water retention and pointing out what
18 Champaign County already does in this particular regard.

19
20 **Mr. Langenheim moved, seconded by Ms. Anderson to authorize Mr. Hall to respond to the letter**
21 **from the Kaskaskia Watershed Association. The motion carried by voice vote.**

22
23 **5. Public Participation**

24
25 None

26
27 **6. Updates:**

28 **A. *Champaign County Land Resource Management Plan***

29
30 Ms. Chavarria stated that they are still in Stage 2 of the Champaign County Land Resource Management
31 Plan. She said that Stage 2 is taking a little bit longer than originally anticipated on the project calendar
32 because the Steering Committee is doing a very thorough job of going through the goals, objectives and
33 policies in relation to land use in the county. She said that originally it was anticipated that this phase would
34 be done by August or September of this calendar year but it is now anticipated that it will be done by
35 December or January, 2009. She said that the next LRMP meeting is November 13, 2008, at 7:30 a.m. in the
36 John Dimit Meeting Room and the steering committee will be asked to attend additional meetings between
37 November and January in order to keep this project on schedule. She said that the steering committee has
38 been invited to supply input on the policies by October 31st that may help the project move forward more
39 productively.

40
41 **B. *Champaign County Hazard Mitigation Plan***

1 Ms. Chavarria stated that the Champaign County Hazard Mitigation Plan is in Stage 2, Risk Assessment
2 Stage. She said that the committee has just received a draft of the Risk Assessment project and staff is
3 seeking comments on that draft.
4

5 C. *Proposed Intergovernmental Agreement regarding development pursuant*
6 *to municipal annexation that is more than one-and-one half miles from the*
7 *municipality and House Bill 2518*
8

9 D. *Senate Bill 2022*
10

11 Mr. Hall stated that there is no new information regarding Agenda Items #6.C. or #6.D. at this time. He said
12 that at this point there is no reason to continue these items on the ELUC agenda.
13

14 7. **Recreation and Entertainment License: Egyptian Collectors Association, Inc.**
15 **Hunting and Trade Show. Location: Champaign County Fair Grounds, 903 N.**
16 **Coler, Urbana. October 18-19, 2008**
17

18 8. **Recreation and Entertainment License: Gordyville, LLC. Rodeo Location: 2205**
19 **CR 3000N, Gifford. October 31 thru November 1-2, 2008.**
20

21 **Mr. Moser moved, seconded by Mr. Schroeder to approve the Recreation and Entertainment Licenses**
22 **for the Egyptian Collectors Association, Inc. and Gordyville, LLC. The motion carried by voice vote.**
23

24 9. **Zoning Case 583-AT-07: Zoning Administrator Request: Amend the Zoning Ordinance**
25 **to establish “pipeline impact radius” and restrict certain development within a pipeline**
26 **impact radius.**
27

28 Mr. Hall stated that the memorandum dated October 9, 2008, points out that the amendment recommended
29 by the ZBA does not achieve everything that the Committee requested at the March 8, 2007, meeting. He
30 said that the recommended amendment does not prohibit “by-right” lots or dwellings from the pipeline
31 impact radius but it does require that a written notice by the Zoning Administrator be given for “by-right”
32 development and that a point of contact for the pipeline operator be provided to the applicant. He said that
33 this was based on the evidence at the public hearing from not just concerned land owners but from concerned
34 pipeline operators. He said that the pipeline operators were concerned that something that strong might
35 actually make it more difficult to acquire easements in the future for necessary pipelines. He said that given
36 the strong opposition that was expressed from some parts of the county and given that there are already a lot
37 of residences within the pipeline impact radius he revised the request to what is presented to the Committee
38 for recommendation tonight. He said that this recommended amendment also does not prohibit lots created
39 in a Rural Residential Overlay Zoning District from being partially located in a pipeline impact radius. He
40 said that it does require that the landowner has to have ample buildable area outside of the impact radius and
41 it prohibits anything from being constructed in the impact radius except for driveways. He said that this goes
42 back to a concern raised by an attorney during the public hearing. He said that the attorney made the
43 argument to the ZBA and the State’s Attorney that if new streets will be allowed to be built in the pipeline

1 impact radius then new driveways must also be allowed. Mr. Hall said that this change is based on the
2 direction from the State’s Attorney and that was the direction that the ZBA followed.

3
4 Mr. Hall said that the amendment that is in front of the Committee tonight adds significant new requirements
5 in the *Zoning Ordinance*. He said that folks that desire to do RRO’s in the near future will know exactly
6 what they need to do but no ill will is created on the parts of the folks who buy a lot and come to the office to
7 obtain a permit. He said that during this visit the new owner will discover that there is a pipeline impact
8 radius on their land and they will understand what that means therefore possibly revising their lot or if it is
9 big enough they will know where to build safely. He said that the amendment does do a lot in regards to
10 land use compatibility although it does not do everything that the Committee originally requested.

11
12 Mr. Hall stated that from a staff level he is comfortable with what the ZBA has recommended but it is the
13 Committee’s call whether to recommend this text amendment to the County Board or send it back to the
14 ZBA.

15
16 Mr. Hall noted that text amendments normally stay at ELUC for one month to allow comment from any
17 municipality or township who wants to oppose it. He said that it would be good to make a motion indicating
18 that the Committee would like to forward this to the County Board but not until November.

19
20 **Mr. Moser moved, seconded by Mr. Schroeder to recommend approval of Case 583-AT-07, but to**
21 **hold the text amendment for one month at ELUC to allow municipalities and townships to formally**
22 **comment.**

23
24 Mr. Wiebel asked Mr. Hall if he had a “by-right” lot that is affected by the “pipeline impact radius” could he
25 build on the part of the lot that is not affected.

26
27 Mr. Hall stated that if the lot is a “by-right” lot and the entire lot is located within the “pipeline impact
28 radius” he could build where ever he wanted to except for within the actual easement. He said that for the
29 interstate pipelines the easement is generally located 50 feet on either side however for the high pressure gas
30 pipelines there is a lot of debate as to how wide those easements are but generally they are also 50 feet wide.

31
32 Ms. Anderson asked Mr. Hall if even though people are made aware of the existence of the pipelines, could
33 they sue the County if an incidence occurred.

34
35 Mr. Hall stated that they could initiate a lawsuit but there is no risk to the County and in fact this amendment
36 would put the County in a better position then the current *Ordinance*.

37
38 **The motion carried by voice vote.**

- 39
40 **10. Zoning Case 630-AM-08: Wingfield Distributors, LLC and Dean Wingfield, President**
41 **and Wayne Busboom. Request: Amend the Zoning Map to change the zoning district**
42 **designation from the AGT-1, Agriculture Zoning District to the B-1, Rural Trade**

10-14-08

DRAFT SUBJECT TO APPROVAL DRAFT

ELUC

Center Zoning District. Location: An approximately 2.6 acre portion of a 30 acre tract in the North Half of the Northeast Quarter of the Southeast Quarter of Section 22 of Somer Township and commonly known as the farm shed at the Southwest corner of intersection CR 2050N and CR 1600E.

Mr. Schroeder moved, seconded by Mr. Moser to recommend approval of Zoning Case 630-AM-08: Wingfield Distributors, LLC and Dean Wingfield, President and Wayne Busboom.

Mr. Wiebel asked Mr. Hall how much land is proposed for rezoning.

Mr. Hall stated 2.6 acres.

Mr. Wiebel asked if generally the current use on the property is for agricultural use, including the tool shed.

Mr. Hall stated yes.

Mr. Wiebel asked Mr. Hall if Mr. Wingfield would be using the tool shed as part of the business.

Mr. Hall stated that Mr. Wingfield does intend to build an addition and use both sheds for the business.

The motion carried by voice vote.

11. Champaign County Zoning Ordinance requirements for wind turbine developments

Mr. Hall stated that since the last meeting staff has reviewed 11 other county zoning ordinances and have gotten familiar with their requirements for wind farms. He said that staff has finally realized that Ford County does have zoning and they adopted the Model Ordinance requirements that this staff proposed last month at ELUC. He said that the Committee has received another copy of that Model Ordinance at tonight's meeting because as staff was looking through the other county ordinances we were not just looking at just the wind farm requirements but how they regulate rural development in general. He said that of the nine counties that have adopted specific requirements for wind farms, four of them require the minimum lot size in a rural district to be 40 acres. He said that the key components of the wind farm Model Ordinance that ensures land use compatibility in the rural area are (1) the required separation of 1,000 feet between a wind turbine tower and primary structures (such as dwellings) and (2) the required separation between a wind turbine tower and the perimeter of the development which is required to be a minimum of 1.1 times the height of the tower. He said that the maximum height is 499 feet so this separation is a maximum of 549 feet. He said that if you have a county that allows ongoing residential development of any extent around a wind farm there could be a tower that could fall close to residence within that 1,000 foot barrier. He said that if there is an adjacent property owner who only has 10 or 15 acres and their entire acreage is within that 1,000 foot buffer there could be a problem because that person could say that their entire property is within what would otherwise be a 1,000 foot buffer and their property is now worth less than it was before the wind

1 farm..
2
3 Mr. Hall stated that of the nine counties that were reviewed Sangamon County is the only one that has done
4 this thing rationally and Sangamon is the most logical because they require 1,200 feet between a wind tower
5 and the property line which ensures that any future dwelling on adjacent non-participating properties will be
6 provided with a greater separation than participating dwellings. He said that another thing about the
7 Sangamon County approach is that their minimum lot size is 40 acres so it is inconceivable that someone on
8 a 40 acre lot could not build outside of the 1,000 foot barrier. He said that in Champaign County if someone
9 has 40 acres they could create 4 lots and if most of the 40 acres ends up being less than 1,000 feet from a
10 wind turbine then there could be a problem with that landowner saying that the County has affected the value
11 of their land. He said that staff has become familiar with 11 counties and did not find any county that had a
12 good system of these setbacks that Champaign County could copy. He said that something less than what
13 Sangamon County requires could be adequate but the question is how much less because the larger this
14 buffer becomes the more difficult it will be to establish a wind farm and he believes that wind farms are
15 generally compatible in a rural area but it is only possible if you identify the proper separation between
16 adjacent dwellings and the wind turbines and to date he has not been able to do that.
17
18 Mr. Hall stated that it is unknown what the base was for establishment of the 1,000 foot barrier was. He said
19 that he would like to contact the authors of the *Model Ordinance* to see what they were thinking of when
20 they recommended a 1,000 foot buffer. He said that when you are in a rural area in Illinois a quarter mile
21 away there could be a 2,500 unit animal operation established on any day and you or the County Board
22 would have nothing to say about it. He said that clearly in a rural area the expectation of nothing happening
23 doesn't extend one quarter mile away from where you live and plenty of things can happen within that
24 distance. He said that the question is how close could it be to you if it is just a 500 foot tall wind turbine and
25 does it need it be 1,000 feet away from your property. He said that if the Committee believes that 1,000 feet
26 is a reasonable expectation then we need to create a set of buffers that will result in that. He said that if
27 much of this land that would be within 1,000 feet will always be farm land then the separation distance
28 would not need to be 1,000 feet.
29
30 Mr. Hall stated that during review of the 11 ordinances, staff identified about 13 other things that should be
31 included in the amendment to the Zoning Ordinance, included as Attachment A of the October 14, 2008,
32 memorandum. He said that in addition to reviewing the ordinances staff has also reviewed as many actual
33 findings for wind farms that staff could get copies of because almost every county after they have added the
34 necessary requirements to their ordinance they still end up adding special conditions when approving a wind
35 farm. He said that staff wishes that they had a specific recommendation for the Committee at tonight's
36 meeting but they do not although he is pretty confident that they will have next month. He said that last
37 month he explained that staff was trying to settle on whether recommending just a County Board Special Use
38 Permit or a Special Use Permit and Map Amendment approach but frankly getting these separation distances
39 established is more important than a map amendment.
40
41 Mr. Hall reported that, to date, no applications have been received for the establishment of a wind farm in
42 Champaign County.

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Mr. Langenheim asked Mr. Hall if the Chicago Legal Clinic, Inc. is related to any trade association or environmental group.

Mr. Hall stated that he does not know but he can investigate that issue.

Mr. Gladney asked Mr. Hall if he was aware of where the U of I will be placing their wind turbine.

Mr. Hall stated that the rumored wind turbine will be placed on ground owned by the University of Illinois therefore they can build it wherever they want on that ground. He said that the last information that he heard was that the wind turbine would be located on the old south farms site on Windsor Road east of First Street.

Mr. Moser stated that the only place they could put it is on Curtis Road west of Ridge Road.

Mr. Kurtz asked Mr. Hall if the U of I has set out any perimeters regarding wind turbines.

Mr. Hall stated that the last he heard the U of I is only proposing to do two wind turbines and they are more for demonstration rather than significant power generators.

Mr. Wiebel asked if the U of I could put these turbines anywhere they want to on their land.

Mr. Hall stated that the land is zoned AG-2 but anything that is state owned is exempt from zoning. He said that the U of I would be willing to go through a public hearing but what would be the use if they are not subject to any specific requirements.

Mr. Kurtz asked Mr. Hall if the U of I will be constructing the wind turbines themselves or have they contracted with a company that staff could contact to discuss wind turbines.

Mr. Hall stated that the U of I will have to contract with a wind turbine builder. He said that he can contact the U of I to see if they have contracted with a specific company to date.

Mr. Moser asked Mr. Hall if staff is leaning more towards a plain Special Use Permit for wind turbine construction or a County Board Special Use Permit.

Mr. Hall stated that at this point it has to be County Board Special Use Permit but the question is whether a map amendment should accompany the County Board Special Use Permit. He said that there are only a couple of other uses which have a 1,000 foot separation requirement from adjacent dwellings and some would say that such a use must be really bad if it has to be 1,000 feet from adjacent dwellings therefore the zoning should be something other than AG-1. He said that a wind farm is such an unusual thing that it cannot be looked at like everything else and he is hoping that this will be nothing more than a County Board Special Use Permit. He said that another thing that the *Model Ordinance* is conspicuously silent on is what kind of approvals are reasonable for a wind farm and that is another thing that staff wants to investigate.

1
2 Mr. Moser stated that Mr. Brad Uken, Champaign County Farm Bureau Manager has had a lot of experience
3 with Bureau County during his term as the Bureau County Farm Bureau Manager therefore he would like to
4 hear how Bureau County handled this issue.

5
6 Mr. Brad Uken, Champaign County Farm Bureau Manager stated that the Illinois Clean Energy Community
7 Foundation funded the *Model Ordinance*. He said that Bureau County went through an extensive hearing
8 process at the ZBA with over 80 some hours of testimony and after a few speakers the testimony became
9 very repetitive. He said that from the landowner's standpoint it appears that there are some great benefits to
10 that landowner but from a probability standpoint there are a number of ordinances out there for staff review
11 and the Farm Bureau has an opinion on which ones are fair and covers the details that must be addressed.

12
13 Mr. Moser asked Mr. Uken if Bureau County required Special Use Permits on the wind turbine
14 development.

15
16 Mr. Uken stated yes. He said that one Special Use Permit was issued for the entire wind farm and it was not
17 individualized. He said that he did speak to his counterpart in McLean County and they too required one
18 Special Use Permit for the entire project.

19
20 Mr. Moser asked if Bureau and McLean County required bond money.

21
22 Mr. Uken stated that bond money was required for decommissioning which is a very common practice in
23 every ordinance.

24
25 Ms. Wysocki stated that the second page of the *Model Ordinance* clearly indicates that the *Model Ordinance*
26 was drafted by The Chicago Environmental Law Clinic and Baker & McKenzie and funded by The Illinois
27 Clean Energy Community Foundation.

28
29 Mr. Moser asked Mr. Uken if he had been contacted by anyone from the area south of Sidney or the
30 Compromise area regarding a wind farm.

31
32 Mr. Uken stated that in October 2007, he attended a meeting at Kennedy's at Stone Creek and the banquet
33 room was filled with landowners from Champaign, Vermilion, Douglas and Edgar counties to hear an initial
34 presentation from the same company that constructed the McLean County wind farm project. He said that
35 this initial meeting was to obtain signed leases for test towers and they obtained those leases. He said that it
36 is his understanding that some of those test towers have been constructed but he cannot confirm whether they
37 are located in Champaign, Douglas or Vermilion counties. He said that at this meeting they did walk
38 through a list of requirements that they would need to follow to get such a project started and it appeared that
39 there was a lot of interest by landowners. He said that the company was also offering payment to adjacent
40 landowners therefore if someone had a property that was not going to house a wind tower next to a property
41 that would house a wind tower they would get a payment. He said that he does not know what the dollar
42 amount was or how far they were proposing to go with this "good neighbor" policy but they were proposing

1 offers to those adjacent landowners.

2
3 Mr. Moser asked Mr. Uken if they were proposing the project on the moraine south of Broadlands or more
4 north.

5
6 Mr. Uken stated that they discussed the moraine south of Broadlands. He said that they were looking at
7 thousands of acres for this project.

8
9 Mr. Hall stated that he had Bureau County on his list of contacts and as he contacted Livingston, LaSalle and
10 Woodford counties they indicated that their ordinance was based on Bureau County therefore it appeared
11 that there was no need to contact them.

12
13 Mr. Moser asked Mr. Uken if he is aware what the taxes are for the wind towers.

14
15 Mr. Uken stated he does not know a specific number and part of the controversy when these wind towers
16 were proposed in Illinois was that there was no standardized assessment process for them. He said that only
17 a couple of years ago did Illinois pass a state wide assessment process therefore there is no question how the
18 assessor will handle that because it is already established in state statute.

19
20 Ms. Wysocki stated that it appears that the Committee would like to have staff draft an ordinance regarding
21 wind farm development.

22
23 Mr. Moser stated that just in case someone would come to the County requesting such a development he
24 would like to have an ordinance to regulate it.

25
26 Mr. Kurtz asked if there are any wind turbines in County currently.

27
28 Mr. Uken stated that there are no wind turbines within Champaign County currently but the company did
29 desire to place test towers in the Broadlands, Sidney area. He said that he cannot confirm whether any of
30 those test towers were placed in Champaign County.

31
32 Mr. Moser stated that if the test towers were placed south of Broadlands then they would be in Douglas
33 County.

34
35 Mr. Langenheim asked Mr. Uken to explain the purpose of the test tower.

36
37 Mr. Uken stated that the test tower measures and records the consistency and velocity of the wind at that
38 specific location. He said that another important factor is the proximity of a high voltage line which can
39 handle the energy generated by a wind farm.

40
41 Mr. Schroeder stated that we need to move forward on a draft ordinance to assure Champaign County's
42 inclusion in a proposed wind farm.

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The consensus of the Committee was to have staff continue drafting a text amendment to the *Zoning Ordinance* regarding the siting of a wind farm.

12. Monthly Report (June, July, August, September, 2008)

No discussion occurred.

13. Closed Session pursuant to 5 ILCS 120/2 (c) 1 to consider the employment, compensation, discipline, performance or dismissal of an employee.

Mr. Jones moved, seconded by Mr. Langenheim to move in to Closed Session pursuant to 5 ILCS 120/2 (c) 1 to consider the employment, compensation, discipline, performance or dismissal of an employee and further moved that the Recording Secretary remain present.

The roll was called:

Anderson-yes	Doenitz-absent	Gladney-yes
Jones-yes	Langenheim-yes	Kurtz-yes
Moser-yes	Schroeder-yes	Wysocki-yes

The Closed Session was called to order at: 7:51 p.m.

The Closed Session was adjourned at 8:06 p.m.

14. Other Business

Ms. Wysocki informed the Committee that a Mahomet Aquifer Consortium Meeting will be held on Thursday, October 15, 2008 at 10:00 a.m. at the Illinois Water Survey, Champaign.

15. Determination of Items to be placed on the County Board Consent Agenda

The consensus of the Committee was to place Item #10 on the County Board Consent Agenda.

16. Adjournment

The meeting adjourned at 8:06 p.m.

Respectfully submitted,

10-14-08

DRAFT SUBJECT TO APPROVAL DRAFT

ELUC

1 Secretary to the Environment and Land Use Committee

2
3

eluc\minutes\minutes.frm

TO: Environment & Land Use Committee
FROM: Brent Rose
DATE: November 10, 2008
SUBJECT: Joint Champaign County-City of Champaign Enterprise Zone:
Boundary Amendment

A. Introduction: The purpose of this proposal is to amend the boundaries of the joint City of Champaign/Champaign County Enterprise Zone by adding 23.08 acres of property, generally located along Rion Drive in Northwest Champaign. The property is immediately adjacent to the current boundaries of the Enterprise Zone.

B. Prior County Board Action:

- The County Board passed Ordinance No. 255, entitled “An Ordinance Establishing an Enterprise Zone.”
- From time to time since then, the Champaign County Board and the Champaign City Council have expanded the boundaries for specific developments.
- The most recent amendment to the boundaries of the Enterprise Zone was in September 2008 for 1400 West Anthony Drive, the International Society for Arboriculture.

C. Summary:

- The City of Champaign and Champaign County jointly operate the Enterprise Zone, so all amendments must be processed and approved by both the City and the County.
- All amendments must be certified by the State of Illinois Department of Commerce and Economic Opportunity before they take effect but only after the City and the County have taken action.
- The State has 90 days from the time of submittal to consider each application for amendment.
- The territory that is proposed to be added to the Enterprise Zone, pursuant to the approval of this amendment, is located immediately adjacent to the current Zone boundaries. The property is already located within the City limits.
- Currently, the total area of the Zone is approximately 9 square miles. The Enterprise Zone Act limits the total size of this Zone to 12 square miles.

- The proposed addition includes one developed lot with two office/warehouse buildings, approximately 2.7 acres in size, that are home to EpiWorks, Inc. a high-tech company and graduate business of the University of Illinois Research Park.
- The addition of this property will be consistent with the original goals of the Enterprise Zone by creating/retaining jobs in the county, particularly in the high-tech industry, and stimulating commercial investment and revitalization.

D. County Policy:

- The County Board adopted Resolution No. 3542 establishing an Enterprise Zone annexation policy on March 21st, 1995. The resolution states, in relevant part, that “...the County will support annexations upon presentation of a project plan containing specific commitments, plans and timetables for development and identifying a business that is not in significant direct competition within the local market with any existing firm in Champaign County that is not located in an Enterprise Zone.”

The proposed project does contain specific plans for a business on a specific site. The business is not in competition with any other firm in the local market.

The proposed project appears to conform to the policies set forth in resolution No. 3542.

E. Attachments



REPORT TO CITY COUNCIL

FROM: Steven C. Carter, City Manager

DATE: October 31, 2008

SUBJECT: EXPLANATION OF COUNCIL BILL NO. 2008 –

A. Introduction: The purpose of this Council Bill is to amend the boundaries of the joint City of Champaign/Champaign County Enterprise Zone by adding 23.08 acres of property, generally located along Rion Drive in northwest Champaign. The property is immediately adjacent to the current boundaries of the Enterprise Zone.

B. Recommended Action: The Administration recommends approval of this Council Bill.

C. Prior Council Action:

- On December 17, 1985, the City Council passed Ordinance No. 85-352, entitled “An Ordinance Establishing an Enterprise Zone.”
- From time to time since then, the Champaign City Council and the Champaign County Board have expanded the boundaries for specific development or requests.
- The most recent amendments to the boundaries of the Enterprise Zone were in 2006 for the Clearview development and the Andersons ethanol plant and in 2008 for 1400 W. Anthony Drive, the International Society of Aborigiculture.

D. Summary:

- The City of Champaign and Champaign County jointly operate the Enterprise Zone, so all amendments must be processed and approved by both the City and the County.
- All amendments must be certified by the State of Illinois Department of Commerce and Economic Opportunity before they take affect but only after the City and the County have taken action.
- The State has 90 days from the time of submittal to consider each application for amendment.
- The property that is proposed to be added to the Enterprise Zone, pursuant to the approval of this Council Bill, is located immediately adjacent to the current Zone boundaries. The property is already located within the City limits.

- Currently, the total area of the Enterprise Zone is 8.5571 square miles. The Enterprise Zone Act limits the total size of this Zone to 12 square miles.
- The proposed addition will add .036 square miles to the Zone for a total of 8.5931.
- The proposed addition includes one developed lot with two office/warehouse buildings, approximately 2.7 acres in size, that are home to EpiWorks, Inc. a high-tech company and graduate business of the University of Illinois Research Park.
- The addition of this property will be consistent with the original goals of the Enterprise Zone by creating/retaining jobs in the community, particularly in the high-tech industry, and stimulating commercial investment and revitalization.

E. Background:

1. Enterprise Zone Benefits. The State of Illinois created the Enterprise Zone program in 1982 to encourage economic growth and neighborhood revitalization at the local level. The City of Champaign and Champaign County approved their Enterprise Zone Ordinances in 1985 and received State certification of their Zone in 1986. The Zone boundaries and local program incentives have been amended over the years to adapt to changing local needs.

The joint City of Champaign/Champaign County Enterprise Zone offers certain local property tax abatements and state and local sales tax abatements to qualifying projects. Projects eligible for incentives are all residential, commercial and industrial rehabilitation projects; hotel and conference center projects which include a minimum of 15,000 square feet of usable conference center space and a minimum of 100 hotel rooms; industrial projects which create or retain at least 20 full time or full-time equivalent jobs; and professional services commercial projects, such as offices from which accounting, legal, architectural, engineering or medical services are rendered.

Generally, qualifying industrial projects may receive an abatement of up to 10 years on City and County real estate taxes. Eligible commercial projects may receive a 5 year abatement of real estate taxes. All qualifying projects are eligible to receive a waiver of State and local sales taxes on building materials that are permanently affixed to the real estate as long as those materials are purchased within the State. Projects located within the boundaries of an Enterprise Zone may also qualify for certain State programs such as tax credits and employee training funds.

2. Procedure for Amendment. State law requires that a public hearing be advertised and conducted whenever an amendment is proposed that would alter the boundaries, incentives or benefits of the Enterprise Zone. Both the City and the County must consider and approve the proposed amendment. This process takes a minimum of 3 weeks to complete. The City and County, then, forward the transcript of the public hearing, together with the application for amendment, to the State Department of Commerce and Economic Opportunity. Upon receipt of the City/County application, the State has 90 days to consider the application.

The State will evaluate the application based upon the following criteria:

1.) The area meets at least one of the statutory tests for unemployment, poverty, low income or population loss as described in Section 520.210(f) of the Illinois Administrative Code (see attached excerpt). This criterium was utilized to establish the original boundaries of the Enterprise Zone but is not generally used by the City or the County when considering amendments due to the difficulty in applying the tests.

2.) The proposed addition provides an immediate benefit to the established Enterprise Zone and its residents within two years or less by a.) creating or retaining permanent full-time jobs; b.) removing or correcting an impediment to economic development that exists in the established Enterprise Zone; or c.) stimulating neighborhood residential or commercial revitalization.

3. Request to Amend the Enterprise Zone Boundaries and Proposed Project. The City has received a request to amend the boundaries of the Enterprise Zone to include property located along Rion Drive, including 1606 Rion Drive, the EpiWorks facility. EpiWorks, Inc. is a locally-owned, growing high-tech manufacturing company that is planning to add production capacity and personnel in order to meet increases in customer demand. The company, a 2001 graduate of the University of Illinois Research Park, produces epitaxial compound semiconductor wafers. The wafers are used to manufacture 'chips' that are used in many high-tech applications including cellular phones, wireless laptop computers, laser diodes, solar cells, and photodetectors. EpiWorks' primary international competitors are located in Taiwan, Japan and Great Britain. The owners represent that many of these countries have aggressive policies that help improve the production costs of EpiWorks' competition. Inclusion in the Enterprise Zone will help EpiWorks offset some of this competitive disadvantage by providing tax and other company production benefits at both the local and State levels. EpiWorks also provides research and development to support projects at the University of Illinois.

EpiWorks currently employs 31 personnel, and is expected to hire between 20 and 30 additional personnel over the next two years associated with this expansion, with an above average wage.

EpiWorks plans to invest \$12 million in new production equipment and technology along with facility rehabilitation and expansion between 2008 and 2010. Phase One of the expansion will double EpiWorks' production floor space, and immediately add 50% additional production equipment to the clean room. This new clean room is expected to be complete in the first quarter of 2009. The start date for the construction is as soon as possible given the 2-3 month lead time for assembly of the wafer production equipment. Additional production equipment is expected to be added in the first quarter of 2010. The company represents that financing is in place for the above-noted project.

The primary benefit to the company provided by the Enterprise Zone is abatement of the State's machinery and equipment use taxes on the purchase of the additional wafer production machinery and new solar cell technology. This particular benefit does not result in the waiver of local sales taxes as this equipment is purchased either in the Chicago metropolitan area or overseas. In other words, the City and the County do not forego any sales taxes on these purchases.

EpiWorks has entered into a leasehold agreement with the landlord for rehabilitation and expansion of the current building construction in the amount of \$300,000. This is anticipated to result in the waiver of approximately \$9,300 in State and local sales taxes. The current taxing value of the EpiWorks properties is \$642,500. The total taxes paid on the property were \$44,772 in 2008. Of this amount, the City received \$8,315 and the County received \$4,747. With the proposed improvements to the building, the additional increase in value may be approximately \$100,000 resulting in an increase of \$6,968 in property taxes; \$1,300 per year for the City and \$740 for the County. The City will continue to receive taxes based upon the current value of the property during the time of the abatement, i.e. 10 years and will only forego the increase in taxes on the incremental increase in assessed value for that same period.

The property currently leased by EpiWorks is under separate ownership, i.e. Pacific Dunes Company, an Illinois corporation, Jay Javors Owner and President. This ownership controls the remaining 20 acres of property that is also the subject of this proposed amendment. The property EpiWorks currently leases is not contiguous to the current boundaries of the Enterprise Zone. Staff contacted representatives of the property owners that could provide that contiguity. Those representatives requested that the remainder of their holdings, including that which would provide contiguity, be included in the requested amendment. The property is currently undeveloped and has been so for the approximately 10 years it has been platted. The owners desire inclusion into the Enterprise Zone and represent that it may provide a competitive advantage when marketing the property for development.

F. Alternatives:

1. Approve the Council Bill amending the boundaries of the Enterprise Zone to add 23.08 acres generally located along Rion Drive.
2. Do not approve the Council Bill.

G. Discussion of Alternatives:

Alternative 1 will approve the addition to the Enterprise Zone for the City. The process will still require County review and approval before the formal application may be submitted to the State for certification.

a. Advantages

- Is consistent with the original objectives of the Enterprise Zone to encourage creation and retention of jobs and to stimulate economic investment in the community.
- Is consistent with current City goals of encouraging the retention and expansion of an existing high-tech business and providing additional alternatives for Research Park businesses in order to retain them in the community.
- The jobs being created by EpiWorks are above-average salary.

- In the long run, allows EpiWorks to take advantage of governmental credits and tax abatement programs to help it remain competitive with other companies in this industry overseas and on the East coast.
- Land that is currently undeveloped may provide another competitive option for development for companies graduating from the Research Park.

b. Disadvantages

- The City and County will forego property tax revenues on any incremental increase in assessed value for ten years after occupancy.

Alternative 2 will not approve the Council Bill at this time. Staff seeks further Council direction if this alternative is selected.

a. Advantages

- EpiWorks is planning to invest in this property immediately, so inclusion in the Enterprise Zone at this time is not required for the project to move forward for Phase 1 of their investment.

b. Disadvantages

- May delay or alter EpiWorks' future plans for local expansion and impact their ability to be competitive in a global market.

H. Community Input: A public hearing is scheduled for November 4, 2008 to provide the public with an opportunity to comment on the proposed Council Bill.

I. Budget Impact: The City currently receives \$8,315 annually in real estate taxes on the developed portion of this property, i.e. the EpiWorks buildings. Because the anticipated investment to the building is \$300,000, the estimated increase in assessed value is \$100,000. The annual real estate tax abatement on this incremental increase in building value is \$1,300 for the City and \$740 for the County for a total of approximately \$26,000 including the time value of money over the ten year abatement period.

The remaining property is currently undeveloped with an agriculture taxing value of \$4,140 resulting in \$54 City tax receipts and \$31 in County tax receipts annually. The value of foregone real estate taxes associated with development of the vacant parcels depends upon any new building construction and assessed values which are unable to be estimated at this time.

J. Staffing Impact: Staff has spent approximately 4 hours working and meeting with the property owner and the company preparing this amendment for Council consideration. It is estimated that an additional 4 hours will be spent preparing the State application for certification.

Prepared by:

Teri Legner
Economic Development Manager

J:\CMO\ADM\Economic Development\Enterprise Zone\RTC Rion Dr Epiworks.doc

LEGAL DESCRIPTION

A tract of land being part of the South Half of the Southeast Quarter of Section 27 and the South Half of the Southwest Quarter of Section 26, all in Township 20 North, Range 8 East of the Third Principal Meridian, the boundary of which is described as follows, with bearings based on the bearings of record of Olympian North Number 2, recorded as Document Number 98R14973 in the Champaign County Recorder's Office:

Beginning at the Southeast corner of the Southeast Quarter of said Section 27 said point also being the Southwest corner of the Southwest Quarter of said Section 26, proceed South $89^{\circ} 34' 40''$ West along the South line of said Southeast Quarter of Section 27 a distance of 30.00 feet to the Westerly Right-of-Way line of Mattis Avenue (Champaign County Highway No. 1); thence North $00^{\circ} 24' 03''$ West along said Right-of-Way line 520.10 feet; thence South $89^{\circ} 35' 57''$ West along said Right-of-Way line 15.00 feet; thence North $00^{\circ} 24' 03''$ West along said Right-of-Way line 14.71 feet; thence North $02^{\circ} 07' 08''$ West along said Right-of-Way line 100.06 feet; thence North $01^{\circ} 55' 41''$ West along said Right-of-Way line 450.21 feet; thence North $00^{\circ} 03' 15''$ West along said Right-of-Way line 232.32 feet to the Westerly extension of the North line of the South Half of the Southwest Quarter of said Section 26; thence South $89^{\circ} 24' 23''$ East along said Westerly extension 58.60 feet to the Northwest corner of said South Half of the Southwest Quarter; thence continue South $89^{\circ} 24' 23''$ East along said North line 2427.31 feet to the Westerly Right-of-Way line of F.A.I. Route 57 as monumented and occupied and the Northeast corner of Commons Lot 212 of said Olympian North Number 2; thence South $42^{\circ} 39' 23''$ West along said Right-of-Way line 674.40 feet; thence South $56^{\circ} 49' 05''$ West along said Right-of-Way line 183.95 feet; thence South $74^{\circ} 49' 59''$ West along said Right-of-Way line 397.27 feet; thence North $33^{\circ} 54' 20''$ West 64.41 feet; thence North $19^{\circ} 39' 06''$ East 302.82 feet to the Southerly Right-of-Way line of Rion Drive; thence 19.11 feet along said Right-of-Way line around a curve to the right, concave to the North, having a radius of 333.00 feet, a chord bearing of North $67^{\circ} 07' 39''$ West, and a chord length of 19.11 feet; thence North $65^{\circ} 29' 00''$ West along said Right-of-Way line 183.65 feet; thence 111.48 feet along said Right-of-Way line around a curve to the left, concave to the South, having a radius of 267.00 feet, a chord bearing of North $77^{\circ} 26' 42''$ West, and a chord length of 110.67 feet; thence North $89^{\circ} 24' 23''$ West along said Right-of-Way line 715.48 feet; thence 180.38 feet along said Right-of-Way line around a curve to the left, concave to the Southeast, having a radius of 217.00 feet, a chord bearing of South $66^{\circ} 24' 58''$ West, and a chord length of 175.23 feet; thence South $42^{\circ} 36' 11''$ West along said Right-of-Way line 136.43 feet; thence 147.31 feet along said Right-of-Way line around a curve to the right, concave to the Northwest, having a radius of 283.00 feet, a chord bearing of South $57^{\circ} 30' 58''$ West, and a chord

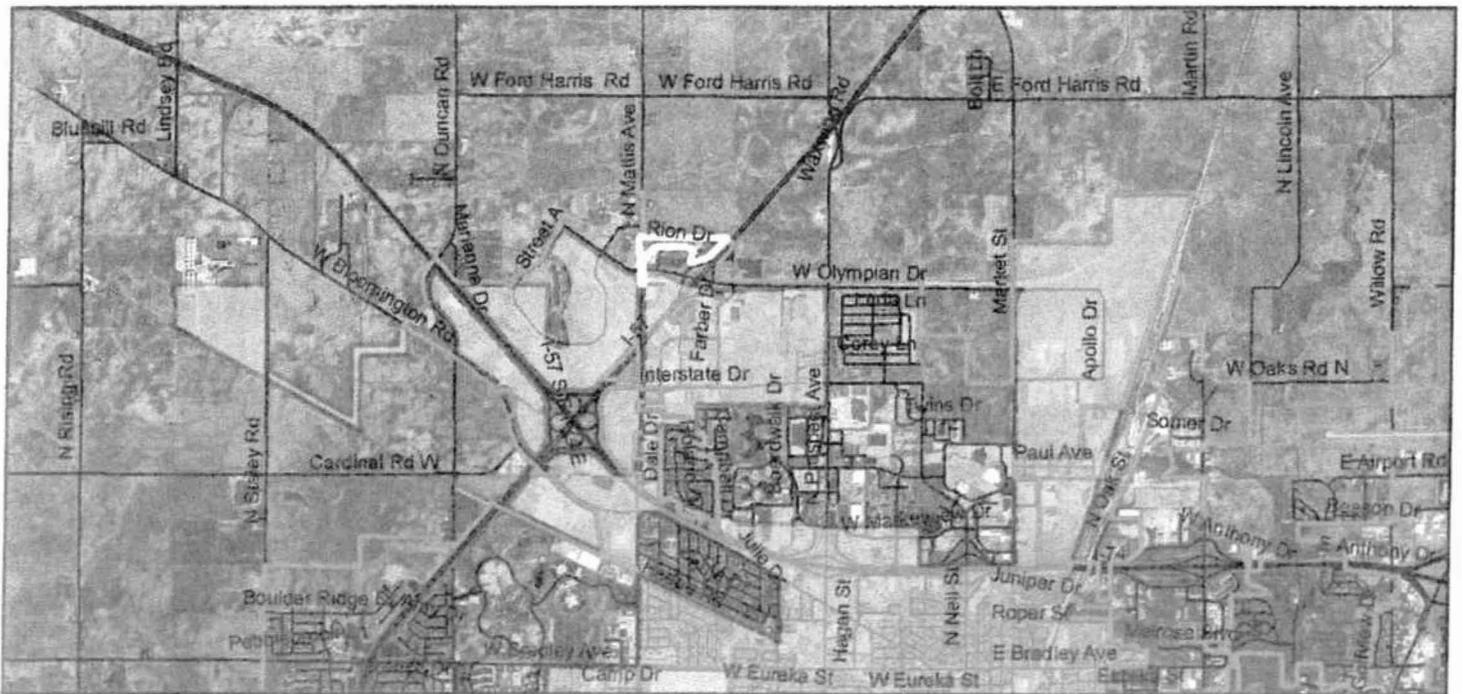
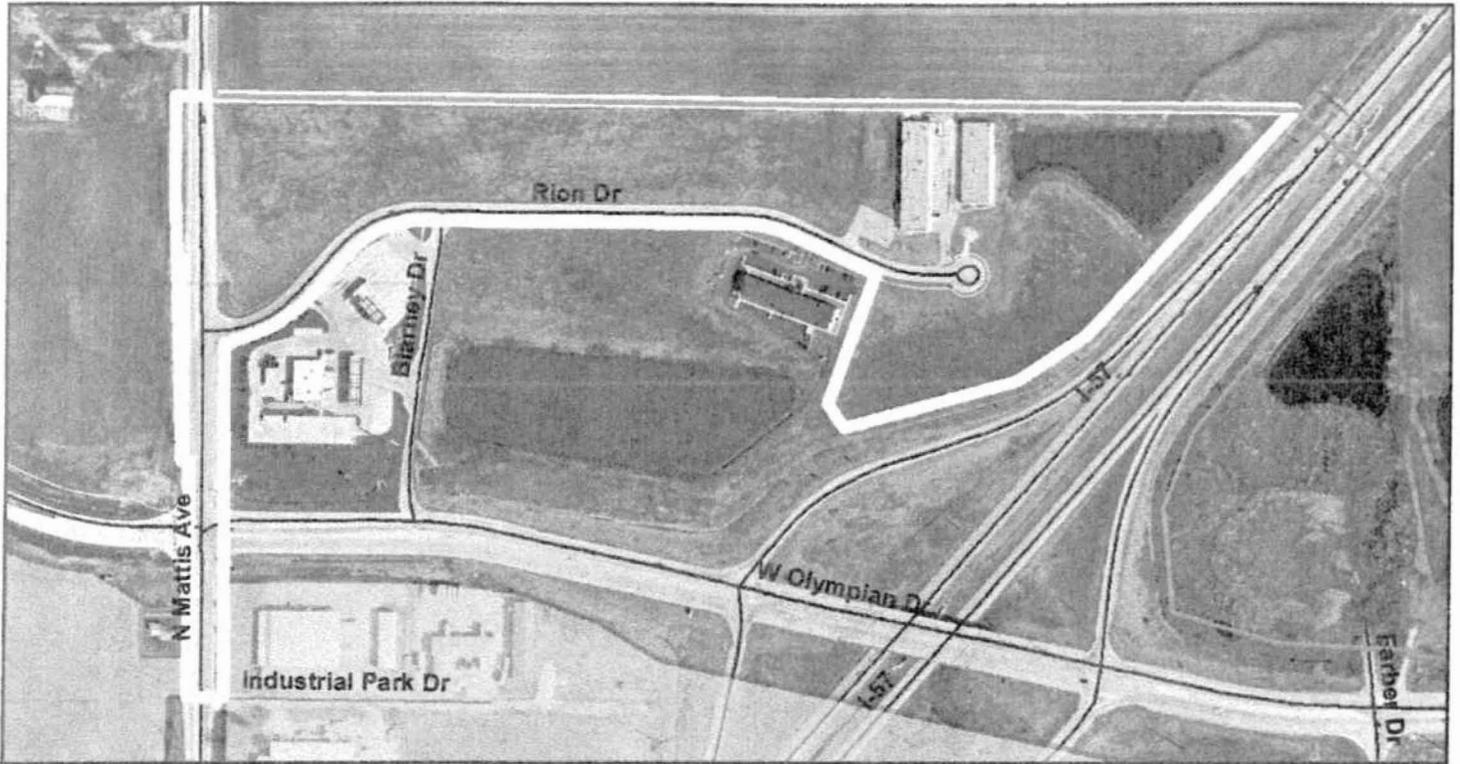
length of 145.65feet; thence South 72° 25' 44" West along said Right-of-Way line 63.96 feet to the Easterly Right-of-Way line of Mattis Avenue (Champaign County Highway No. 1); thence South 00° 24' 03" East along said Right-of-Way line 775.73 feet to the Easterly extension of the South line of said Southeast Quarter of Section 27; thence South 89° 34' 40" West along said Easterly extension 50.00 feet to the Point of Beginning, encompassing 23.08 acres in Champaign county, Illinois.

Prepared by: HDC Engineering
 201 W. Springfield Ave.
 Champaign, IL 61820

Date: October 21, 2008

HDC Project No.: 07447

Olympian North No.2



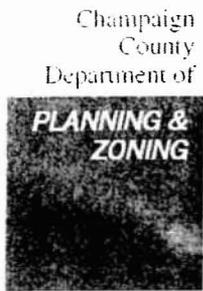
Legend

-  Proposed Enterprise Zone Addition
-  Champaign City Limit
-  Enterprise Zone



Prepared by





To: **Environment and Land Use Committee**

From: **J.R. Knight**, Associate Planner
John Hall, Zoning Administrator

Date: November 6, 2008

RE: Zoning Case 638-AM-08

Zoning Case 638-AM-08

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

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

Request **Amend the Zoning Map to change the zoning district designation from AG-1 Agriculture Zoning District to B-2 Neighborhood Business Zoning District**

Petitioners **Dewey State Bank and Craig Horsch, Senior Vice President; and Bradley Williams**

Location: **The Northwest five acres of 80 acres located in the West Half of the Northwest Quarter of Section 3 of Condit Township and commonly known as the farm field at the Southeast corner of CR 900E and IL 136.**

STATUS

The Zoning Board of Appeals voted to "RECOMMEND ENACTMENT" for this proposed rezoning at their October 30, 2008, meeting. Relevant maps are attached to the memo. The signed Finding of Fact is attached.

The zoning map amendment is intended to provide for the relocation of the Dewey State Bank which currently shares space with the Fisher Farmer's Grain elevator on the south side of Dewey. The ZBA found that the proposed map amendment conforms with all relevant County land use goals and policies. The petitioners have provided several letters of support from the local community, which are summarized in the Finding of Fact on pages 6 and 7 of 21 as Items 11.B.(1) through 11.B.(10).

This case is not located within any municipal ETJ, and no formal protests have been received from neighboring land owners.

Because the subject property fronts County Highway 1 and US Highway 136 special conditions of approval have been recommended to ensure that the County Engineer and IDOT approve all driveways providing access to the development. The conditions are listed below.

SPECIAL CONDITIONS OF APPROVAL

- (1) **The petitioner shall provide the relevant jurisdiction with engineering drawings of the proposed driveway entrance onto County Highway 1 or US Highway 136, respectively.**
- (2) **The Zoning Administrator shall not approve a Zoning Use Permit for the subject property without documentation of the relevant jurisdiction's approval of any proposed driveway entrance.**

- (3) The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the relevant jurisdiction's approval of any constructed driveway entrance including any necessary as-built engineering drawings.

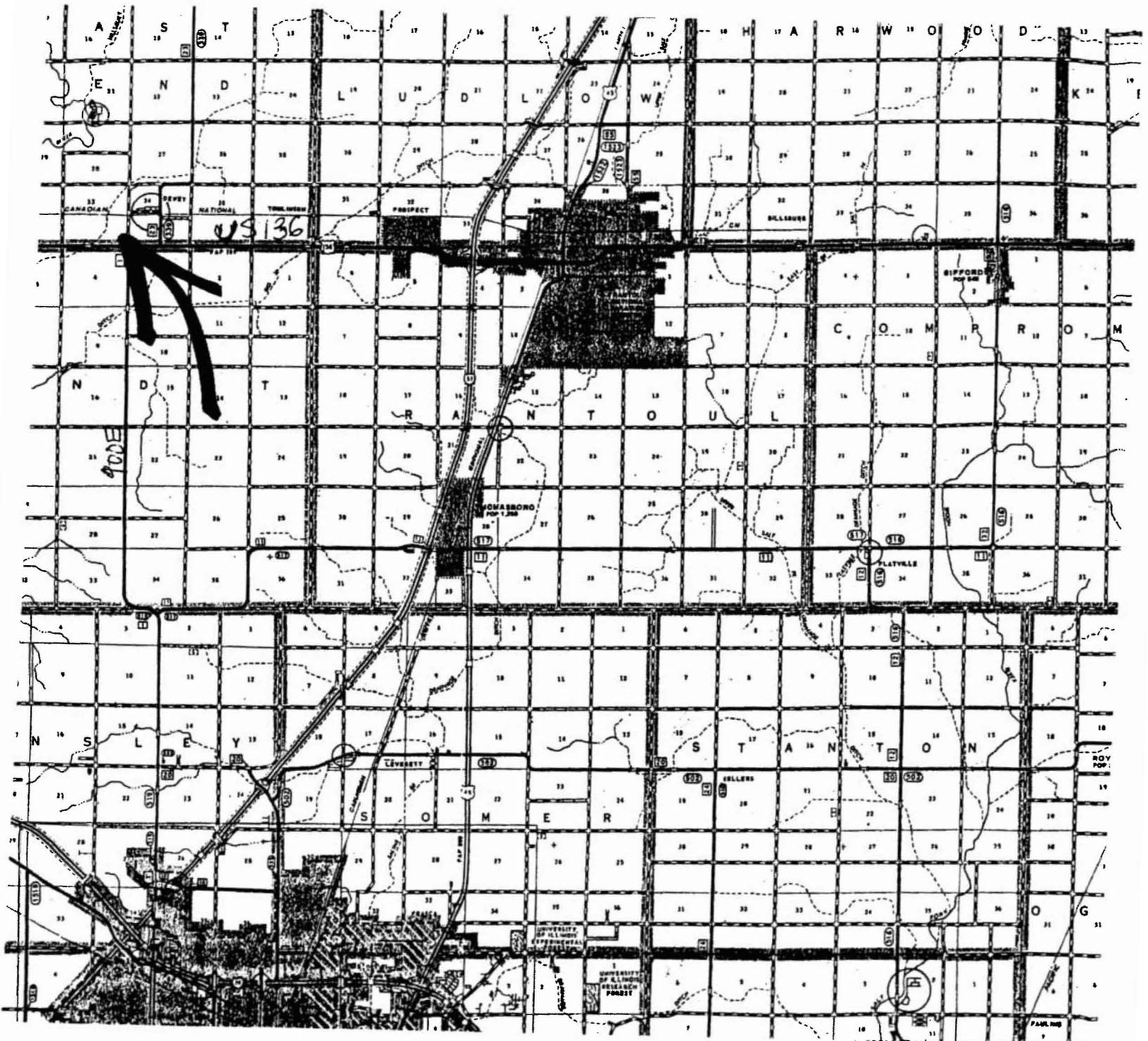
ATTACHMENTS (excerpted from Documents of Record)

- A Case Maps for Case 638-AM-08 (Location, Land Use, and Zoning)**
- B Proposed Site Plan**
- C Petitioner's Exhibit S Topographic/Boundary Survey**
- D Preliminary Space Plan**
- E As Approved Finding of Fact for Case 638-AM-08**

ATTACHMENT A. LOCATION MAP

Case 638-AM-08

OCTOBER 24, 2008

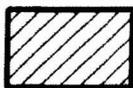
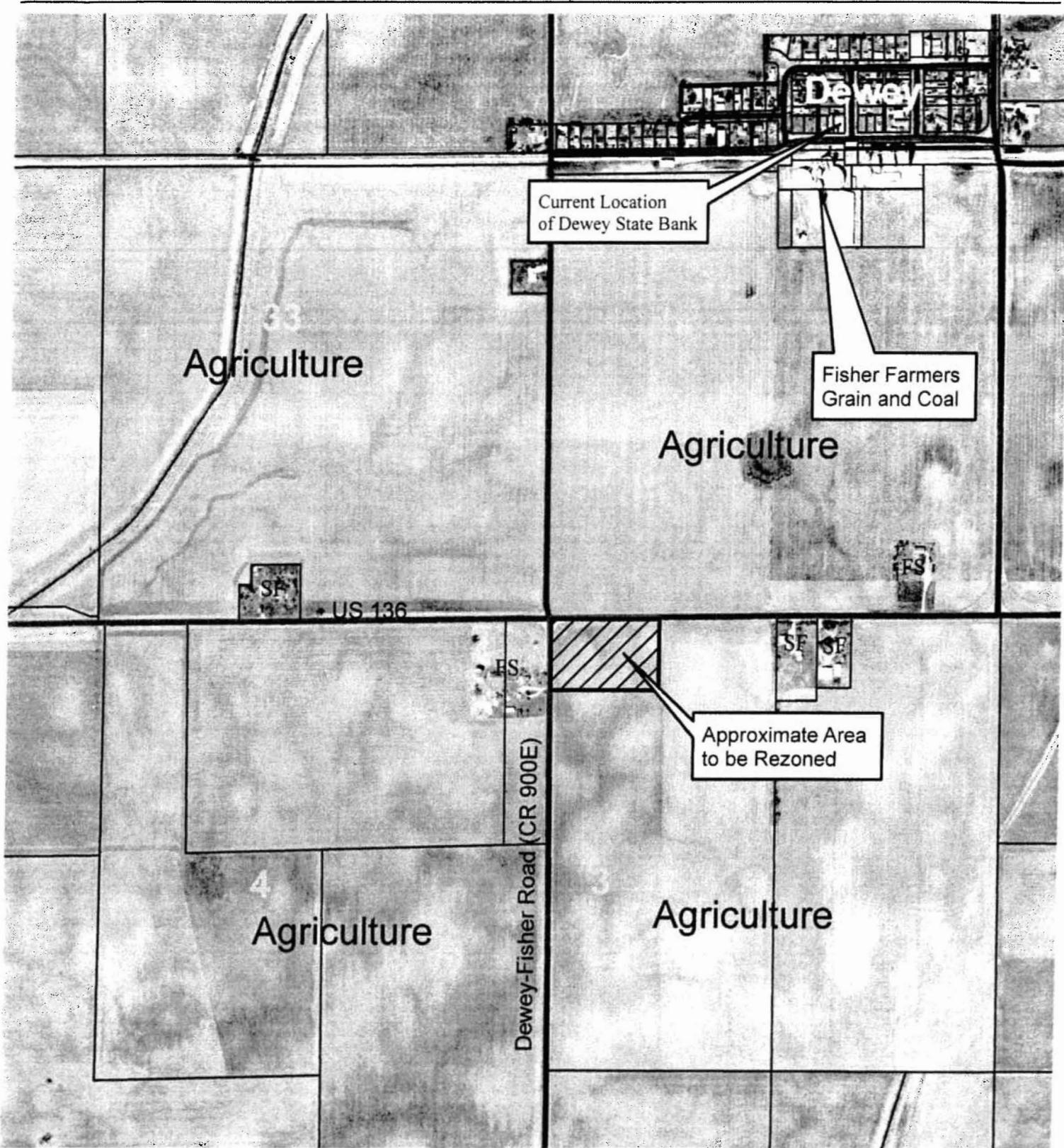


Champaign
County
Department of
**PLANNING &
ZONING**

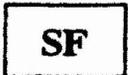
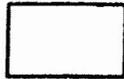
ATTACHMENT A. LAND USE MAP

Case 638-AM-08

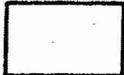
OCTOBER 24, 2008



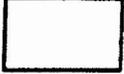
Area of Concern



Single Family



Farmstead

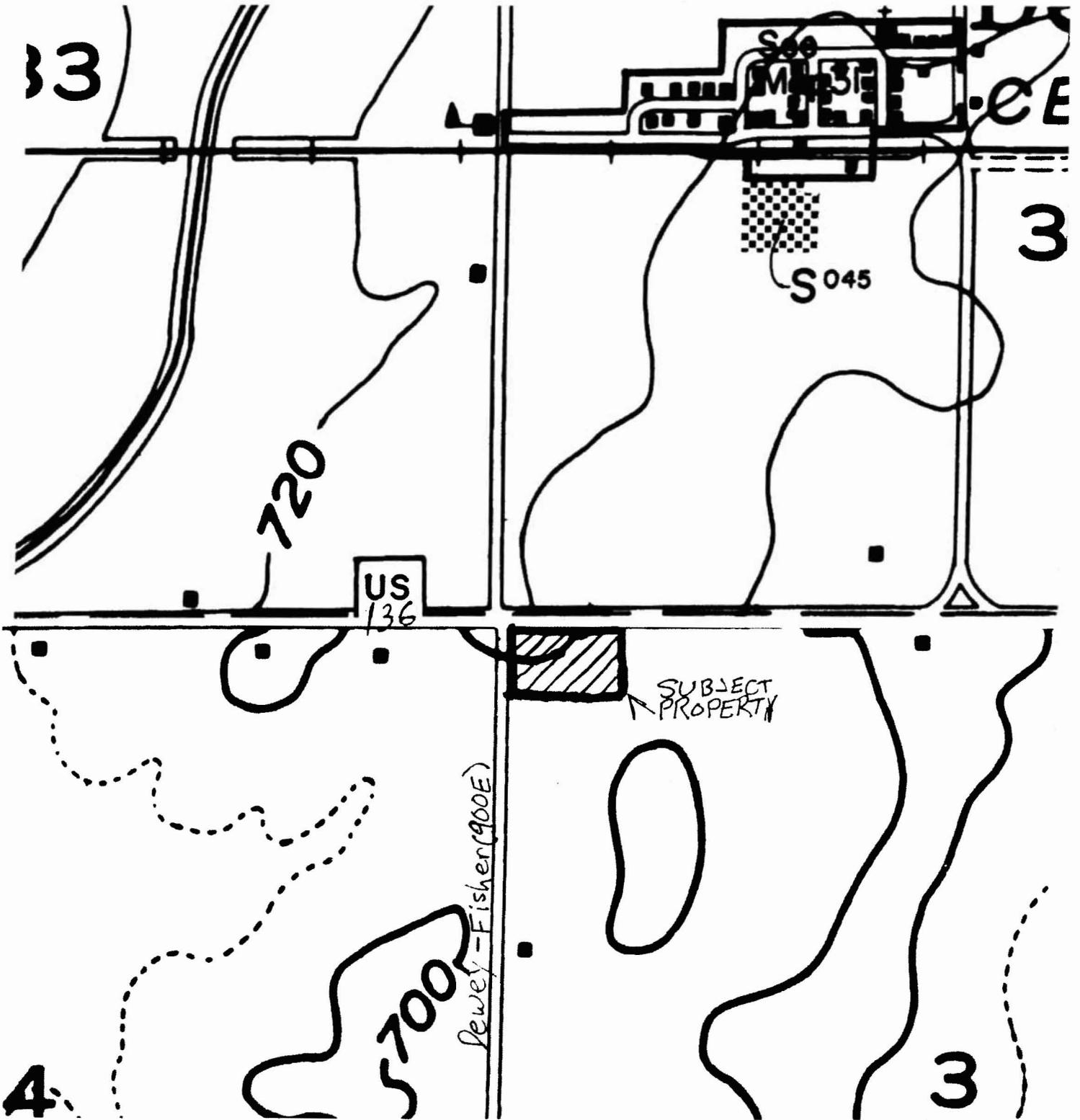


NORTH

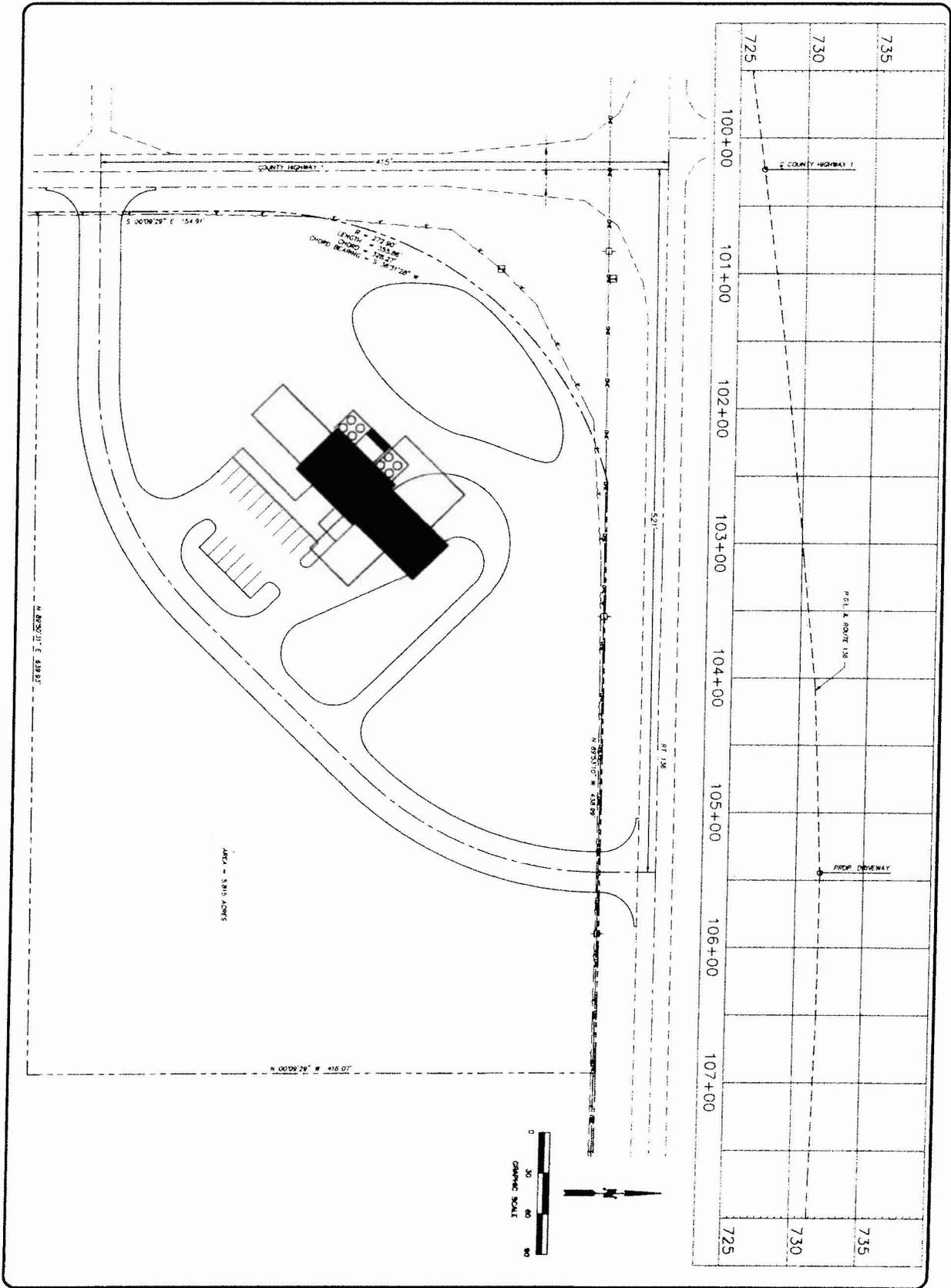
Champaign
County
Department of
**PLANNING &
ZONING**

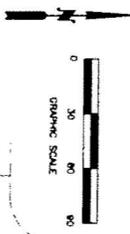
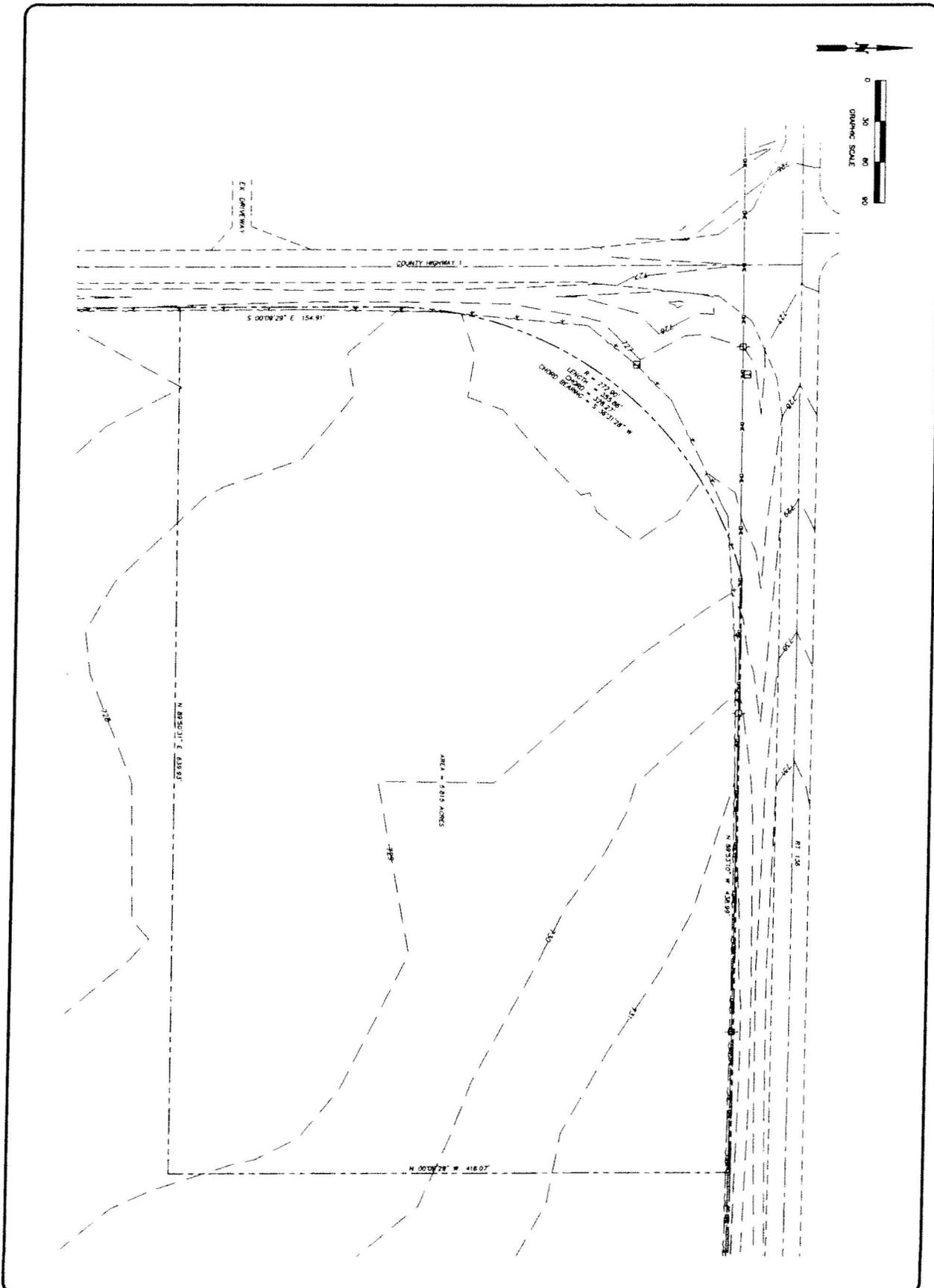
1 inch equals 800 feet

ATTACHMENT A. ZONING MAP
 Case 638-AM-08
 OCTOBER 24, 2008

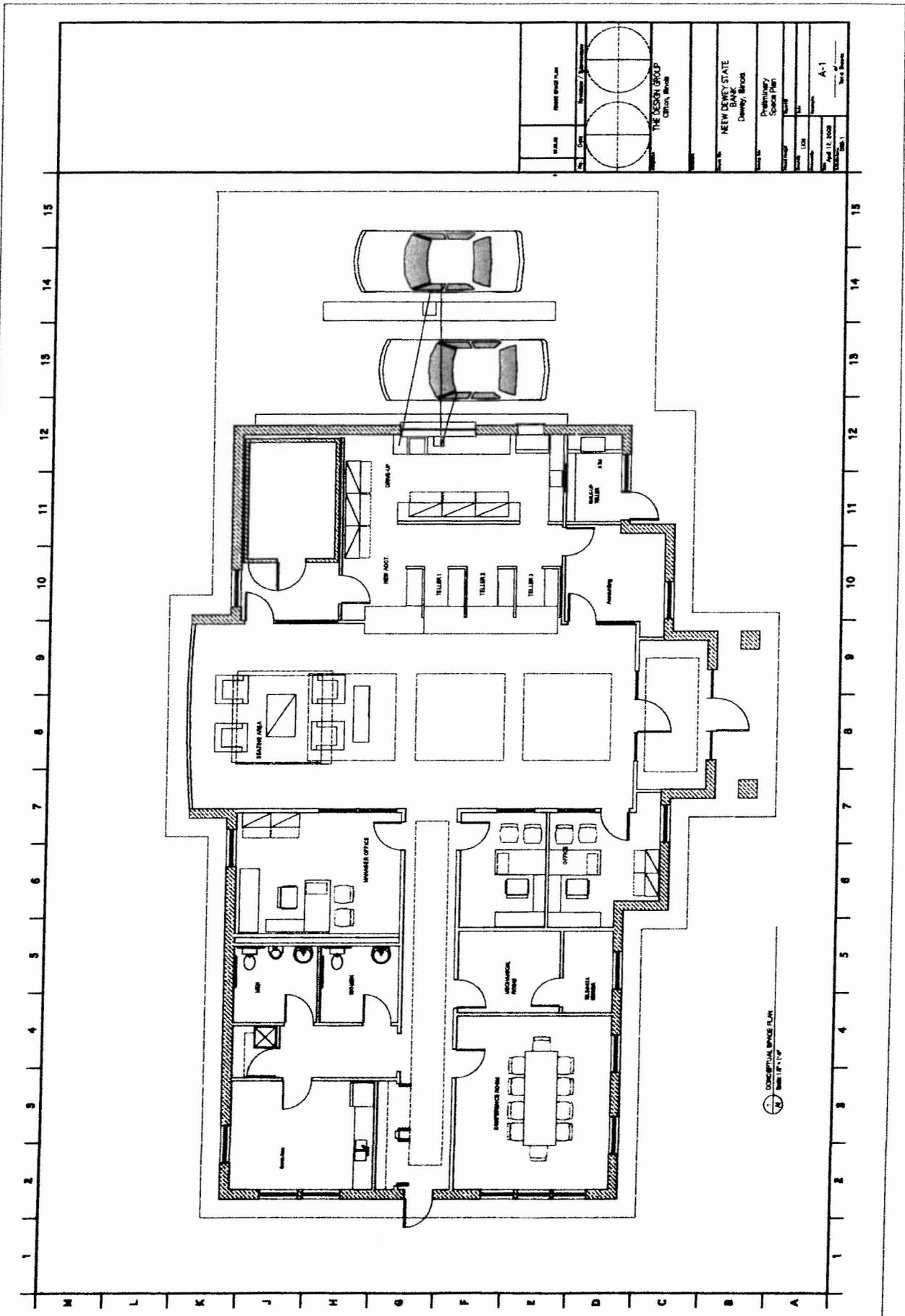


AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	 NORTH Champaign County Department of PLANNING & ZONING
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation-Recreation	R-3 Two-family Residence	B-1 Rural Trade Center	B-4 General Business	I-2 Heavy Industry	





PROJECT NO. 53-0801	REVISIONS			DESIGNED BY BKS	DATE 2/8/08	DRAWN BY BKS	DATE 2/8/08	SKETCH PLAN	
	NO.	DATE	BY	DESCRIPTION					



PROJECT NO.	NEW DENVER STATE BANK
OWNER	NEW DENVER STATE BANK
ARCHITECT	THE DESIGN GROUP
DATE	11.11.00
SCALE	1/4" = 1'-0"
NO.	A-1
NEW DENVER STATE BANK DENVER BRANCH PRELIMINARY SPACE PLAN 11.11.00 SHEET NO. 1	


 CONCEPTUAL SPACE PLAN
 11.11.00

AS APPROVED

638-AM-08

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

Final Determination: **RECOMMEND ENACTMENT**

Date: October 30, 2008

Petitioners: Dewey State Bank and Craig Horsch, Senior Vice President; and Bradley Williams

Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the B-2 Neighborhood Business Zoning District

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 30, 2008**; the Zoning Board of Appeals of Champaign County finds that:

1. Co-petitioner Bradley Williams owns the subject property. Co-petitioners Dewey State Bank and Craig Horsch have a contract to purchase the subject property and propose to construct a new bank building.
2. The subject property is the Northwest 5 acres of 80 acres located in the West Half of the Northwest Quarter of Section 3 of Condit Township and commonly known as the farm field at the Southeast corner of CR 900E and IL 136.
3. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of municipality with zoning. Municipalities with zoning have protest rights on all rezonings and they are notified of such cases.
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 has indicated:

“Not Applicable”

5. Regarding comments by the petitioner when asked on the petition what other circumstances justify the amendment the petitioner has indicated:

“These economic times require, for the survival of a community, the success of community banks. In this instance it is imperative this zoning application be approved so that this community bank can expand and provide adequate service to the community.”

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity is as follows:
 - A. The subject property is zoned AG-1 Agriculture, and is in use as farmland.
 - B. Land north, south, and east of the subject property is zoned AG-1 Agriculture and is in use as farmland.
 - C. Land west of the subject property is zoned AG-1 Agriculture and is in use as a farmstead.
7. There are no previous zoning cases in the vicinity of the subject property.

GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS

8. 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-1 Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURAL pursuits.
 - (2) The B-2 Neighborhood Business DISTRICT is intended to provide areas for the convenience of adjacent residential areas, and to permit only such USES as are necessary to satisfy limited basic shopping needs which occur daily or frequently.
 - B. Regarding the general locations of the existing and proposed zoning districts:
 - (1) The AG-1 Agriculture Zoning District was originally established outside the one and one half mile bands of the AG-2 District that surrounded the municipalities in the county. The majority of Champaign County is zoned AG-1.
 - (2) There is very little B-2 Neighborhood Business District established in the county. It mostly exists in the small settlements that do not have their own zoning ordinances.
 - C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
 - (1) There are 10 different types of uses authorized by right in the AG-1 District and there are 64 different types of uses authorized by right in the B-2 District:
 - (a) The following five uses are authorized by-right in both districts:
 - Subdivisions of three lots or less;
 - Agriculture;
 - Minor rural specialty businesses;
 - Christmas tree sales lots; and
 - TEMPORARY USES.

ITEM 8.C.(1)(B) CONTINUED

- (b) The following 52 uses are authorized by-right in the B-2 District but are not authorized by any means in the AG-1 District:
- Greenhouse (not exceeding 1,000 SF)
 - Garden shop
 - Institution of an Educational, Philanthropic, or Eleemosynary Nature
 - Parking garage or lot
 - Telegraph Office
 - Barber Shop
 - Beauty Shop
 - Reducing Salon
 - Dressmaking Shop
 - Laundry and/or drycleaning pick-up
 - Millinery shop
 - Self-service laundry
 - Shoe repair shop
 - Tailor and pressing shop
 - Diaper Service Establishment
 - Clothing Repair and Storage
 - Medical and Dental Clinic
 - Roadside Produce Sales Stand
 - Banks, Savings and Loan Associations
 - Insurance and Real Estate Offices
 - Business Office
 - Professional Office
 - Private Kindergarten or Day Care Facility
 - Meat and Fish Market
 - Supermarket or Grocery Store
 - Bakery (less than 2,500 SF)
 - Dairy Store
 - Delicatessen
 - Confectionary Store
 - Retail Liquor Store
 - Locker, Cold Storage for Individual Use
 - Hardware Store
 - Electrical or gas appliance Sales and Service
 - Apparel Shop
 - Shoe Store
 - Jewelry Store
 - Stationery-Gift Shop-Art Supplies
 - Florist
 - Newsstand-Bookstore
 - Tobacconist

ITEM 8.C.(1)(B) CONTINUED

- Variety-Drygoods Store
 - Music Store
 - Drugstore
 - Photographic Studio & Equipment Sales and Service
 - Antique Sales and Service
 - Pet Store
 - Bicycle Sales and Service
 - Sporting Good Sales and Service
 - Lawnmower Sales and Service
 - Bait Sales
 - Billiard Room
 - Private Indoor Recreational Development
- (c) The following six uses are authorized by-right in the B-2 District and may be authorized by Special Use Permit only in the AG-1 District:
- Church, Temple, or church related Temporary Uses on church property
 - Municipal or Government Building
 - Police station or fire station
 - Libraries, museums, or galleries;
 - Parks or recreational facilities;
 - Telephone exchanges;
- (2) There are 40 different types of uses authorized by Special Use Permit (SUP) in the AG-1 District and there are 9 different types of uses authorized by Special Use Permit in the B-2 District.
- (a) The following three uses may be authorized by SUP in both districts:
- Hotels with no more than 15 lodging units
 - Adaptive reuses of government buildings for any by-right use;
 - Electrical substations
- (b) The following six uses may be authorized by SUP in the B-2 District but are not authorized by any means in the AG-1 District:
- Motor Bus Station
 - Artist Studio
 - Restaurant (indoor service only)
 - Minor Automobile Repair (all indoors)
 - Gasoline Service Station
 - Automotive Accessories (new)

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

9. The subject property is not located within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.

REGARDING CHAMPAIGN COUNTY LAND USE GOALS AND POLICIES

10. 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 COMMERCIAL LAND USE

11. There are seven commercial land use policies in the Land Use Goals and Policies, and two utilities policies (7.3 and 7.3a) which are relevant, as follows:
- A. Four of the seven commercial land use policies are not relevant to any given rezoning, as follows:
 - (1) Policy 3.2 of the Land Use Goals and Policies states that the County Board will establish, by amendment to the Zoning Ordinance or other means, a process for reviewing petitions for new commercial land to include a determination of the need for new commercial development based on market demand.
 - (2) Policy 3.3 of the Land Use Goals and Policies states that the Environment and Land Use Committee will examine the Zoning Ordinance to institute more flexible commercial development controls such as planned unit development and transfer of development rights in order to provide a wider variety of commercial development techniques and better compatibility with non-commercial uses.
 - (3) Policy 3.5 of the Land Use Goals and Policies states that the County Board will not encourage major new commercial developments except in those areas which can be adequately served by public mass transit.
 - (4) Policy 3.7 of the Land Use Goals and Policies states that the County Board will strongly discourage proposals for new commercial development along arterial streets and highways if the proposals contribute to the establishment or maintenance of a strip commercial pattern. As an alternative, concentrated or nodal patterns of development

ITEM 11.A.(4) CONTINUED

may be considered when there is adequate provision for safe, controlled access to the arterial streets and highways.

- B. Policy 3.1 of the Land Use Goals and Policies states that the County Board will encourage only those new commercial developments which are found to be needed to serve the demands of the residents of Champaign County and its trade area.

The proposed rezoning appears to **CONFORM** to Policy 3.1 because of the following:

- (1) The petitioners have provided a petition in support of the proposed rezoning signed by land owners who are served by the bank, as follows:
 - (a) The petition was signed at the Dewey post office, Fisher Farmers Grain and Coal, Dewey State Bank, and houses of residents unable to sign at the other locations.
 - (b) Customers were not pressured to sign the petition.
 - (c) The bank staff are public notaries and witnessed all the signatures on the petition that were signed at the bank.
 - (d) E. Maxine Cook apparently signed the petition twice.
 - (e) 70 of the signatures are from people who own property or live within one and one half mile of the subject property.
 - (f) Two of the signatures are from people who own property or live adjacent to the subject property.
- (2) The petitioners have provided a letter of support from Charles Hansens, Supervisor of Condit Township, as follows:
 - (a) He has lived in Condit Township and the Dewey area for many years.
 - (b) The Dewey State Bank has always proven their commitment to [the Dewey area].
 - (c) The proposed move will strengthen that commitment.
- (3) The petitioners have provided a letter of support from Louis Schwing, General Manager of Fisher Farmer's Grain (FFG), as follows:
 - (a) FFG currently shares an office with the Dewey State Bank.
 - (b) They have been very accommodating over the years that the two organizations have shared that space.
 - (c) They are very involved and highly committed to the Dewey area.

ITEM 11.B.(3) CONTINUED

- (d) Their customers are very pleased with the decision to seek newer and more competitive banking space.
- (e) FFG will also be better served because this will give them space to expand.
- (4) The petitioners have provided a letter of support from Esther Flessner, a farmer in the area, she knows that most members of the community bank will be better served because the new bank will give them much needed space to expand.
- (5) The petitioners have provided a letter of support from Kenneth Heiser, owner and operator of a local insurance company, and a member of the FFG Board of Directors. When the bank moves to the subject property it will give FFG much needed space to expand.
- (6) The petitioners have provided a letter of support from Lyle Shields, a farmer in the area who has done business with the bank for some time. He indicates he supports their request so they will no longer be cramped for space, and that the building they are currently using is too small for them to do modern banking business.
- (7) The petitioners have provided a letter of support from Doug Hansens, who farms in Condit township, and is on the Board of Directors for FFG. He notes that the Dewey bank needs a new facility to better serve their customers and that FFG will benefit by gaining office space when the bank moves.
- (8) The petitioners have provided a letter of support from Eugene Shields, a member of the board of directors for FFG, who states that the bank has been an accommodating neighbor for many years but now needs a new facility to better serve their customers. He also notes that the space FFG will gain has been needed for a long time.
- (9) The petitioners have provided a letter of support from Diana Gannaway, a land owner in the Dewey area, she states that she strongly supports the Dewey bank's plan to build a new building so that they can better serve their customers.
- (10) The petitioners have provided a letter of support from Merle and Lois Dunn, who farmed in the Dewey area for many years, and though they now live in Champaign they still bank at the Dewey bank, and they strongly support the bank's rezoning request.
- (11) The petitioners have provided a statement with the application that indicates the following regarding bank services:
 - (a) The bank has been in its current location since 1912.
 - (b) The current facility does not provide a drive-up window, night deposit capability, safe deposit boxes, an ATM, or privacy for customers conducting business with the bank.

ITEM 11.B.(11) CONTINUED

- (c) The current facility does not meet the standards of the Americans with Disabilities Act.
 - (d) One of FFG's truck scales spans the entire front of the building where the bank is currently located. Customers entering the bank have only a residential grade railing to protect them from trucks on the scale.
 - (e) The proposed location will have private offices, a drive-up window, night deposit capability, conference rooms, safe deposit boxes, an ATM, enhanced security, and it will be compliant with the Americans with Disabilities Act.
 - (f) There were no suitable locations within the boundary of Dewey.
 - (g) The proposed location is only ½ mile from the bank's current location, and it is a major street intersection that serves many communities in northern Champaign County. It will have greater visibility, which will allow them to be more competitive.
- C. Regarding the adequacy of utilities and fire protection at the subject property for the proposed map amendment:
- (1) The following policies relate to adequacy of utilities and fire protection:
 - (a) Policy 3.4 of the Land Use Goals and Policies states that the County Board will not encourage major new commercial development except in those areas where sewer, water, adequate fire protection and other utilities are readily available.
 - (b) 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.
 - (c) 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.
 - (2) Regarding the availability of water:
 - (a) There is no public water supply available for the subject property. There is no evidence to suggest that drilling a well on the subject property would be problematic.

ITEM 11.C.(2) CONTINUED

- (b) Policy 7.3 states that development may only occur if it is determined that water supply systems are adequate to meet the needs of the proposed development. Any future well on the subject property must be authorized by the Champaign County Public Health Department, and, in the case of development that requires a Special Use Permit, the Zoning Board of Appeals would also review the proposed development.
- (c) In regards to the availability of an adequate water supply system, the proposed map amendment **CONFORMS** because there is no evidence that problems with water availability exist on the subject property.
- (3) Regarding the adequacy of an onsite wastewater disposal system for the subject property:
 - (a) According to the Section 22 Natural Resource Report, the soils on the subject property consist of Brenton silt loam (map unit 149A), Ashkum silty clay loam (map unit 232A), and Elliot silt loam (map unit 146B2). Brenton silt loam is a best prime farmland soil with a Medium rating for septic suitability; Ashkum silty clay loam is a best prime farmland soil with a High septic suitability rating; and Elliot is a best prime farmland soil with a Medium septic suitability rating.
 - (b) Any future septic system on the subject property must be authorized by the Champaign County Public Health District. However, a bank building should have a relatively minor loading on a septic system.
 - (c) Policy 7.3 states that the County Board will encourage development only in areas where both sewer and water systems are available, and that requests for development should demonstrate that wastewater disposal systems are adequate to meet the needs of the proposed development.
 - (d) In regards to the availability of an onsite wastewater disposal system, the proposed map amendment **CONFORMS** because any septic system on the subject property will be subject to review by the Champaign County Public Health District.
- (4) Regarding the adequacy of fire protection at this location for the proposed map amendment:
 - (a) The subject property is located within the response area of the Sangamon Valley Fire Protection District. The Fire District chief has been notified of this request but no comments have been received.
 - (b) The Petitioners indicate in their statement included with the application that they are implementing a dry hydrant in their retention pond, which will service not only the bank but the entire Sangamon Valley Fire Protection District.

ITEM 11.C.(4) CONTINUED

- (c) In regards to adequate fire protection, the proposed map amendment appears to **CONFORM** to Policy 3.4 because there have been no concerns raised by the Sangamon Valley Fire Protection District, and the petitioners propose to implement a dry hydrant in their retention pond.
- (5) There is no evidence to suggest that there will be any demand for gas or electric utilities beyond what is normal for a typical use in this area; therefore, there should be no problems or costs to the public.
- D. Policy 3.6 of the Land Use Goals and Policies states that the County Board will strongly discourage proposals for new commercial development not making adequate provisions for drainage and other site considerations.

The proposed rezoning appears to **CONFORM** to Policy 3.6 based on the following:

- (1) Any future construction on this property will have to meet the requirements of the *Zoning Ordinance* and the *Stormwater Management Policy*.
- (2) According to the Section 22 Natural Resource Report, the subject property drains to roadside ditches along the Dewey-Fisher road which then drain north and cross under the street through a culvert that is partially crushed.
- (3) The subject property is located in the Big Slough drainage district. The drainage district was notified but no comments have been received as yet.
- (4) Pursuant to Federal Emergency Management Agency Flood Insurance Rate Map Panel Number 170894-0125B, the subject property is not located within the Special Flood Hazard Area.
- (5) The petitioners and the proposed site plan indicate there will be a retention pond on the subject property.

REGARDING POLICIES FOR AGRICULTURAL LAND USE

- 12. 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, as follows:
 - A. The following agricultural land use policies do not appear to be relevant to any specific map amendment:
 - (1) 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.

ITEM 12.A. CONTINUED

- (2) 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.
 - (3) 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.
 - (4) 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.
 - (5) 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.
- B. 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.

The proposed map amendment **CONFORMS** to Policy 1.2 based on the following:

- (1) The proposed map amendment **CONFORMS** regarding transportation facilities because the subject property is located at the intersection of the Dewey-Fisher road (CR 900E) and US 136, as follows:
 - (a) US 136 is a federal highway with a 2007 Average Daily Traffic (ADT) count of 2800.
 - (b) The Dewey-Fisher road is a County Highway at the intersection with US 136 with a 2007 ADT of 2600.
 - (c) The traffic from the proposed bank should not be an insignificant increase in the current amount of traffic.

ITEM 12.B.(1) CONTINUED

- (d) An email was received from Jeff Blue, County Engineer, indicating that he did not see any problems granting a driveway permit for the proposed bank.
- (2) In regards to Policies 3.4, 7.3, and 7.3A and overall adequacy of utilities (See Item 11C.) the proposed map amendment **CONFORMS**.
- (3) The proposed map amendment **CONFORMS** because it will not be incompatible with agriculture as follows:
 - (a) The proposed use takes place almost entirely indoors and will not be subject to interference from agricultural odors or dust.
 - (b) The subject property is located at a major rural intersection that can handle traffic from the proposed bank without affecting agricultural traffic.

REGARDING GOALS FOR COMMERCIAL LAND USES

13. The commercial land use goals are relevant because the subject property is proposed to be changed to the B-1 DISTRICT. There are four commercial land use goals as follows:

- A. The first and fourth land use goals do not appear to be relevant to any given rezoning, as follows:
 - (1) The first commercial land use goal is provision of a sufficient amount of land designated for various types of commercial land use to serve the needs of the residents of the County.
 - (2) The fourth commercial land use goal is establishment of development procedures to promote appropriate justification for new commercial development.

B. The second commercial land use goal is as follows:

Location of commercial uses:

- i. within ready accessibility to sewer, water and other utilities as well as adequate streets and highways.
- ii. Adequate public transit will also be considered.

Overall, the proposed rezoning **ACHIEVES** this goal based on the following:

- (1) In regards to accessibility of sewer, water, and other utilities Policy 3.4, Policy 7.3, and Policy 7.3A (see Item 11C.), the proposed rezoning **ACHIEVES** this goal.
- (2) In regards to adequate streets and highways, the proposed rezoning **ACHIEVES** the second commercial land use goal based on the following:
 - (a) There is no traffic impact analysis provided for this case.
 - (b) The Dewey-Fisher road (CR 900E) is a County highway with 2600 ADT in 2007.
 - (c) US 136 is a federal highway with 2800 ADT in 2007.

ITEM 13.B.(2) CONTINUED

- (d) An email was received from Jeff Blue, County Engineer, indicating that he did not see any problems granting a driveway permit for the proposed bank.
- (3) In regards to adequate public transit, the proposed use will not require mass transit and so this part of the goal is not relevant.
- C. The third commercial land use goal is as follows:

Commercial areas designed to promote compatibility with non-commercial uses and at the same time provide ease of access.

This goal **WILL** be achieved by the proposed rezoning, based on the following:

- (1) In regards to compatibility with non-commercial uses, the proposed map amendment **ACHIEVES** this goal based on the following:
 - (a) The subject property is located only one-half mile from its current location. Even though the land surrounding the subject property is predominantly agricultural, there is a large rural population in the vicinity of the subject property along with the village of Dewey.
 - (b) The establishment of a use with unusual wastewater disposal needs, such as a Meat and Fish Market, would likely be the worst case scenario for the subject property due to the presence of two streets that provide adequate access for most uses.
- (2) In regards to ease of access the proposed map amendment **ACHIEVES** this goal because the subject property is located at the intersection of the Dewey-Fisher road (CR 900E) and US 136.

REGARDING GOALS FOR AGRICULTURAL LAND USES

- 14. The agricultural land use goals are relevant because the property is proposed to be changed from the AG-1 District, as follows:

- A. 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.

Based on the proposed development the proposed map amendment **ACHIEVES** this goal because of the following:

- (1) There are no other suitable sites available in or around Dewey that are on a road separate from the traffic generated by FFG's elevator facilities in the village. The petitioners assert that they have exhausted all reasonable alternatives without finding another suitable site.

ITEM 14.A. CONTINUED

- (2) The subject property is only 5.8 acres out of an 80 acre parcel.
- (3) The subject property is located at a major intersection that should provide good access for the proposed bank and is only one-half mile from its current location.

B. 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

15. There are two general land use policies in the Land Use Goals and Policies, as follows:

A. The second land use policy is not relevant to any specific map amendment, as follows:

The County Board, the Environmental and Land Use Committee and the Board of Appeals will establish communication and coordination processes among local units of government in order to address and resolve similar or overlapping development problems.

B. The first general land use policy is as follows:

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 commercial land use policies and goals, the proposed map amendment **CONFORMS** to this policy as follows:

- (1) **CONFORMS** in regards to preserving agricultural land and open space because all other alternative sites in and around Dewey have been determined to be unsuitable, or unavailable based on the testimony of the petitioners.
- (2) **CONFORMS** in regards to optimizing the use of water, sewer, and public transportation facilities and other public services based on the following:
 - (a) Regarding water and sewer, the subject property must use onsite water supply and septic systems; therefore, no public water supply system or public sanitary sewer system will be overextended. Also, based on the review of the relevant goals and

ITEM 15.B. CONTINUED

policies: the second land use goal (see Item 13.B.) the proposed rezoning **CONFORMS**.

- (b) Regarding public transportation, the subject property is the rural area, where it will not be served by any mass transit system, which will keep public transportation from being overextended.
- (c) **CONFORMS** in regards to reducing the need for extending road improvements because the subject property is located at the intersection of a County Highway and a Federal Highway.

REGARDING GENERAL LAND USE GOALS

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

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

- (1) In regards to utilities, based on the review of the relevant policies: Policy 3.4, Policy 7.3, Policy 7.3A (see item 11C.), the second commercial land use goal (see Item 13.B.), and the first general land use policy (see item 15.B.) the proposed map amendment **ACHIEVES** this goal.
- (2) Regarding road improvements, the proposed map amendment **ACHIEVES** the third general land use goal because the subject property is located at the intersection of the Dewey-Fisher road, a County Highway, and US 136, a Federal Highway.
- (3) Regarding site characteristics, the proposed map amendment **ACHIEVES** this goal because of the following:
 - (a) Commercial land use policy 3.6 mentions site considerations but is not specific as to what that means other than to mention drainage.

ITEM 16.B.(3) CONTINUED

- (b) There are no general policies that are specific to site characteristics, but the following considerations are relevant to site characteristics:
 - i. The subject property is located at the intersection of a County Highway and a Federal Highway, which should provide adequate access to the subject property and prevent any interference with agriculture related traffic.
 - ii. The subject property is currently in use as farmland.

C. 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 rezoning based on conformance or achievement of the preceding policies and goals, especially the third commercial land use goal (see Item 13.C.).

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

17. 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. 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 effect caused by agricultural activities.

The proposed map amendment **CONFORMS** to this policy because the proposed use will not be adversely affected by surrounding agriculture because it will be conducted entirely indoors.

- 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 proposed map amendment **CONFORMS** to this policy because the proposed use has access to a County Highway and a Federal Highway which will prevent any interference with agriculture related traffic. Since there is a possibility that there is agricultural drainage tile on the subject property, investigations should be done to prevent damaging any existing tiles.

ITEM 17. CONTINUED

- 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.

The proposed map amendment **CONFORMS** to this policy based on the following:

- (1) According to the *Soil Survey of Champaign County*, there are three types of soil on the subject property: Brenton silt loam, Ashkum silty clay loam, and Elliot silt loam, two of which are best prime farmland soils, which makes the subject property best prime farmland overall.
- (2) The petitioners have asserted that all alternative sites in and around Dewey have been determined to be unsuitable for the proposed bank.
- (3) The subject property is located at the intersection of the Dewey-Fisher road (CR 900E), a County Highway, and US 136, a Federal Highway. These streets provide adequate access to the subject property and will prevent any interference with agriculture related traffic.
- (4) The subject property is located only one half mile from the Dewey bank's current location, allowing them to build a modern facility and still remain a part of the community, which includes the rural population surrounding the village.

- 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 proposed map amendment **CONFORMS** to this policy based on conformance to or achievement of Policies 3.4, 7.3, and 7.3a of the Land Use Goals and Policies; the first general land use policy; and the third general land use goal.

- 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 proposed map amendment **CONFORMS** to this policy because in the review of Policy 3.4 of the Land Use Goals and Policies, Sangamon Valley Fire Protection District was notified of this case and no comments were received, and the petitioners have proposed to implement a dry hydrant in their retention pond.

- F. LURP 1.6.1 states that in all rural areas, businesses and other non-residential uses will be allowed if they support agriculture or involve a product or service that is provided better in a rural area than in an urban area.

The proposed map amendment **CONFORMS** to this policy because the urban area in Dewey has no suitable locations. The rural area outside the village provides an alternative site where a modern banking facility can be constructed to better serve the community of Dewey.

ITEM 17. CONTINUED

- G. LURP 1.6.2 states that on the best prime farmland, businesses and other non-residential uses will not be authorized if they take any best prime farmland out of production unless:
- i. they also serve surrounding agricultural uses or an important public need; and can not be located in an urban area or on a less productive site; or
 - ii. the uses are otherwise appropriate in a rural area and the site is very well suited to them.

The proposed map amendment **CONFORMS** to this policy because the proposed use serves an important public need and the petitioners assert that there are no suitable sites in Dewey.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

18. The subject property fronts a County Highway and a State Highway. The driveway entrance or entrances should be constructed of an all weather surface at a width, elevation, geometry, and materials (including culvert) as approved by the relevant jurisdiction so as to maintain safe entrance and exit conditions. The relevant jurisdiction should approve the proposed driveway before it is constructed and also approve the driveway as constructed. The Zoning Ordinance does not require approval of driveway access to a county or state highway. The following conditions will ensure that the driveway access to either highway is approved by the relevant jurisdiction:

- (1) **The petitioner shall provide the relevant jurisdiction with engineering drawings of the proposed driveway entrance onto County Highway 1 or US Highway 136, respectively.**
- (2) **The Zoning Administrator shall not approve a Zoning Use Permit for the subject property without documentation of the relevant jurisdiction's approval of any proposed driveway entrance.**
- (3) **The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the relevant jurisdiction's approval of any constructed driveway entrance including any necessary as-built engineering drawings.**

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

All parking related to the proposed bank can safely enter and exit the subject property with adequate visibility and regardless of weather conditions.

DOCUMENTS OF RECORD

1. Application for Rezoning from Craig Horsch, Senior Vice President, and Dewey State Bank; and Bradley Williams, received on September 30, 2008, with attachments:
 - A Petitioner's Exhibit A Site Location Map
 - B Petitioner's Exhibit B Section Location Map
 - C Petitioner's Exhibit C Property Legal Description
 - D Petitioner's Exhibit D Adjacent Property Owners
 - E Petitioner's Exhibit E Petitioner's Statement
 - F Petitioner's Exhibit F Historic Preservation Approval
 - G Proposed Site Plan
 - H Petitioner's Exhibit G Photograph of Existing Facility
 - I Petitioner's Exhibit H Photograph of Existing Building
 - J Petitioner's Exhibit I Existing Zoning Precedent
 - K Petitioner's Exhibit J Letter of Support from Charles Hansens
 - L Petitioner's Exhibit K Letter of Support from Fisher Farmers Grain and Coal
 - M Petitioner's Exhibit L Letter of Support from Esther Flessner
 - N Petitioner's Exhibit M Letter of Support from Kenneth Heiser
 - O Petitioner's Exhibit N Letter of Support from Lyle Shields
 - P Petitioner's Exhibit O Letter of Support from Doug Hansens
 - Q Petitioner's Exhibit P Letter of Support from Eugene Shields
 - R Petitioner's Exhibit Q Natural Resource Report
 - S Petitioner's Exhibit R Land Evaluation Worksheet

2. Packet of Petitioner submitted information received on October 23, 2008, as follows:
 - A Petitioner's Exhibit A Site Location Map
 - B Petitioner's Exhibit B Section Location Map
 - C Petitioner's Exhibit C Property Legal Description
 - D Petitioner's Exhibit D Adjacent Property Owners
 - E Petitioner's Exhibit E Petitioner's Statement
 - F Petitioner's Exhibit F Historic Preservation Approval
 - G Proposed Site Plan
 - H Petitioner's Exhibit G Photograph of Existing Facility
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 - P Petitioner's Exhibit O Letter of Support from Doug Hansens
 - Q Petitioner's Exhibit P Letter of Support from Eugene Shields
 - R Petitioner's Exhibit Q Natural Resource Report
 - S Petitioner's Exhibit R Land Evaluation Worksheet

- T Petitioner's Exhibit S Topographic/Boundary Survey
 - U Petitioner's Exhibit T Petition for Dewey Bank (Detached)
 - V Preliminary Space Plan
3. Petition in support of proposed rezoning received on October 23, 2008
 4. Letter of Support from Diana Gannaway, received on October 23, 2008
 5. Letter of Support from Merle and Lois Dunn received on October 23, 2008
 6. Preliminary Memorandum for Case 638-AM-08, with attachments:
 - A Case Maps for Case 638-AM-08 (Location, Land Use, Zoning)
 - B Packet of Petitioner submitted information received on October 23, 2008 (included separately)
 - C Petition in support of proposed rezoning received on October 23, 2008 (included separately)
 - D Section 5.2 of the Champaign County *Zoning Ordinance* (included separately)
 - E Excerpt from *Soil Potential Ratings for Septic Tank Absorption Fields in Champaign County, Illinois*
 - F Aerial Photo Plan from ZUPA 10-01-02
 - G Letter of Support from Diana Gannaway, received on October 23, 2008
 - H Letter of Support from Merle and Lois Dunn received on October 23, 2008
 - I Preliminary Draft Finding of Fact for Case 638-AM-08
 7. Supplemental Memorandum for Case 638-AM-08 dated October 30, 2008, with attachments:
 - A Email from Jeff Blue received October 30, 2008
 - B Expanded Documents of Record

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 rezoning requested in Case 638-AM-08 should be **ENACTED** by the County Board **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

- (1) **The petitioner shall provide the relevant jurisdiction with engineering drawings of the proposed driveway entrance onto County Highway 1 or US Highway 136, respectively.**
- (2) **The Zoning Administrator shall not approve a Zoning Use Permit for the subject property without documentation of the relevant jurisdiction's approval of any proposed driveway entrance.**
- (3) **The Zoning Administrator shall not issue a Zoning Compliance Certificate without documentation of the relevant jurisdiction's approval of any constructed driveway entrance including any necessary as-built engineering drawings.**

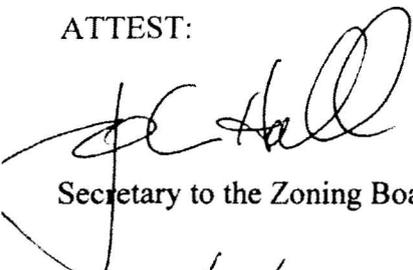
The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:



Debra Griest, Chair
Champaign County Zoning Board of Appeals

ATTEST:



Secretary to the Zoning Board of Appeals

Date 10/30/08

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: **JR Knight, Associate Planner**
John Hall, Zoning Administrator
Date: **November 6, 2008**
RE: **Zoning Case 583-AT-07**

Zoning Case 583-AT-07

Request **Amend the Zoning Ordinance to establish "pipeline impact radius"
and restrict certain development within a pipeline impact radius.**

Petitioner **Zoning Administrator**

STATUS

Last month this case was continued to this meeting to allow municipalities and townships a chance to formally comment on the recommendations of the ZBA. No comments have been received and the case is ready for Committee action.

ATTACHMENT

- A Summary of Evidence, Finding of Fact, and Final Determination of the Champaign County Zoning Board of Appeals as approved on September 11, 2008

AS APPROVED

583-AT-07

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

Final Determination: **RECOMMEND ENACTMENT**

Date: September 11, 2008

Petitioner: Zoning Administrator

- Request:
1. Amend Section 3.0 Definitions to add "GAS PIPELINE"; "HAZARDOUS LIQUIDS PIPELINE"; and "PIPELINE IMPACT RADIUS".
 2. Add new paragraph 4.3.4 H. that does the following:
 - a. Identifies the PIPELINE IMPACT RADIUS for a HAZARDOUS LIQUIDS PIPELINE to be 150 feet.
 - b. Identifies the PIPELINE IMPACT RADIUS for a GAS PIPELINE to be similar to the potential impact radius as defined by Title 49 of the Code of Federal Regulations (CFR), Part 192.903 which is based upon maximum allowable operating pressure in the pipeline segment in pounds per square inch and the nominal diameter of the pipeline in inches. The PIPELINE IMPACT RADIUS for a GAS PIPELINE is specific to each pipeline. Typical PIPELINE IMPACT RADIUS for GAS PIPELINES in Champaign County is 350 feet or more.
 - c. Prohibits the following within any PIPELINE IMPACT RADIUS:
 - (1) Creation of a new LOT in the R-1, R-2, R-3, R-4, R-5, or RRO Districts without adequate LOT AREA outside the PIPELINE IMPACT RADIUS.
 - (2) The establishment of any USE, BUILDING, or STRUCTURE other than those specifically exempted.
 - d. Exempts AGRICULTURE, AGRICULTURE ACCESSORY USES; any USE ACCESSORY to a GAS or HAZARDOUS LIQUID PIPELINE; existing USES, BUILDINGS, and STRUCTURES and additions thereto; new USES, BUILDING, or STRUCTURES on existing lots; new USES, BUILDINGS, and STRUCTURES on LOTS that are exempt from the RRO District; portions of lots containing driveways; and any outlot or STREET in any RRO District or R District.
 - e. Requires notice be given to any applicant for a Zoning Use Permit within a PIR or within 150 feet of an easement for underground gas storage.

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 27, 2007, October 11, 2007, November 30, 2007, May 29, 2008, and September 11, 2008**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The need for the amendment came about as follows:
 - A. 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 located in the vicinity of the Manlove Gas Storage Facility.
 - B. 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.
 - C. The *Zoning Ordinance* currently only contains minimal regulations to ensure land use compatibility and safety near pipelines.
 - D. On March 12, 2007, ELUC directed staff to prepare a text amendment to ensure land use compatibility and safety near pipelines.

GENERALLY REGARDING THE EXISTING ZONING REGULATIONS

3. The *Zoning Ordinance* already has basic provisions intended to ensure some degree of land use compatibility in the vicinity of pipelines, as follows:
 - A. 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.
 - B. 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.”
 - C. 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.
 - D. The following definitions from the *Zoning Ordinance* are especially relevant to this amendment (capitalized words are defined in the Ordinance):
 - (1) “ACCESS” is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) “ACCESS STRIP” is that part of a FLAG LOT which provides the principal ACCESS to the LOT, and has FRONTAGE upon a STREET.

ITEM 3.D. CONTINUED

- (3) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
- (4) “AGRICULTURE” is the growing, harvesting, and storing of crops including legumes, hay, grain, fruit, and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony, and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
- (5) “AREA, LOT” is the total area within the LOT LINES.
- (6) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION, or as otherwise permitted by law, to be used, developed, or built upon as a unit.
- (7) “LOT, FLAG” is an interior LOT separated from STREETS by intervening LOTS except for an ACCESS STRIP which provides FRONTAGE upon a STREET.
- (8) “UTILITY, PUBLICLY REGULATED” is a business or entity providing water, sanitary sewer, power and light, television cable, or similar services to the public of such a nature that it enjoys an exclusive franchise, in a specific geographic area, and is regulated by a Federal, State, or local governmental regulatory agency.

SUMMARY OF THE PROPOSED AMENDMENT

- 4 The proposed amendment regulates the use of lots within a certain distance of an underground pipeline, as follows:
 - A. Add the following definitions to Section 3:
 - (1) PIPELINE IMPACT RADIUS: The distance within which the potential failure of a GAS PIPELINE or a HAZARDOUS LIQUIDS PIPELINE could have significant impact to people and property.

ITEM 4.A. CONTINUED

- (2) PIPELINE, GAS: Any transmission pipeline for gases including within a storage field. This definition does not apply to either service lines for local service to individual buildings or distribution lines, as defined in 49 CFR 192.3.
 - (3) PIPELINE, HAZARDOUS LIQUID: Any pipeline used for the transmission of anhydrous ammonia, petroleum, or petroleum products such as propane, butane, natural gas liquids, benzene, gasoline, jet fuel, diesel fuel, fuel oil, and kerosene.
- B. Add the following Subparagraph H. to Subsection 4.3.4 Lots, as follows: (Note: the following is numbered as it will appear in the Zoning Ordinance, not in the typical format of a Finding of Fact)
- H. Restrictions on LOTS and USES within any PIPELINE IMPACT RADIUS
1. PIPELINE IMPACT RADIUS
 - a. The PIPELINE IMPACT RADIUS for a GAS PIPELINE is similar to the potential impact radius identified by Title 49 of the Code of Federal Regulations Part 192.903. Potential impact radius as defined by 49 CFR 192.3 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 in the pipeline segment in pounds per square inch and d' is the nominal diameter of the pipeline in inches. Maximum allowable operating pressure and nominal diameter will be provided by the pipeline operator. The PIPELINE IMPACT RADIUS indicated in these regulations is not necessarily the same as the potential impact radius used by the Illinois Commerce Commission to enforce 49 CFR 192.3. Both the PIPELINE IMPACT RADIUS and potential impact radius are approximations of the effect of any given potential failure event.
 - b. The PIPELINE IMPACT RADIUS for a HAZARDOUS LIQUID PIPELINE is 150 feet.
 2. Any LOT created in an RRO DISTRICT or in the R-1, R-2, R-3, R-4, or R-5 DISTRICT after {DATE OF ADOPTION} shall have a minimum LOT AREA outside the PIPELINE IMPACT RADIUS equal to the minimum requirements of Section 5.3. No LOT created in an RRO DISTRICT or in the R-1, R-2, R-3, R-4, or R-5 DISTRICTS shall be located entirely within the PIPELINE IMPACT RADIUS.
 3. No USE, BUILDING, or STRUCTURE established or built after {DATE OF ADOPTION} shall be located within a PIPELINE IMPACT RADIUS except as provided in paragraph 4.3.4 H.4.

ITEM 4.B. CONTINUED

4. Exemptions

- a. AGRICULTURE or an ACCESSORY USE, ACCESSORY BUILDING, or ACCESSORY STRUCTURE to AGRICULTURE.
- b. Any PIPELINE, wellhead, or USE that is an ACCESSORY USE, ACCESSORY BUILDING, or ACCESSORY STRUCTURE to a GAS PIPELINE or HAZARDOUS LIQUID PIPELINE or a wellhead.
- c. Enlargement, repair, and replacement of conforming USES, BUILDINGS, and STRUCTURES that were lawfully established and existed on *{DATE OF ADOPTION}*.
- d. USES, BUILDINGS and STRUCTURES established after *{DATE OF ADOPTION}* on conforming LOTS of record that existed on *{DATE OF ADOPTION}*.
- e. Any outlot, per paragraph 4.3.4.A., or STREET created in any RRO or residential DISTRICT.
- f. Any portion of a lot containing a driveway and construction of a driveway on any lot in the RRO DISTRICT or in the R-1, R-2, R-3, R-4, or R-5 DISTRICTS
- g. USES, BUILDINGS, and STRUCTURES on LOTS that are exempt from the requirement for the Rural Residential Overlay Zoning District and that are created after *{DATE OF ADOPTION}*.

5. Notice of PIPELINE IMPACT RADIUS.

- a. The ZONING ADMINISTRATOR shall provide notice of the existence of a PIPELINE IMPACT RADIUS to any land owner that submits a Zoning Use Permit Application on any of the following:
 - i. Land that is located within a PIPELINE IMPACT RADIUS; or
 - ii. Land that is subject to an easement for underground gas storage; or
 - iii. Land within 150 feet of an easement for underground gas storage.
- b. The notice shall include the following information:
 - i. The approximate location and type of the relevant pipeline

ITEM 4.B. CONTINUED

- ii. The dimension of the PIPELINE IMPACT RADIUS including the approximate location on the proposed LOT.
- iii. The last known point of contact for the relevant pipeline operator.

GENERALLY REGARDING LAND USE SAFETY CONCERNS RELATED TO PIPELINES

5. There are different land use safety concerns for pipelines carrying hazardous liquids and pipelines carrying natural gas, as follows:
- A. Minimum safety requirements for gas transmission pipelines are included under Title 49 of the Code of Federal Regulations (CFR), Part 192 that establishes the following:
 - (1) Section 192.3 has definitions for four different types of gas pipelines: distribution lines, gathering lines, service lines, and transmission lines, as follows:
 - (a) Distribution lines are any pipeline other than a gathering or transmission line.
 - (b) Gathering lines are pipelines that transport gas from a current production facility to a transmission line or a main.
 - (c) Service lines are a distribution line that transports gas from a common source of supply to an individual customer, to two adjacent or adjoining residential or small commercial customers, or to multiple residential or small commercial customers served through a meter header or manifold. A service line ends at the outlet of the customer meter or at the connection to the customer's piping, whichever is further downstream, or at the connection to the customer's piping if there is no meter.
 - (d) Transmission lines are pipelines other than gathering lines that either:
 - i. Transport gas from a gathering line or storage facility to a distribution center, storage facility, or large volume customer that is not downstream from a distribution center; or
 - ii. Operate at a hoop stress of 20 percent or more of specified minimum yield strength; or
 - iii. Transport gas within a storage field.
 - (2) Section 192.5 describes Class locations. 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.

ITEM 5.A.(2) CONTINUED

- (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) Section 192.609 describes the required study when an increase in population indicates a change in class location. 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
- (4) Section 192.901 indicates that the safety regulations which refer to high consequence areas and potential impact radius are only applicable to gas transmission pipelines.
- (5) Section 192.903 defines potential impact radius (PIR) 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.
- (6) Section 192.903 does not define a high consequence area but it is apparently 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:

ITEM 5.A.(6) CONTINUED

- (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.
 - B. There are no Federal regulations which specify a buffer for hazardous liquid pipelines, but a 1987 research survey by the American Petroleum Institute found that most damage occurred within 150 feet of hazardous liquid pipelines.
 - C. Title 83 of the Illinois Administrative Code Part 590 indicates that the Illinois Commerce Commission adopts the standards contained in 49 CFR 192 (and other parts of Title 49 not relevant to this amendment) as its minimum safety standards for gas pipeline facilities.
6. Regarding testimony received during the public hearing for Zoning Case 542-AM-06:
- A. Zoning Case 542-AM-06 was a rezoning to the Rural Residential Overlay (RRO) District on property within a pipeline impact radius.
 - B. In a letter dated July 7, 2006, and in testimony at the July 13, 2006, ZBA meeting Tom Puracchio, Gas Storage Manager for the People's Gas Light and Coke Company testified as follows:
 - (1) The 393 feet of Potential Impact Radius is a fair approximation of the pipeline and well rupture that occurred in 1998. In that event the wind was blowing from the southwest to the northeast and the farm ground was scorched for quite a distance to the northeast and one should not expect a pipeline rupture to go straight up, depending on the weather.
 - (2) Although not a safety issue, on occasion maintenance activities require venting of gas at any time of day or night without notice to adjacent property owners that might result in noise for a few hours.
 - C. Frank Kamerer, a neighbor to the subject property of Case 542-AM-06 at 2648 CR 350E, testified at the July 13, 2006, ZBA meeting as follows:
 - (1) As people have moved to smaller lots in the area some of them have built houses almost on top of the gas pipeline.
 - (2) He was [near the site of the 1998 incident] when a joint blew out of a gas pipeline and it put a hole in the ground so big you could put a bus in it.
 - (3) People's replaced three quarters of a mile of gas pipeline on his property last year.

ITEM 6.C. CONTINUED

- (4) The pipelines are man made and some day they will fail, but People's has done a good job so far.
- D. Dave Nelson, a neighbor to the subject property in Case 542-AM-06 at 2659 CR 350E, testified at the July 13, 2006, ZBA meeting as follows:
 - (1) He was present during the pipeline and well rupture event in 1998 and his house was one mile away from where the event occurred, and it sounded like a jet was landing on Route 47. He said the staging area for the Cornbelt Fire Department was at the Shiloh Methodist Church and they could not go any closer until People's shut down the gas line. He tried to film the incident but he could not get his camera to focus on the flames until they had died down significantly.

GENERALLY REGARDING PUBLIC TESTIMONY

- 7. Testimony received in the public hearing for this case can be summarized as follows:
 - A. Tom Puracchio, Manager of Gas Storage for People's Gas, testified at the October 11, 2007, ZBA meeting as follows:
 - (1) People's Gas has made it clear that the governing federal regulations established a potential impact radius that do not in any way prohibit the right of construction within the impact radius.
 - (2) People's Gas would prefer that instead of prohibiting construction in the potential impact radius the landowners that are in the pipeline impact radius be notified and made aware of the existence of the pipeline to avoid harm or damage.
 - (3) He said that People's Gas feels the County could be of assistance with this process by referring to the existence of the pipeline easements on plats of subdivisions which are approved by the County.
 - (4) He said that the County could also assist this process by referring to the existence of pipeline easements in various zoning and site plan approvals.
 - (5) He said that these practices would raise property owner's knowledge and awareness and understanding about the existence of pipelines on their property.
 - B. Michael Tague, attorney representing Mr. Bateman in Case 520-AM-05 testified at the October 11, 2007, ZBA meeting that if the County does adopt an ordinance that would prohibit any creation of lots in any part of the potential impact radius it would be unconstitutional if it is not rationally supported by a material improvement in public safety due to the miniscule probability of potential impact in the first instance and the mathematical small statistical reduction of such number at a very severe cost to some particular property owners.

ITEM 7. CONTINUED

C. Andy Busch testified at the October 11, 2007, ZBA meeting, as follows:

- (1) In 1993 the National Transportation Safety Board indicates that pipelines carrying petroleum and other hazardous material transported 590 billion ton miles and had 210 accidents.
- (2) In 1993 the Bureau of Transportation Statistics state the incidence of hazardous incidents from truck traffic were somewhere around 900 per month therefore 4 times as many in a month involved truck traffic versus one year by pipeline.

D. Matt Anderson, Pipeline Integrity Specialist for Ameren, testified at the October 11, 2007, ZBA meeting that one of the concerns of his company about the possible 350 foot impact radius where nothing could be built is that it would make it considerably more difficult for any pipeline operator to secure any easements for any new pipeline that would be installed or relocated.

E. Herb Schildt, 398 CR 2500N, Mahomet, testified at the October 11, 2007, ZBA meeting, as follows:

- (1) The land that he and his wife own will be affected by the proposed amendment because Peoples Gas has storage leases on it although there are currently no pipelines or injection wells on or near their property.
- (2) He said that these are longstanding agreements whose stipulations are well understood.
- (3) He stated that he does understand the County's desire to establish some guidelines related to pipelines.
- (4) He asked if it is reasonable and proper to use the impact radius formula defined by the Department of Transportation to determine zoning setbacks. He said that given that it results in extremely large setbacks this is a crucial question.
- (5) He said that the impact radius formula presented in Title 49, Part 192 of the Code of Federal Regulations and the 2006 version indicates that these regulations define rules that a pipeline operator must follow and he sees nothing within these regulations that pertains to the landowner.
- (6) He said that Title 49, Part 192 defines obligations on the pipeline operator including the need to mitigate risk and is not an obligation on the landowner to mitigate this risk.
- (7) He stated that if Case 583-AT-07 would severely restrict by-right zoning permits it would reverse this obligation because it would effectively place the responsibility of risk mitigation on the landowner by denying him or her the use of what can be a very large portion of land.

ITEM 7. CONTINUED

- F. Lou Wozniak testified at the November 29, 2007, ZBA meeting as follows:
- (1) He made a calculation of the probability of a pipeline accident occurring.
 - (2) He made certain assumptions that one may or may not agree with.
 - (3) He looked back at the last ten years and he noted that there was one explosion that left a crater and scorched a house but nothing has happened since that time.
 - (4) Since that time Peoples Energy has started a maintenance program where they load pipes with water and watch for a decrease in pressure overnight and they do this every 5 years or so on a rotation basis.
 - (5) One could guess that the probability of an accident happening now has been greatly reduced compared to the probability before this maintenance program went into effect.
 - (6) He found that someone would be 10 times more likely to be in an auto accident than the chance of a home in the impact radius of the pipeline being subject to a pipeline accident.
- G. A letter was received from Michael Tague on January 29, 2008, that can be summarized as follows:
- (1) Item [B.H.2. of the proposed amendment] should include the following language at the end of the sentence "...without adequate building area outside the potential impact radius."
 - (2) This language is necessary because when [Item 2 of paragraph H] is coupled with [Item 3 of paragraph H] material public safety issues are completely mitigated.
 - (3) A statute that would result in a situation where a lot could not be created that may be partially within the pipeline impact radius but with that part within the pipeline impact radius having no more density of occupancy or activity than before the creation of the lot would be an unreasonable burden on property rights.
 - (4) With no evidence of any benefit and ample evidence of detriment, the ordinance without the [previously suggested language] is not only unsound but legally and constitutionally impermissible.
- H. A letter was received from Michael Tague on October 18, 2007, in which he indicated that all land owners with land inside a PIPELINE IMPACT RADIUS, as determined by the County-wide pipeline map, should be notified of the proposed amendment.
- I. Matthew Anderson, from Ameren Pipeline Integrity Specialists, testified at the October 11, 2007, ZBA meeting that Ameren's entire potential impact radius for their transmission facilities is no more than 110 feet [wide].

ITEM 7. CONTINUED

- J. At the September 11, 2008, public hearing the State's Attorney advised that neither is there a public policy basis to distinguish between streets and driveways nor is there a public policy basis to prohibit RRO lots in the PIR provided that no construction is allowed in the PIR. Thus there is a legal risk in an amendment that does not authorize such lots.

GENERALLY REGARDING EXISTING PIPELINES IN CHAMPAIGN COUNTY

8. Existing pipeline facilities in Champaign County can be found on the National Pipeline Mapping System Public Map Viewer (<http://www.npms.phmsa.dot.gov/>) and on the "Gas Facilities in Illinois" map prepared by the Illinois Commerce Commission, as follows:
- A. Gas distribution lines in Champaign County typically branch off of larger transmission lines and provide service to the smaller urbanized areas in the county. They are shown on the "Gas Facilities in Illinois" map, but are not intended to be subject to the proposed amendment. They are generally located, as follows:
- (1) Lines operated by Northern Illinois Gas Company which branch off from the Natural Gas Pipeline Company of America interstate line in Piatt County and serve the Villages of Fisher, Rantoul, Gifford, Penfield, Ludlow, and several villages in Ford and Vermillion Counties.
 - (2) Lines operated by Ameren Services which branch off the Trunkline Gas Company transmission line at various points throughout the county and serve the Villages of Royal, Ogden, St. Joe, Homer, Sidney, and Philo.
 - (3) Lines operated by Ameren Services which branch off the Natural Gas Pipeline Company of America interstate line in Piatt County and serve the Villages of Mahomet, Rising, Seymour, Bondville, and Staley.
 - (4) Lines operated by Ameren Services which branch off the Panhandle Eastern Pipeline Company transmission line in the southern part of the county and serve the Villages of Tolono, Sadorus, Ivesdale, and Pesotum.
 - (5) Lines operated by Ameren Services which branch off the Panhandle Eastern Pipeline Company interstate line in Edgar County, travel through Vermillion County, and enter Champaign County along the east county line in the southeast corner of the county. These lines serve the Villages of Allerton, Broadlands, and Longview.
- B. There are no gas gathering pipelines in Champaign County.
- C. Gas service lines in Champaign County are not shown on either the National Pipeline Mapping System Public Map Viewer or the "Gas Facilities in Illinois" map and are not intended to be subject the proposed amendment.

ITEM 8. CONTINUED

D. Gas transmission lines are defined by 49 CFR 192.3 in three different ways (See Item 5.A.(1)(d)). These lines are shown primarily on the National Pipeline Mapping System Public Map Viewer. The three different types of transmission pipelines are generally located in the county as follows:

- (1) The first type of gas transmission pipeline, “transports gas from a gathering line or storage facility to a distribution center, storage facility, or large volume customer that is not downstream from a distribution center.” There appear to be five of these kinds of gas transmission pipelines in the county, as follows:
 - (a) A pair of lines operated by Trunkline Gas Company, which enters the county along the south county line, near I-57, travels northeast through the County, and exits the County along the east line north of I-74.
 - (b) Another line operated by Trunkline Gas Company, which branches off the previous lines, travels northwest through the county to the People’s Gas Manlove Storage Facility in the northwest part of the county.
 - (c) A line operated by Panhandle Eastern Pipeline Company which enters the county at the south county line near I-57, travels due north until it connects to a transmission line operated by Ameren just south of Champaign-Urbana.
 - (d) A line operated by the University of Illinois which enters the county on the west county line just south of Champaign-Urbana, travels due east through the county where it appears to connect to the Ameren transmission pipeline just south of Champaign-Urbana.
 - (e) Lines operated by People’s Gas Light and Coke Company which leave their Manlove Storage facility in the northeast part of the county and travel north out of the county and west out of the county.
- (2) The second type of gas transmission pipeline, “operates at a hoop stress of 20 percent or more of specified minimum yield strength.” There appear to be three of these kinds of pipelines in the county, as follows:
 - (a) A line operated by Northern Illinois Gas Company that enters the county on the north county line, travels southeast until it crosses I-57, then travels south to the vicinity of Rantoul, then it travels east out of the county along US-136.
 - (b) A line operated by Ameren Services which is practically an extension of the Panhandle Eastern Pipeline Company line (See Item 8.D.(1)(c)) into Champaign-Urbana.
 - (c) Another line operated by Ameren Services which enters the county on the west line just south of I-72 and travels approximately due east to the west side of I-57.

ITEM 8.D. CONTINUED

- (3) The third type of gas transmission pipeline, “transports gas within a storage field.” The Manlove Gas Storage Field in the northwest corner of the county has many of these kinds of lines. These lines are not currently shown on the National Pipeline Mapping System, but they will be available in the future, until then they are proposed to be regulated by notifying land users who are within 150 feet of the extent of People’s Gas underground gas storage easements and within the storage field.

GENERALLY REGARDING RELEVANT LAND USE GOALS AND POLICIES

9. The *Land Use Goals and Policies* (LUGP) were adopted on November 29, 1977, and were the only guidance for amendments to the *Champaign County Zoning Ordinance* until the *Land Use Regulatory Policies- Rural Districts* were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR) and subsequently revised on September 22, 2005. The relationship of the Land Use Goals and Policies to the Land Use Regulatory Policies 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.

10. The Land Use Goals and Policies for Residential Land Uses appear to be relevant because pipeline facilities exist next to many residential land uses, and new residential land uses are frequently established near pipeline facilities. Land Use Goals and Policies for Residential Land Uses are as follows:

- A. None of the Goals for Residential Land Uses appear to be relevant to the proposed amendment, and only Residential Land Use Policy 2.5 appears to be relevant to the proposed amendment.
- B. Residential Land Use Policy 2.5 is as follows:

The Zoning Board of Appeals, the Environment and Land Use Committee, and the County Board will only support the development of residential areas separated from incompatible non-residential uses, unless natural or man-made buffering is provided.

The proposed amendment appears to **CONFORM** to Residential Policy 2.5 because:

- (1) The amendment will require separation between underground pipelines and lots in any new R-1, R-2, R-3, R-4, R-5, and RRO District.
- (2) The proposed amendment will not restrict by-right development, as follows:
 - (a) On March 12, 2007, ELUC directed staff to prepare a text amendment to ensure land use compatibility and safety near pipelines by restricting development that

requires discretionary approval and by-right development near underground pipelines.

- (b) Testimony from Tom Puracchio, Michael Tague, Andy Busch, Herb Schildt, Louis Wozniak, and Matthew Anderson at the October 11, 2007, ZBA meeting supports not restricting by-right development.

11. The Land Use Goals and Policies for Commercial Land Uses appear to be relevant because commercial land uses could be established near pipeline facilities. The Land Use Goals and Policies for Commercial Land Uses are as follows:

A. None of the Goals for Commercial Land Uses appear to be relevant to the proposed amendment, and only Commercial Land Use Policy 3.6 appears to be relevant to the proposed amendment.

B. Commercial Land Use Policy 3.6 is as follows:

The County Board will strongly discourage proposals for new commercial development not making adequate provisions for drainage and other site considerations.

The proposed amendment appears to **CONFORM** to Commercial Policy 3.6 because the amendment will eliminate the need to consider Pipeline Impact Radii in commercial site plans by requiring new lots to be located entirely outside any adjacent PIR.

12. The Land Use Goals and Policies for Commercial Land Uses appear to be relevant because commercial land uses could be established near pipeline facilities. The Land Use Goals and Policies for Commercial Land Uses are as follows:

A. None of the Goals for Utility Land Uses appear to be relevant to the proposed amendment, and only the Utility Land Use Policy 7.1 appears to be relevant to the proposed amendment.

B. Utility Land Use Policy 7.1 is as follows:

The County Board, Environment and Land Use Committee, and the Zoning Board of Appeals will coordinate changes in land use with public and private utility systems.

The proposed amendment appears to **CONFORM** to Utility Policy 7.1 because:

(1) The amendment will ensure that both land owners and pipeline operators will be aware of the potential for development in their immediate vicinity.

(2) Staff has prepared a county-wide pipeline map, as follows:

(a) It indicates all natural gas transmission lines, distribution lines between transmission lines and settled areas, all storage lines in gas storage fields, and all hazardous liquid transmission lines, and the Pipeline Impact Radius for all pipelines.

AS APPROVED

- (b) It is for staff reference only and will not be released to the public in any form, as per the following exemption from the Illinois Freedom of Information Act 5 ILCS 140/7 (1) (mm):

Maps and other records regarding the location or security of generation, transmission, distribution, storage, gathering, treatment, or switching facilities owned by a utility or by the Illinois Power Agency.

13. Regarding the General Land Use Goals and Policies:

- A. The first, third, fourth, and fifth General Land Use Goals appear to be relevant to the proposed amendment, as follows:

- (1) The first General Land Use Goal is:

Promotion and protection of the health, safety, economy, convenience, appearance, and general welfare of the County by guiding the overall environmental development of the County through the continuous comprehensive planning process.

The proposed amendment appears to **ACHIEVE** the first general land use goal because the amendment will protect the health and safety of the County by reducing potential conflicts between underground pipelines and other land uses.

- (2) The third General Land Use Goal is:

Land uses appropriately located in terms of utilities, public facilities, site characteristics, and public services.

The proposed amendment appears to **ACHIEVE** the third general land use goal because the amendment will mitigate or prevent significant impact from pipeline failure on adjacent land uses.

- (3) The fourth General Land Use Goal is:

Arrangement of land use patterns designed to promote mutual compatibility.

The proposed amendment appears to **ACHIEVE** the fourth general land use goal because the proposed amendment will reduce potential conflicts between underground pipelines and other land uses.

- (4) The fifth General Land Use Goal is:

Establishment of processes of development to encourage the development of the types and uses of land that are in agreement with the Goals and Policies of this Land Use Plan.

The proposed amendment appears to **ACHIEVE** the fifth general land use goal because the proposed amendment will encourage development away from pipelines in order to avoid problems of compatibility of use.

- B. None of the General Land Use Policies appear to be relevant to the proposed amendment.

DOCUMENTS OF RECORD

1. Application for Text Amendment from the Zoning Administrator, received on January 18, 2008
2. Preliminary Memorandum dated September 21, 2007, with attachments:
 - A ELUC Memorandum of March 8, 2007
 - B Excerpt of Approved ELUC Minutes of March 8, 2007
 - C Excerpts from Title 49 of the Code of Federal Regulations
 - D Proposed Ordinance
3. National Pipeline Mapping System Map of Transmission Pipelines in Champaign County (annotated, no legend)
4. Letter from Michael Tague, received October 11, 2007 (distributed at meeting)
5. Letter from Michael Tague, received October 18, 2007
6. Supplemental Memorandum dated November 21, 2007, with attachments:
 - A Letter from Michael Tague dated October 16, 2007
 - B National Pipeline Mapping System Map of Transmission Pipelines in Champaign County (annotated, with legend)
 - C Figure 6-2: Gas Distribution Facilities from the Preliminary Draft of the Existing Conditions and Trends Report of the Champaign County Land Resource Management Plan (amended)
 - D Figure 6-3: Non-Water Well Locations from the Preliminary Draft of the Existing Conditions and Trends Report of the Champaign County Land Resource Management Plan (amended)
 - E Revised Draft of Proposed Ordinance based on ELUC direction, dated November 21, 2007
 - F Alternative Revised Draft of Proposed Ordinance, dated November 21, 2007
7. Letter from Scott Bidner, President, Champaign County Farm Bureau, received on November 29, 2007
8. Supplemental Memorandum dated November 29, 2007, with attachments:
 - A Letter from Scott Bidner, President, Champaign County Farm Bureau, received on November 29, 2007
 - B Excerpt of Minutes of October 11, 2007, ZBA meeting
9. Letter from Michael Tague, received on December 4, 2007
10. Supplemental Memorandum dated January 25, 2008, with attachments:
 - A Email from Patrick Gaume, Senior Staff Engineer, dated January 10, 2008
 - B Letter from Louis Wozniak, dated January 9, 2008
 - C Preliminary Draft Finding of Fact for Case 583-AT-07
11. Letter from Michael Tague, received on January 29, 2008

12. Supplemental Memorandum dated May 23, 2008, with attachments
 - A Revised Draft Amendment to the *Zoning Ordinance*
 - B Letter from Tom Puracchio, Manager of Gas Storage, Peoples' Gas, dated July 7, 2006
 - C Letter from Michael Tague received on January 29, 2008
 - D Excerpt of Minutes from the July 13, 2006, ZBA meeting (included separately)
 - E Minutes from the November 29, 2008, ZBA meeting (included separately)
 - F Revised Draft Finding of Fact for Case 583-AT-07

13. Supplemental Memorandum dated May 29, 2008, with attachments:
 - A Revised Draft Amendment to the *Zoning Ordinance* dated May 29, 2008
 - B Excerpt of 49 CFR 192 (included separately)
 - C 83 IAC 590.10

14. Supplemental Memorandum dated September 5, 2008, with attachments:
 - A Revised Draft Amendment to the *Zoning Ordinance* dated May 29, 2008
 - B Letter from Michael Tague, received December 4, 2007
 - C Revised Finding of Fact for Case 583-AT-08

15. Supplemental Memorandum for Case 583-AT-07 dated September 11, 2008, with attachments:
 - A Revised Draft Amendment to the *Zoning Ordinance* dated September 11, 2008
 - B Letter from Michael Tague to the State's Attorney, dated June 3, 2008

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 Zoning Ordinance Amendment requested in **Case 583-AT-07** should **BE ENACTED** by the County Board in the form attached hitherto.

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



Brookings
Administrative Center
1776 E. Washington Street
Urban, Illinois 61802

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

TO: **Environment and Land Use Committee**
FROM: **November 6, 2008**
DATE: **John Hall, Zoning Administrator**
RE: **Zoning Ordinance requirements for wind farms**

STATUS

This topic was continued from the October meeting and was also discussed at the September and August meetings. The September Agenda included a copy of the *Model Ordinance Regulating The Siting Of Wind Energy Conversion Systems In Illinois* but has not been included in this memo.

The list of items to be included in the proposed amendment has been revised and deletions are indicated by strikeout and new items are underlined (see the attachment). A proposal for specific application fees will be available at the meeting.

As indicated in item 44 on the attached list, staff recommends that based on the inherent compatibility of wind farm development with agriculture, it would be appropriate to authorize wind farm development with nothing more than a County Board Special Use Permit. The various recommended separations (items 37 and 38 on the attachment) should result in compatibility with both existing and future rural residences.

ATTACHMENTS

A REVISED Items To Be Included In A Proposed Zoning Ordinance Text Amendment

ATTACHMENT A: Items To Be Included In A Proposed Zoning Ordinance Text Amendment
REVISED NOVEMBER 5, 2008

The following requirements from the *Model Ordinance Regulating The Siting Of Wind Energy Conversion Systems In Illinois* are recommended to be added to the Champaign County Zoning Ordinance as “standard conditions” for a special use permit for wind farm development (the following is not the actual amendment):

1. A site plan for the installation of the wind turbines showing the planned location each tower, guy lines and anchor bases (if any), property lines, setback lines, public access roads and turnout locations, substations, electrical cabling from the towers to the substations, ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
2. Wind farm development shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI) and Underwriters Laboratories (UL), Det Norske Veritas (DNV), Germanisher Lloyd Wind Energie (GL), or an equivalent third party.
3. Certification by an Illinois Professional Engineer that the foundation and tower design are within accepted professional standards based on soil and climate conditions.
4. Redundant braking systems including aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
5. All electrical components shall comply with ANSI and International Electric Commission (IEC) standards.
6. Towers and blades shall be painted white or gray or another approved non-reflective and unobtrusive color.
7. The proposed development shall comply with all relevant Federal Aviation Administration (FAA) requirements.
8. A reasonable visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
9. Visible, reflective, colored objects such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 above the ground.
10. All towers shall be unclimbable by design or protected by anti-climbing devices such as fences with locking portals at least six-feet high; or anti-climbing devices 12 feet vertically from the base of the tower.
- ~~11. All towers shall be at least 1,000 feet from any adjacent non-participating residence or other non-participating principal use and a distance at least equal to 1.10 times the tower height (measure to tip of the rotor) of any adjacent residence or other participating~~

ATTACHMENT A: Items To Be Included In A Proposed Zoning Ordinance Text Amendment
REVISED NOVEMBER 5, 2008

~~structure. (Note: Participating residence or structure refers to residences or structures owned by landowners who are participating in the special use permit.)~~ (Note: See item 38 which replaces item 11)

12. All towers shall be at least a distance of 1.10 times the tower height (measure to tip of the rotor) from public streets, third party transmission lines, and communication towers although this may be waived.
13. All towers shall be at least a distance of 1.10 times the tower height (measured to tip of the rotor) from adjacent property lines although this may be waived.
14. An agreement between the developer and any relevant public street jurisdiction regarding any street maintenance and/or street improvements necessitated by the proposed development. Any public streets proposed to be used for the purpose of transporting wind turbines or tower parts and/ or equipment for construction, operation, or maintenance of the wind farm development shall be identified in the proposal and any applicable weight or size permit shall be obtained from the relevant government agency prior to construction and development; and the applicant.
15. Annual operation and maintenance reports.
16. Any physical modification of the wind turbines and wind farm that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification (a new special use permit) but like-kind replacement shall not.
17. The applicant shall provide notice to applicable microwave transmission providers and local emergency service providers of the project summary and site plan and shall take all reasonable measures to minimize and mitigate any interference with microwave transmission.
18. The applicant shall cooperate with the relevant fire protection district emergency response plan.
19. All solid wastes and hazardous wastes shall be disposed of in conformance with all state and federal regulations.
20. Noise generated from the proposed wind farm shall be in conformance with all applicable Illinois Pollution Control Board (IPCB) regulation. The applicant shall demonstrate compliance with the relevant IPCB regulations by submitting documentation thereof by a qualified professional.
21. The applicant shall submit evidence by a qualified wildlife biologist or ornithologist based on an avian habitat study or other relevant studies that the wind farm shall not have a substantial adverse impact on bird or bat populations.

ATTACHMENT A: Items To Be Included In A Proposed Zoning Ordinance Text Amendment
REVISED NOVEMBER 5, 2008

22. The owner/ operator shall maintain a general liability insurance policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate and shall submit annual certification of such.
23. A decommissioning plan to ensure that the wind farm project is properly decommissioned. (Note: The existing Champaign County Zoning Ordinance requirement for a reclamation agreement already fulfills this requirement.)

Additional requirements not included in the *Model Ordinance Regulating The Siting Of Wind Energy Conversion Systems In Illinois* that seem reasonable to include as “standard conditions” for a special use permit for wind farm development are the following (items revised since October 14, 2008, are underlined):

24. Landscape visual assessment including at least two photographic images of the subject property before the proposed development and simulated images of the subject property after the proposed development from the same viewing positions.
- ~~25. Zoning case application fees and Zoning Use Permit fees specific to Wind Energy Developments.~~
25. A description of the applicant’s proposed emergency response plan for natural disasters.
26. Authorize a wind farm as an additional principal use on the property.
27. Eliminate minimum yard requirements for wind turbine towers on wind turbine tower lots *(Note: Required separations proposed to be added from the Model Ordinance far exceed the minimum yard requirements.)*
28. Provide that wind turbine towers may exceed the Ordinance basic maximum height limit.
29. Require repairs to underground tiles, drainage ditches, and other drainage infrastructure that are disturbed by the wind farm development (see Ford County).
(Note: The specific requirements for this item are under review.)
30. Provide a sunset clause if construction does not commence within ~~36 months~~ 10 years (see Ford County).
31. Decommissioning triggers including turbine(s) that are non-operational for six months or which are declared by the petitioner to be obsolete, non-functional, or otherwise subject only to nominal taxation (see Livingston County).
32. Public complaint hotline telephone number, complaint logging and tracking procedures with annual report to the County (see Livingston County).
33. Require underground electrical and communication lines to the property line or the relevant substation (see LaSalle County) where practical.

ATTACHMENT A: Items To Be Included In A Proposed Zoning Ordinance Text Amendment
REVISED NOVEMBER 5, 2008

34. Minimum clearance from lowest tip of rotor to ground (15 feet minimum or greater if required by the Board)
 35. Prohibit any wind farm from being within a ~~municipal extra-territorial jurisdiction unless specifically indicated in the municipal comprehensive plan~~ one-and-one-half miles of a municipality that has adopted a zoning ordinance unless the wind farm has also been approved by the municipality.
 36. The wind turbine tower must be a monopole construction.
 37. Specify that the area of a wind farm special use permit shall include all of the following:
 - (a) all land that is within 900 feet from the base of each wind turbine tower except that in the case of land that is more than 1,320 feet from an existing public street right of way in which case the area of the wind farm need only include all land that is within a distance equal to 1.10 times the tower height (measured to the tip of the highest rotor) from the base of any tower; and
 - (b) all access drives and accessory structures; and
 - (c) all electrical distribution lines and substations that are not under the ownership of a utility; and
 - ~~(d) require that the area of the wind farm special use permit, excluding any intervening public street rights of way, shall not completely surround any existing parcel of land that is not included in the Special Use Permit application unless a signed statement is received from the owner of the surrounded land asserting no opposition to the proposed Special Use Permit.~~
- (Note: The rumored wind farm development in the northeastern part of the County may surround an area of the B-1 Rural Trade Center Zoning District at Dailey. This provision would allow that are of B-1 to be surrounded by a wind farm development if signed statements are received.)*
38. Require the following separations for land use compatibility vis-a-vis dwellings and principal uses (also see related items 11, 12, and 13):
 - (a) provide at least 1,000¹ feet separation from the base of any tower to any existing non-participating² dwelling or principal use; and
 - (b) provide at least 900¹ feet separation from the base of any tower to any existing participating² dwelling or principal use; and
 - ~~(c) provided that any of the above separations may be reduced to a distance of not less than 1.10 times the tower height (measured to tip of the highest rotor) from the base of any tower upon submission of a signed waiver by the owner(s) of any existing principal use or a signed statement by an applicant for a Zoning Use Permit for a new principal use.~~

ATTACHMENT A: Items To Be Included In A Proposed Zoning Ordinance Text Amendment
REVISED NOVEMBER 5, 2008

(Notes: 1. The Model Ordinance recommends 1,000 feet separation from all principal uses whether participating or not.
2. Participating dwelling or principal use refers to residences or structures owned by landowners who are participating in the special use permit. Non-participating indicates landowners who are not participating.)

39. Require that within one month of County Board approval of a wind farm special use permit, the applicant must file a miscellaneous document with the Champaign County Recorder of Deeds for every parcel of land on which the special use permit has been approved. This document shall state that a wind farm special use permit has been approved on some or all of the land and shall include the relevant zoning case number and the relevant County Board Approving Resolution number and shall explain that additional information is available at the Champaign County Department of Planning and Zoning.

Additional basic requirements that are recommended to be added to the Zoning Ordinance but which are not standard conditions are the following (items revised since October 14, 2008, are underlined):

40. Zoning case application fees and Zoning Use Permit fees specific to Wind Energy Developments.

(Note: The Committee reviewed possible fees at the September meeting. This item was previously included as item 25 but it should not be a standard condition. A specific proposal for fees will be recommended at the meeting.)

41. Add provision for County Board Special Use Permit approvals.

42. Add defined term "WIND FARM" based on the definition of "wind energy conversion system" included in the Model Ordinance.

43. Delete the existing Ordinance requirement that "Wind Turbine (more than 3 wind turbines)" is a Special Use Permit only in the I-2 Heavy Industry Zoning District.

44. Add requirement that "WIND FARM" requires a County Board Special Use Permit in the AG-1 District.

(Note: The rumored wind farm development in the northeastern part of the County may in fact include a relatively small isolated area of CR Conservation Recreation Zoning that is not along a major stream and is not wooded. If that is the case that land may be suitable for rezoning to the AG-1 District.)

44. Modify the existing Ordinance requirement that "Wind Turbine (1 – 3 wind turbines)" is a Special Use Permit in the AG-1 and AG-2 Agriculture Zoning Districts and the I-1 and I-2 Industrial Zoning Districts and require that such turbines cannot be part of a WIND FARM.

(Note: This particular item must be reviewed for compliance with the Statutes by the State's Attorney.)

ATTACHMENT A: Items To Be Included In A Proposed Zoning Ordinance Text Amendment
REVISED NOVEMBER 5, 2008

45. Add provisions for wind turbines that are no more than 100 feet tall and test towers.

