



**CHAMPAIGN COUNTY BOARD**  
**ENVIRONMENT and LAND USE COMMITTEE (ELUC)**  
County of Champaign, Urbana, Illinois  
Thursday, April 4, 2013 - 6:00 p.m.

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Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E. Washington St., Urbana

**Committee Members:**

Ralph Langenheim – Chair  
Aaron Esry – Vice-Chair  
Astrid Berkson  
Stan Harper

Alan Kurtz  
Patti Petrie  
Jon Schroeder

## **AGENDA**

	<u>Pages</u>
I. Call to Order	
II. Roll Call	
III. Approval of Minutes	
A. ELUC Committee meeting – March 7, 2013	1-6
IV. Approval of Agenda/Addenda	
V. Public Participation	
VI. Communications	
<b>VII. <u>Items to be Approved by ELUC Committee for Recommendation to the County Board</u></b>	
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B. Case #733-AT-12 – Final Recommendation for Zoning Ordinance Text Amendment to add requirements for “Agricultural Drainage Contractor Facility”	13-15
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<b>VIII. <u>Items to Receive &amp; Place on File by ELUC Committee to allow for 30 day review period</u></b>	
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IX. Monthly Reports	
A. February 2013	68-78
X. Other Business	
A. <b>Discussion:</b> Amending the Champaign County Zoning Ordinance to add post-construction noise assessment of wind farms	
B. <b>Discussion:</b> Appropriateness of a supportive resolution concerning environmental issues connected to a possible coal mine in Vermilion County	
C. <b>Discussion:</b> Consideration of amending the Champaign County Zoning Ordinance to work with HB 2615 Illinois Hydraulic Fracturing Regulatory Act	79-80
XI. Chair's Report	
XII. Designation of Items to be Placed on the Consent Agenda	
XIII. Adjournment	



**Champaign County Board  
Environment and Land Use Committee (ELUC)  
County of Champaign, Urbana, Illinois**

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**MINUTES – SUBJECT TO REVIEW AND APPROVAL**

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DATE: Thursday, March 7, 2013  
TIME: 6:00 p.m.  
PLACE: Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E Washington, Urbana, IL 61802

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**Committee Members**

Present	Absent
Ralph Langenheim (Chair)	
Aaron Esry (Vice Chair)	
	Astrid Bergson
Stan Harper	
Alan Kurtz	
Pattsi Petrie	
Jon Schroeder	

**County Staff:** John Hall (Director of Planning & Zoning), Deb Busey (County Administrator), Beth Brunk (Recording Secretary)

**Others Present:** Cameron Moore, Kathy Larson, Susan Monte (Ch Co Regional Planning Commission), John Jay (Champaign Co Board)

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**MINUTES**

**I. Call to Order**

Committee Chair Langenheim called the meeting to order at 6:01 p.m.

**II. Roll Call**

A verbal roll call was taken and a quorum was declared present.

**III. Approval of Minutes**

A. ELUC Committee meeting – February 7, 2013

**MOTION** by Mr. Kurtz to approve the minutes for the February 7, 2013 meeting as distributed; seconded by Mr. Esry. Upon vote, **the MOTION CARRIED unanimously.**

**IV. Approval of Agenda**

**MOTION** by Mr. Esry to approve the agenda as distributed; seconded by Mr. Kurtz. Upon vote, **the MOTION CARRIED unanimously.**

Mr. Langenheim asked to move IX B – Local Foods Policy Resolution 2013-1 to be the first item on the agenda since there were individuals in the audience who wanted to provide input at public participation.

1 **MOTION** by Mr. Kurtz to move item IX B – Local Foods Policy Resolution 2013-1 – to be first on the agenda;  
2 seconded by Mr. Schroeder. Upon vote, the **MOTION CARRIED unanimously**.

3  
4 **V. Public Participation**

5 Becky Roach, Catherine Capel, Lisa Haynes, Eric Thorsland and Tod Satterthwaite spoke in support of the  
6 Local Foods Policy Resolution 2013-1.

7  
8 **VI. Communications**

9 None

10  
11 **VII. Items to be Approved by ELUC Committee for Referral to Zoning Board of Appeals (ZBA)**

12 Zoning Ordinance Text Amendments:

- 13 A. Local Foods Policy Resolution 2013-1: Add Local Food Production Capability as a Factor to be Considered in  
14 Establishing the Rural Residential OVERLAY (RRO) Zoning District

15  
16 **MOTION** by Ms. Petrie to pass the Local Foods Policy Resolution 2013-1 to the Zoning Board of Appeals  
17 (ZBA) for their consideration of a 13<sup>th</sup> criterion to the Rural Residential Overlay; seconded by Mr. Kurtz.

18  
19 Ms. Petrie read a statement from a constituent, Hal Barnhart, supporting the Local Foods Policy  
20 Resolution 2013-1.

21  
22 Mr. Schroeder opined that it did not make sense to separate agriculture into the small producer  
23 and the larger commercial farmer in unincorporated areas of the County – they are one in the  
24 same. Mr. Schroeder thought that the Local Foods Policy Board may want to approach the cities  
25 of Urbana and Champaign and the Village of Savoy to see what the municipalities could do to  
26 develop small farms close to populous areas. Perhaps more emphasis could be placed on urban  
27 food production within the city by utilizing open lots like the Lierman Avenue Community Garden.  
28 Mr. Schroeder commented that everyone on the ELUC Committee wants preservation of  
29 agriculture in the AG-1 and AG-2 areas. He felt that the current ordinance does strive to limit the  
30 development of farmland, and adding another line for the RRO is not needed.

31  
32 Mr. Esry agreed with the comments of Mr. Schroeder. If development is to occur, subdividing a  
33 small parcel makes more financial sense than a larger tract of farmland. All farmers in the rural  
34 areas whether they are small or large producers face the same problems with traffic and  
35 neighbors. Mr. Esry did not see how adding to the ordinance provides a benefit.

36  
37 Ms. Petrie wanted to clarify that the intent of this Local Foods Policy Resolution was not to pit two  
38 types of agriculture against each other. Rather, this document expressed a need by local food  
39 producers to protect smaller acreage which is not currently in the ordinance. Ms. Petrie  
40 encouraged the passing of this resolution to the ZBA so a public hearing could convene and  
41 provide a forum for both sides of this issue. The ZBA could then provide their findings and  
42 recommendations to the ELUC Committee.

43  
44 Mr. Kurtz noted that two of the speakers from the public participation that supported the  
45 resolution were members of the ZBA. He had concerns about the objectivity of the ZBA and a  
46 possible conflict of interest. Mr. Schroeder clarified that his issue with the resolution was not  
47 pitting two agricultures against each other but rather separating them when they have everything  
48 in common.

49  
50 Upon roll call vote:

51 Yes: 2 – Langenheim, Petrie

52 No: 4 – Harper, Kurtz, Schroeder, Esry

53 **MOTION FAILED.**

54

1 **VIII. Items to be Approved by ELUC Committee for Recommendation to the County Board**

- 2
- 3 A. Community Development Assistance Program (CDAP) Loan – L.A. Gourmet Catering, LLC
- 4 Cameron Moore, CEO of Champaign County Regional Planning Commission (CCRPC), provided
- 5 some background on the CDAP loan program. It is a classic revolving loan program that requires
- 6 participating bank financing. The current CCRPC CDAP portfolio has eleven loans totally \$2.6
- 7 million.
- 8

9 Kathy Larson, Economic Development Specialist at CCRPC, stated that the CDAP program lends

10 money to businesses in rural areas of Champaign County which is why this request is being

11 presented to the ELUC Committee. The loan request for L.A. Gourmet, LLC is \$600,950. The

12 business was started in 2006 and does full-service catering for a variety of events. The owners,

13 Lauren Miller and Anne Murray intend to use the loan proceeds to expand their business into an

14 event center in rural north Champaign.

15

16 The total cost of this project is \$1,717,000 which will be partially funded by Fisher National Bank

17 (\$858,500) and from owner equity (\$257,550). The remaining \$600,950 may be funded solely

18 through the CDAP program or a combination of CCRPC's Intermediary Relending Program (IRP) for

19 \$150,000 and a \$450,950 CDAP loan. The \$150,000 IRP loan request was approved by the IRP

20 Loan Committee contingent on approval of this loan by the Champaign County Board. The

21 collateral for the CDAP loan is a second lien on business assets behind Fisher National Bank; a

22 second mortgage on the property at 2150 N County Road 1000 E in Champaign; and personal

23 guarantees from Lauren Miller, Anne Murray and John Murray. Detailed analysis from CCRPC and

24 Fisher National Bank indicated sufficient collateral coverage. This project plans to create 5 full-

25 time and 15 part-time positions.

26

27 **MOTION** by Mr. Schroeder to approve the \$600,950 CDAP loan request to L.A. Gourmet, LLC; seconded by Mr. Esry.

28

29 Mr. Kurtz commented that the County Board has favorably discussed this project. CDAP loans

30 have been helpful for business development in Champaign County. This loan will not cost the

31 County any money since it is guaranteed by CCRPC.

32

33 Ms. Petrie noted that the CCRPC website for the CDAP program had some discrepancies

34 concerning the maximum loan amount and formula for job creation. Mr. Moore explained that

35 once the money had been loaned out and repaid, CCRPC could establish their own loan criteria

36 from the initial loan program requirements. The current loan criteria will be updated on the

37 webpage.

38

39 Ms. Petrie asked how job creation is monitored once the loan proceeds have been disbursed. Ms.

40 Larson explained that the loan agreement states that the borrower must submit a quarterly report

41 on jobs retained and created. This information is tracked for the first two years of the loan. Ms.

42 Petrie inquired about the reasoning behind the \$150,000 IRP loan. Mr. Moore stated that CCRPC

43 borrowed \$750,000 from the US Department of Agriculture (USDA) at a rate of 1% for thirty years

44 to provide the revolving loan fund. IRP loans are necessary to provide interest income for the

45 repayment of the USDA loan. Ms. Petrie wondered how this loan disbursement will affect the

46 availability for future loan requests. As money is loaned from the portfolio, it is recharged by

47 monthly payments from borrowers to be available for new loan clients. Mr. Moore commented

48 that if the \$600,950 loan is approved, there is still \$2.5 million to loan out.

49

50 Mr. Schroeder stated that this loan is a great investment for the County and was comfortable with

51 the borrowers' ability to repay.

52

53 Ms. Petrie wondered if the motion should be amended to "up to \$600,950".

54

1 Mr. Schroeder and Mr. Esry agreed to the friendly amendment.  
2

3 **MOTION** as amended to approve the CDAP loan request for an amount up to \$600,950 to L.A. Gourmet, LLC.  
4 Upon vote, the amended **MOTION CARRIED unanimously**.  
5

- 6 B. National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System  
7 (MS4) Storm Water Discharge Permit with Illinois Environmental Protection Agency (IEPA)  
8 1. Notice of Intent (NOI) 3/1/09 – 2/29/14  
9 2. Annual Update of Activities 4/1/11 – 3/31/12  
10

11 Omnibus **MOTION** by Mr. Esry to approve the National Pollutant Discharge Elimination System (NPDES)  
12 Municipal Separate Storm Sewer System (MS4) Storm Water Discharge Permit with IEPA for both the Notice of  
13 Intent 3/1/09 – 2/29/14 and the Annual Update of Activities 4/1/11 – 3/31/12; seconded by Mr. Schroeder.  
14

15 Ms. Petrie asked for some background on this issue. Mr. Hall responded that this program  
16 became a County Program in 2003 with the Director of Planning & Zoning Department as the  
17 contact person. Due to turnover in Zoning Administrators and the heavy workload in the  
18 department, a new NOI was not submitted to the IEPA in March 2008 or any annual updates since  
19 2004. Andrew Levy, a planner at CCRPC has worked very hard in FY2012 and FY2013 to complete  
20 the required matrix. Many of the things in the matrix require an ordinance. The State's Attorney  
21 has been working for the last three months trying to figure out how to have an ordinance when  
22 there is no statutory authority. There are many problems with this ordinance in how it is  
23 structured. Hopefully the State's Attorney will have a resolution to this problem in the next  
24 couple months. This program relates to approximately 1% of Champaign County. It is clear there  
25 is a responsibility, but the challenge is that the County has very little jurisdiction.  
26

27 The County received a notice of violation from IEPA for failure to renew the MS4 permit and  
28 failure to submit the annual updates. There are no fines for these violations. The IEPA needs the  
29 items by March 22, 2013 and that is doable. The next 5-year NOI is due in September 2013. The  
30 IEPA will be auditing the County sometime this year.  
31

32 In terms of staffing, Mr. Schroeder wondered if the County would need to employ someone from  
33 CCRPC to continue this project. Mr. Hall commented that the County may want to hire an an  
34 Environmental Compliance Officer who would provide oversight for all the needed permits. In  
35 addition, a long-term goal of Planning & Zoning is to maintain a staff position with some level of  
36 storm water management competency.  
37

38 Mr. Schroeder commented that maybe the statutory jurisdiction question will need to be figured  
39 out in the courts. Mr. Hall believes the long-term solution may be for the County to work with all  
40 the other jurisdictions involved like the Drainage Districts, Townships and the University of Illinois  
41 to come up with agreements. This would be a lengthy process. The audit will help clarify this  
42 situation.  
43

44 Upon vote, **the MOTION CARRIED unanimously**.  
45

46 **IX. Items to Receive & Place on File by ELUC Committee to allow for 30 day review period**

- 47 A. Preliminary Recommendation from Zoning Board of Appeals (ZBA) for Zoning Ordinance Text  
48 Amendment – Case #733-AT-12 – Agricultural Drainage Contractor Facility  
49

50 **MOTION** by Mr. Schroeder to receive and place on file the preliminary recommendation from the ZBA for  
51 a Zoning Ordinance Text Amendment – Case #733-AT-12 – to add "Agricultural Drainage Contractor" as a  
52 principal use; seconded by Mr. Esry.  
53

1 Ms. Petrie noted on page 72 of the packet under Objective 4.3 – Policy 4.3.5, the word  
2 “appropriate” was not defined. Mr. Hall replied that he thought the wording was self evident.  
3 Ms. Petrie asked if “minimize” under Policy 8.6.2 should also be defined. Mr. Hall said it was up to  
4 the County Board to determine the amount. On page 74, Ms. Petrie thought the wording on #20  
5 would be clearer if it read, “On average as much as 50% of the dollar. . .” Mr. Hall said he would  
6 make that change.  
7

8 **MOTION** as amended with the change, “On average as much as 50% . . .” **CARRIED unanimously.**

9  
10 B. Draft – Minor Amendments to the Land Resource Management Plan (LRMP)

11 Mr. Langenheim noted that amendments #1-4 were reviewed at the February meeting. Susan  
12 Monte explained that a new item #5 has been added in which the Village of Mahomet would like  
13 to reduce its Contiguous Urban Growth Area to eliminate some parts not served by their public  
14 sewer system.  
15

16 Ms. Petrie is concerned that there may be ramifications if changes are made without looking  
17 through the whole zoning ordinance document.  
18

19 **MOTION** by Ms. Petrie to receive and place on file the draft Minor Amendments to the Land Resource  
20 Management Plan (LRMP); seconded by Mr. Kurtz. Upon vote, the **MOTION CARRIED unanimously.**

21  
22 X. **Items to be Approved by ELUC Committee for Referral to ZBA**

23 A. Zoning Text Amendment to Allow Variances from Municipal Subdivision Regulations for Rural Water District  
24 Water Treatment Plant and Related Facilities  
25

26 **MOTION** by Mr. Esry to approve a public hearing for a Zoning Ordinance Text Amendment to allow  
27 variances from Municipal Subdivision regulations for rural water district water treatment plant and related  
28 facilities; seconded by Mr. Kurtz.  
29

30 Ms. Petrie commented that she has heard that the two entities cannot come to an agreement.  
31 She felt that this text amendment is an individualized variance and had trouble supporting it due  
32 to the mechanism that is being used.  
33

34 Mr. Kurtz had discussions with the Administrator of Mahomet to keep open lines of  
35 communication between government entities. The majority of the County Board sees this is an  
36 essential service that has to take place. The inability to reach an agreement is difficult to  
37 understand as it should be a positive issue for both sides. This variance is unique to a specific  
38 problem that needs to be approved.  
39

40 Mr. Schroeder stated that this case involves a public utility that helps the public good.  
41

42 Upon vote:

43 Aye 5 – Langenheim, Esry, Kurtz, Harper, Schroeder

44 Nay 1 – Petrie

45 **MOTION CARRIED.**  
46

47 XI. **Monthly Reports**

48 A. December 2012

49 B. January 2013  
50

51 **MOTION** by Mr. Kurtz to receive and place on file the Planning & Zoning Monthly Reports for December  
52 2012 and January 2013; seconded by Mr. Esry.

53 Upon vote, the **MOTION CARRIED unanimously.**

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**XII. Other Business**

None

**XIII. Chair's Report**

None

**XIV. Semi-annual Review of Closed Session Minutes**

**MOTION** by Ms. Petrie that pursuant to the statutory requirement to conduct a semi-annual review of all closed meeting minutes that the closed meeting minutes of the Environment & Land Use Committee be maintained as closed to protect the public interest or the privacy of individuals, with the exception of the minutes from September 20, 2007 which may now be determined as open session minutes; seconded by Mr. Schroeder.

Upon vote, the **MOTION CARRIED unanimously.**

**XV. Designation of Items to be Placed on the Consent Agenda**

Mr. Langenheim stated that VIII A and VIII B should be placed on the Consent Agenda.

**XVI. Adjournment**

**MOTION** by Mr. Kurtz to adjourn the meeting; seconded by Mr. Schroeder. Upon vote, the **MOTION CARRIED unanimously.**

There being no further business, Mr. Langenheim adjourned the meeting at 7:30 p.m.

DATE: March 26, 2013  
TO: Environment and Land Use Committee  
FROM: Susan Monte and John Hall  
RE: Proposed Minor Amendments to the Champaign County Land Resource Management Plan  
ACTION REQUEST: Approve

Three minor amendments are proposed to the Land Resource Management Plan (LRMP), in accordance with Priority Item #2013-4 of the FY13 LRMP portion of the County Planning Contract. The minor amendments proposed are consistent with LRMP Policy 1.3.1:

*ELUC will recommend minor changes to the LRMP after an appropriate opportunity for public input is made available.*

Attachment A includes the actual content of the following proposed minor amendments:

- 1) update *LRMP Volume 1 Existing Conditions and Trends Report* to in the existing Best Prime Farmland definition
- 2) update *LRMP Volume 2 Land Resource and Management Plan* so that LRMP Policy 8.2.1 refers to the existing Best Prime Farmland definition
- 3) update the *LRMP Volume 2 Land Use Management Areas Map* to include current municipal and 1-1/2 mile Extraterritorial Jurisdiction boundaries, Best Prime Farmland soils based on existing BPF definition, and a revision to the north portion of the Village of Mahomet Contiguous Urban Growth Area.

Attachment A: Content of Minor Amendments to LRMP

## **Minor Amendments to LRMP (Volume 1) Existing Conditions and Trends Report**

### **1) Update the Best Prime Farmland definition**

a) Add the following text on page 10-21:

The County Board adopted Ordinance No. 914 on November 27, 2012 to amend the definition of ‘Best Prime Farmland’ as per the March 7, 2012 recommendation of the LESA Update Committee, and following a public hearing at the Champaign County Zoning Board of Appeals. The amended definition of Best Prime Farmland is as follows:

“Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the Bulletin 811 Optimum Crop Productivity Ratings/or Illinois Soils. Best Prime Farmland consists of the following:

- a) Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County LESA System;
- b) Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA System; or
- c) Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils, as determined by the Champaign County LESA System.”

b) Replace Table 10-1 on page 10-21:

Table 10-1: Composition of Agriculture Value Groups which Comprise Best Prime Farmland

Agriculture Value Group <sup>1</sup>	Soils in Champaign County	Relative LE Score <sup>2</sup>	Approximate Percentage of County Soils
1	154A Flanagan, 198A Elburn, 149A Brenton	100	21.1
2	152A Drummer, 679B Blackberry	100	40.6
3	171B Catlin, 153A Pella, 623A Kishwaukee, 481A Raub	94	7.8
4	663B Clare, 67A Harpster, 234A Sunbury, 56B Dana, 219A Millbrook, 490A Odell, 687B Penfield, 125A Selma	91	6.8

Table 10-1 Notes:

1. The Land Evaluation (LE) portion of the Champaign County Land Evaluation and Site Assessment System places the soils of Champaign County into several ‘Agriculture Value Groups’ ranging from the best to the worst, based on three soils classifications systems: ‘Land Capability Classification’ and ‘Farmland Classification’ of the USDA NRCS National Soils Survey Handbook, and the Productivity Index of Illinois Soils Under Optimum Management based on Bulletin 811 updated January, 2011.
2. LE is the weighted, average designated Land Evaluation score assigned to each Agriculture Value Group.

- c) Revise text which precedes Figure 10-16:

Strikeout version:

Figure 10-16 displays areas of 'Best Prime Farmland' soils in the County, consisting of soils in ~~Agricultural Agriculture~~ Value Groups 1 – 4 as listed in Table 10-1. ~~, and 'Prime Soils' ('Non-Best Prime Farmland' soils consisting of soils in Agricultural Value Groups 5 and 6 as listed in Table 10-1.~~ In Champaign County, 'Best Prime Farmland' soils comprise approximately 77 percent of the total land area. ~~, and the broader category of 'Prime Farmland' soils comprise approximately 95 percent of the total land area.~~

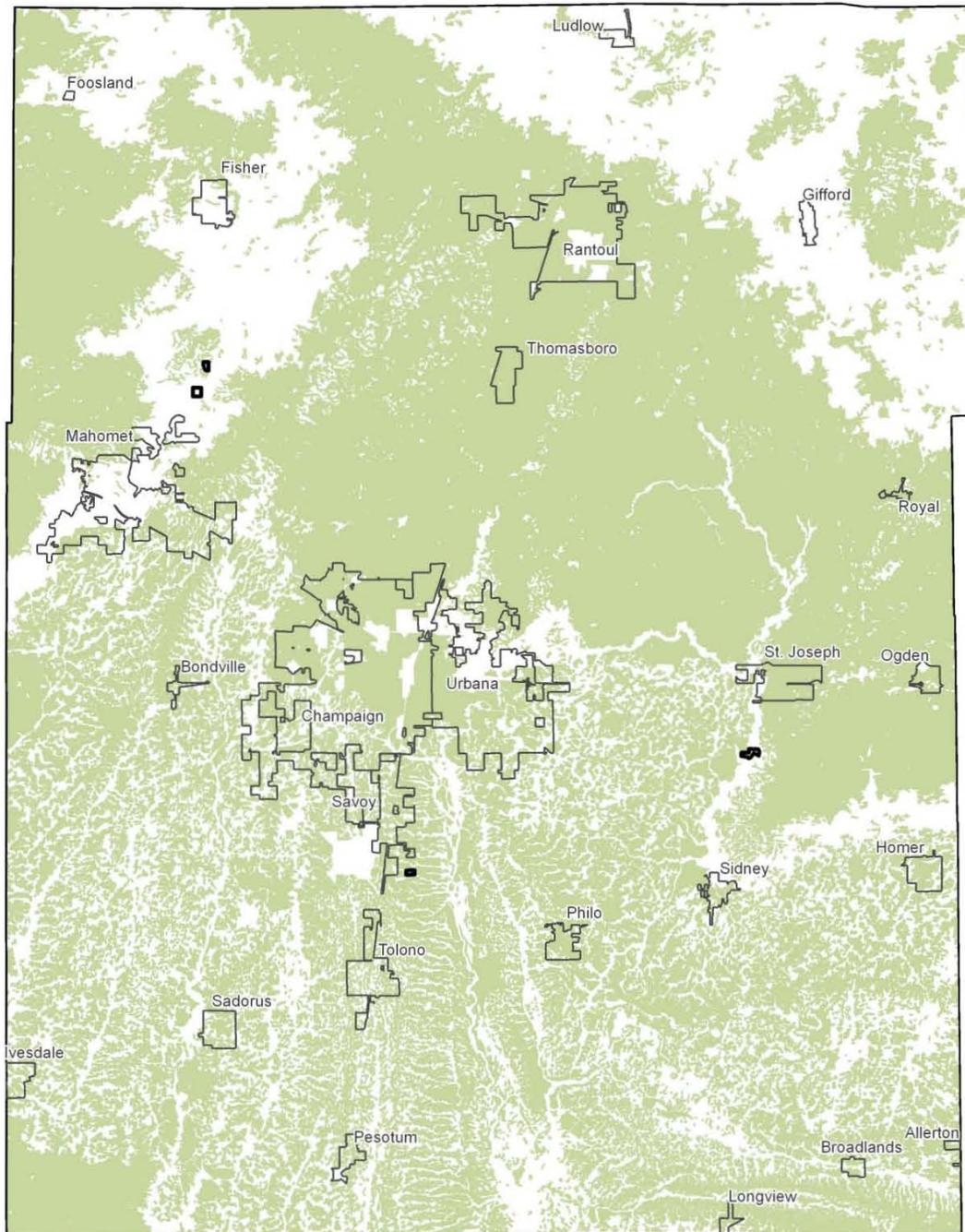
Clean version:

Figure 10-16 displays areas of 'Best Prime Farmland' soils in the County, consisting of soils in Agriculture Value Groups 1 - 4 as listed in Table 10-1. In Champaign County, 'Best Prime Farmland' soils comprise approximately 77 percent of the total land area.

continued on following page

d) Replace Figure 10-16 on page 10-22

**Figure 10-16: Champaign County Soils**



**Farm Soils**  
Champaign County

**Legend**

- Land Evaluation Site Assessment (LESA) Rating
- Best Prime Farmland
  - Municipal Boundary



Date Map Prepared:  
March 26, 2013

## **Minor Amendments to LRMP (Volume 2) Land Resource Management Plan**

### **1) Correct LRMP Policy 8.2.1 to refer to the updated Best Prime Farmland definition**

Strikeout version:

#### Policy 8.2.1

The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*, as defined in the *Champaign County Zoning Ordinance*. ~~Best prime farmland is that comprised of soils that have a Relative Value of at least 85 and includes land parcels with mixed soils that have a Land Evaluation score of 85 or greater as defined in the LESA.~~

Clean version:

#### Policy 8.2.1

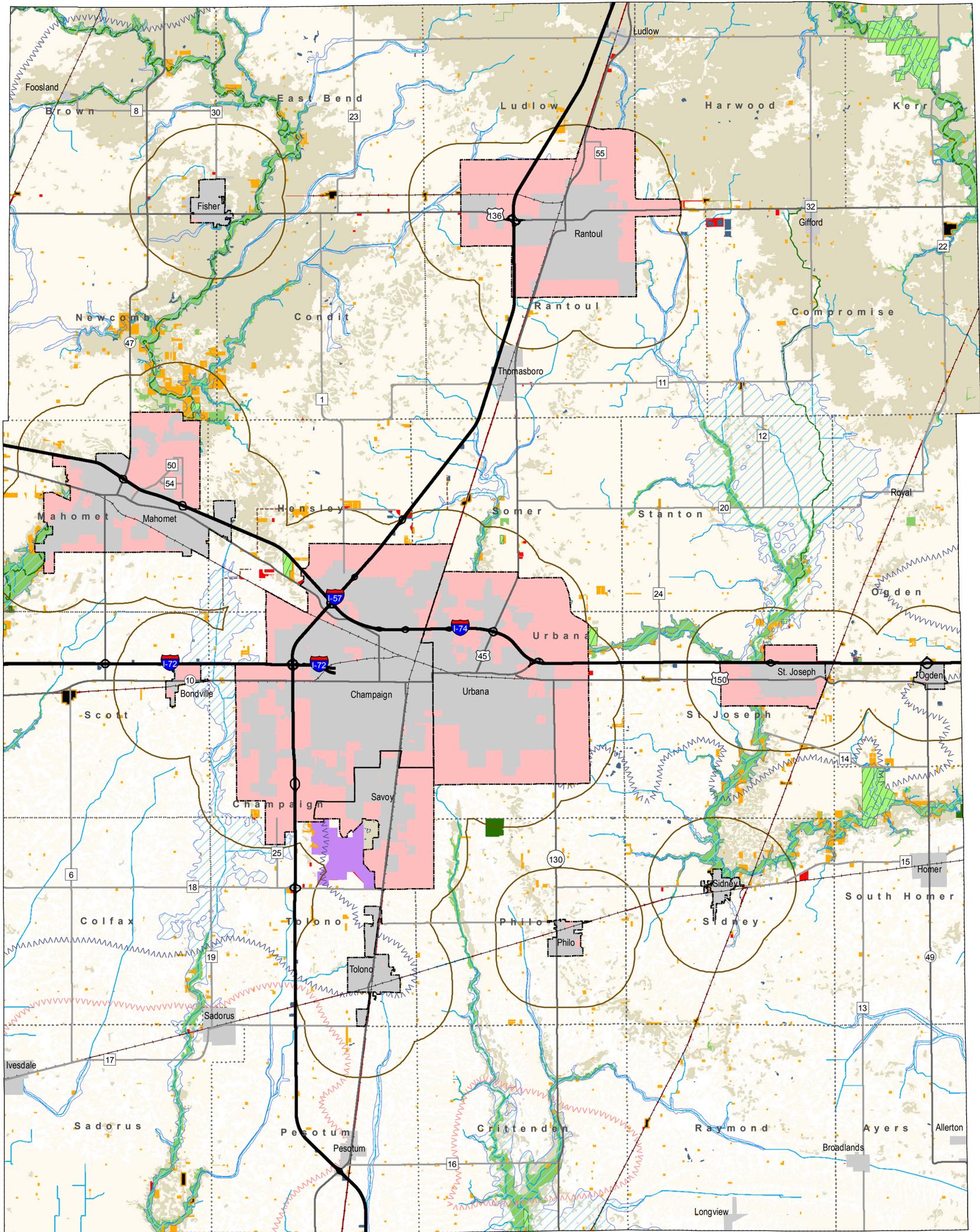
The County will strive to minimize the destruction of its soil resources by non-agricultural development and will give special consideration to the protection of *best prime farmland*, as defined in the *Champaign County Zoning Ordinance*.

### **2) Minor Updates and Correction to the LRMP Land Use Management Areas Map:**

The updated version of the LRMP Land Use Management Areas Map includes the following adjustments:

- a) update to municipal boundaries and to the 1-1/2 mile Extra-Territorial Jurisdiction boundaries of municipalities with adopted comprehensive land use plans;
- b) a revision to update Best Prime Farmland soils based on the updated definition of 'Best Prime Farmland' adopted by the County Board on November 27, 2012 (Ordinance 914); and
- c) correction to the Contiguous Urban Growth Area (CUGA) north of Mahomet to exclude lands situated north of Interstate 74 and west of Illinois Route 47, and to exclude The Meadows Subdivision, and certain areas situated northwest of Mahomet which are not served by the Village of Mahomet public sewer system and are not anticipated to be served by the Village of Mahomet public sewer system in the near term.

- updated Land Use Areas Management map provided on following page -



**Land Use Management Areas**

The Land Use Management Area map defines spatial extents of policies based on language and intent of the LRMP.

**Policy Areas**

**Rural**

- Best Prime Farmland
- Non Best Prime Farmland
- Existing Natural Area
- Areas which may contain Natural Areas
- Parks and Preserves
- Mahomet Aquifer (approx.)
- Primary Sand & Gravel Aquifers (approx.) \*
- Stream
- Lake

**Urban**

- Settlement
  - Contiguous Urban Growth Area
- \* also situated above the Mahomet Aquifer

**Administrative Boundaries**

- Extraterritorial Jurisdiction
- Extraterritorial Jurisdiction Boundary Agreement
- Township Boundary
- Floodplain

**Existing Land Uses**

- Commercial / Industrial
- Residential
- Existing Incorporated Area
- Airport

**Roads**

- Interstate
- Federal Highway
- State Highway
- County Highway
- Railroad



0 2.5 5 Miles

Map Produced March 26, 2013

Champaign County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708  
zoningdept@co.champaign.il.us  
www.co.champaign.il.us/zoning

To: **Environment and Land Use Committee**

From: **John Hall**, Director & Zoning Administrator  
**Andy Kass**, Associate Planner

Date: **March 26, 2013**

RE: **Zoning Ordinance Text Amendment Case 733-AT-12**

Request: **Request Final Recommendation for Approval of a Text Amendment to the Champaign County Zoning Ordinance in Zoning Case 733-AT-12 to add “AGRICULTURAL DRAINAGE CONTRACTOR” as a principal use.**

Petitioner: **Zoning Administrator**

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***STATUS***

The Committee made a preliminary recommendation for approval of this recommended text amendment at the March 7, 2013, meeting.

That recommendation also included changing the location of “on average” in Footnote 20 for Section 5.2. The footnote has been revised in the attached amendment.

No comments have been received from municipalities or townships.

This text amendment is ready for a final recommendation to the County Board for the meeting on April 18, 2013.

---

**ATTACHMENTS**

**A Proposed Amendment**

**Attachment A. Proposed Amendment**  
MARCH 26, 2013

**1. Add to Section 3 DEFINITIONS (new text underlined):**

**AGRICULTURAL DRAINAGE CONTRACTOR:** A contractor whose principal business is installing and/ or selling agricultural drainage facilities such as grassed waterways, field terraces, underground drainage tile, tile inlets, culverts, and related drainage improvements.

**2. Revise Section 5.2 as follows (new text underlined>):**

**SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES**

Principal USES	Zoning DISTRICTS										Zoning DISTRICTS				
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2
Contractors Facilities (with No Outdoor STORAGE Nor Outdoor OPERATIONS)		S	S												
Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS		S	S									5			
AGRICULTURAL DRAINAGE CONTRACTOR Facility (with no Outdoor STORAGE and/or Outdoor OPERATIONS) <sup>20</sup>	S <sup>21</sup>	S	S						*			*		*	*
AGRICULTURAL DRAINAGE CONTRACTOR Facility with Outdoor STORAGE and/or Outdoor OPERATIONS <sup>20</sup>	S <sup>21</sup>	S	S						*			5	S	*	*
												S			

 = Permitted by right    **S** = Permitted on individual LOTS as a SPECIAL USE    **B** = COUNTY BOARD Special Use Permit

**Footnotes**

5. Outdoor STORAGE as an ACCESSORY USE is allowed by right when all OUTDOOR STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN meeting the provisions of Sec. 7.6.3.
20. On average, as much as 50% of the dollar volume of business at an AGRICULTURALDRAINAGE CONTRACTOR facility on average may be retail sales of agricultural drainage products.
21. Only applicable to any AGRICULTURAL DRAINAGE CONTRACTOR Facility that was in existence (but not authorized) on {EFFECTIVE DATE OF AMENDMENT}.

**Attachment A. Proposed Amendment**

MARCH 26, 2013

**3. Add the following to Section 6.1.3 (new text underlined):**

**SECTION 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES**

SPECIAL USES or USE Categories	Minimum Fencing Required <sup>5</sup>	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions	
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline <sup>2</sup>			SIDE	REAR		
						STREET Classification						
						MAJOR	COLLECTOR	MINOR				
AGRICULTURAL DRAINAGE CONTRACTOR Facility with Outdoor STORAGE and/or Outdoor OPERATIONS ; or with no Outdoor STORAGE and/or Outdoor OPERATIONS	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below
<ol style="list-style-type: none"> <li>1. In all DISTRICTS other than the B-5 DISTRICT, outdoor STORAGE and/ or outdoor OPERATIONS allowed as an ACCESSORY USE subject to subsection 7.6.</li> <li>2. In the B-5 DISTRICT, Outdoor STORAGE and/ or outdoor OPERATIONS allowed as an ACCESSORY USE provided as follows:               <ol style="list-style-type: none"> <li>A. No outdoor STORAGE and/ or outdoor OPERATIONS shall be visible from any second floor DWELLING UNIT.</li> <li>B. Outdoor STORAGE and/ or outdoor OPERATIONS may be located at the property line but shall be screened by a Type D SCREEN consistent with 4.3.3 H.1.</li> </ol> </li> <li>3. In the CR DISTRICT, any expansion shall minimize the disturbance of existing areas that provide habitat for native and game species, or mitigate the impacts of unavoidable disturbance to such areas by enhancing other habitat.</li> </ol>												

**Footnotes**

1. Standard same as applicable zoning DISTRICT.

Champaign County  
Department of

**PLANNING &  
ZONING**

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

(217) 384-3708  
zoningdept@co.champaign.il.us  
www.co.champaign.il.us/zoning

To: **Environment and Land Use Committee**

From: **John Hall**, Director & Zoning Administrator  
**Andrew Levy**, RPC Planner

Date: **March 26, 2013**

RE: **Recommendation to County Board for Approval of the MS4  
Annual Facility Inspection Report**

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## **BACKGROUND**

Champaign County was identified as a small Municipal Separate Storm Sewer System (MS4) in March 2003 as part of the expanded Phase II of the National Pollutant Discharge Elimination System (NPDES) Storm Water Program.

Local governments who are MS4s maintain compliance with the NPDES as follows:

1. Submitting to the Illinois Environmental Protection Agency (IEPA) a "Notice of Intent" (NOI) that outlines how that government will implement six minimum required control measures by using selected Best Management Practices (BMPs) to reduce pollution. Once approved the NOI permits the County to discharge storm water into the Waters of the United States for a period of 5 years. A new NOI must be resubmitted prior to the expiration of any current NOI.
2. Submitting to the IEPA an annual update in June of each year reporting on achievements in the previous year (April 1 to March 31) in regards to the BMPs.

The Notice of Intent was submitted to the IEPA on March 22, 2013. The attached materials encompass the required Annual Update for the program year 4/1/12 through 3/31/13. No significant changes have been made. Proposed actions for year 5 require the same level of funding provided the previous year. Funding for this program is a combination of Planning and Zoning funds and the County Planning Contract with the Champaign County Regional Planning Commission.

## **ATTACHMENTS**

- 1 **Annual Facility Inspection Report (IEPA Form WPC 691 with attachments):**
  - A **Status of Compliance With N.P.D.E.S. Permit Conditions for Year 4 (April 1, 2012- March 31, 2013)**
  - B **Proposed N.P.D.E.S. Permit Activities for Year 5 (April 1, 2013- March 31, 2014)**
  - C **Champaign County Construction Projects Year 4 (April 1, 2012- March 31, 2013)**

Attachment 1. Annual Facility Inspection Report  
FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM

Champaign County Permit No. ILR40 00256

April 1, 2013



Illinois Environmental Protection Agency

Bureau of Water • 1021 N. Grand Avenue E. • P.O. Box 19276 • Springfield • Illinois • 62794-9276

Division of Water Pollution Control  
ANNUAL FACILITY INSPECTION REPORT

You must have Adobe Acrobat Reader 8.0 or above installed to use the features on this form.

for NPDES Permit for Storm Water Discharges from Separate Storm Sewer Systems (MS4)

This fillable form may be completed online, a copy saved locally, printed and signed before it is submitted to the Compliance Assurance Section at the above address. Complete each section of this report.

Report Period: From March, 2012 To March, 2013

Permit No. ILR40 00256

MS4 OPERATOR INFORMATION: (As it appears on the current permit)

Name: Champaign County Mailing Address 1:

Mailing Address 2: 1776 East Washington Street County: Champaign

City: Urbana State: IL Zip: 61802 Telephone:

Contact Person: John Hall Email Address: jhall@co.champaign.il.us  
(Person responsible for Annual Report)

Name(s) of governmental entity(ies) in which MS4 is located: (As it appears on the current permit)

Champaign

THE FOLLOWING ITEMS MUST BE ADDRESSED.

A. Changes to best management practices (check appropriate BMP change(s) and attach information regarding change(s) to BMP and measurable goals.)

- 1. Public Education and Outreach
- 2. Public Participation/Involvement
- 3. Illicit Discharge Detection & Elimination
- 4. Construction Site Runoff Control
- 5. Post-Construction Runoff Control
- 6. Pollution Prevention/Good Housekeeping

B. Attach the status of compliance with permit conditions, an assessment of the appropriateness of your identified best management practices and progress towards achieving the statutory goal of reducing the discharge of pollutants to the MEP, and your identified measurable goals for each of the minimum control measures.

C. Attach results of information collected and analyzed, including monitoring data, if any during the reporting period.

D. Attach a summary of the storm water activities you plan to undertake during the next reporting cycle ( including an implementation schedule.)

E. Attach notice that you are relying on another government entity to satisfy some of your permit obligations (if applicable).

F. Attach a list of construction projects that your entity has paid for during the reporting period.

Any person who knowingly makes a false, fictitious, or fraudulent material statement, orally or in writing, to the Illinois EPA commits a Class 4 felony. A second or subsequent offense after conviction is a Class 3 felony. (415 ILCS 5/44(h))

Owner Signature:  
  
Printed Name:

Date:  
  
Title:

EMAIL COMPLETED FORM TO: [epa.ms4annualinsp@illinois.gov](mailto:epa.ms4annualinsp@illinois.gov)

or Mail to: ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
WATER POLLUTION CONTROL  
COMPLIANCE ASSURANCE SECTION #19  
1021 NORTH GRAND AVENUE EAST  
POST OFFICE BOX 19276  
SPRINGFIELD, ILLINOIS 62794-9276

IL 532 2585 WPC 691 REV 6/10 This Agency is authorized to require this information under Section 4 and Title X of the Environmental Protection Act (415 ILCS 5/4, 5/39). Failure to disclose this information may result in: a civil penalty of not to exceed \$50,000 for the violation and an additional civil penalty of not to exceed \$10,000 for each day during which the violation continues (415 ILCS 5/42) and may also prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

**Attachment 1. Annual Facility Inspection Report**  
***FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM***

Champaign County Permit No. ILR40 00256

April 1, 2013

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**Attachment 1. Annual Facility Inspection Report  
FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM**

Champaign County Permit No. ILR40 00256

April 1, 2013

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

**ANNUAL FACILITY INSPECTION REPORT**

**April 1, 2013**

N.P.D.E.S. PHASE II PERMIT FOR STORMWATER DISCHARGES

from

MUNICIPAL SEPARATE STORM SEWER SYSTEMS

**Champaign County, Illinois  
NPDES Permit No. ILR 4000256**

**REPORTING PERIOD:**

Year 4 which is April 1, 2012, to March 31, 2013

**MS4 OPERATOR INFORMATION:**

County of Champaign, Illinois  
Brookens Administrative Center  
1776 East Washington Street  
Urbana IL 61802  
Contact person: John Hall, Director of Planning and Zoning

**GOVERNMENTAL ENTITY IN WHICH MS4 IS LOCATED:**

Champaign County, Illinois

**INTRODUCTION**

Champaign County was identified as a small Municipal Separate Storm Sewer System (MS4) in March 2003 as part of the expanded Phase II of the National Pollutant Discharge Elimination System (NPDES) Storm Water Program.

Mandated by Congress under the Clean Water Act, the NPDES Storm Water Program is a comprehensive two-phased national program for addressing the non-agricultural sources of storm water discharges which adversely affect the quality of our nation's waters. The Clean Water Act prohibits anybody from discharging pollutants through a point source into a water of the United States unless they have an NPDES permit. A point source is any discernible, confined and discrete conveyance, such as a pipe, ditch, channel, or container.

**Attachment 1. Annual Facility Inspection Report**  
**FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM**

Champaign County Permit No. ILR40 00256

April 1, 2013

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Phase II required small MS4s in urbanized areas to obtain NPDES permits and implement six minimum control measures by using selected best management practices (BMPs).

Urbanized areas are delineated by the Census Bureau and are defined as a central place or places and the adjacent densely settled surrounding area, that together have a residential population of at least 50,000 people and an overall population density of at least 500 people per square mile. Only about 10 square miles (about 1%) of the approximately 1,000 square miles that make up Champaign County are included in the urbanized area (see the attached map).

Champaign County is not a municipality but the regulatory definition of MS4 also includes any County owned road with a drainage system. County Highway roadside ditches are currently the only point source discharges in the urbanized area maintained by Champaign County.

Champaign County must maintain compliance with the MS4 requirements of the NPDES Storm Water Program. MS4 compliance requires that an updated Notice of Intent (NOI) be on file with the Illinois Environmental Protection Agency (IEPA) at all times. The NOI must explain which best management practices Champaign County will use to implement the six required *minimum control measures*. *The six required minimum control measures* are the following:

- **Public Education and Outreach.** Selected BMPs should educate the public on the various ways to reduce storm water pollution.
- **Public Participation and Involvement.** Selected BMPs should involve the public in developing, implementing, and reviewing MS4 best management practices.
- **Illicit Discharge Detection and Elimination (IDDE) .** Selected BMPs should identify improper discharges and spills to drainage systems and include enforcement mechanisms.
- **Construction Site Runoff Control.** Selected BMPs should enable construction site operators (builders and MS4s) to manage storm water runoff so as to reduce pollution.
- **Post-Construction Runoff Control.** Selected BMPs should enable property owners (developers and MS4s) to manage storm water runoff so as to reduce pollution from a site after construction activities have ended.
- **Pollution Prevention and Good Housekeeping.** Selected BMPs should enable the MS4 entity to minimize pollution from its own property and facilities by reducing pollution from streets, parking lots, open spaces, and storage and vehicle maintenance areas and is discharged into local waterways or that results poor maintenance of storm sewer systems.

Champaign County has worked in cooperation with the other MS4s in the Champaign County Urbanized Area to share costs and expertise and common efforts to develop a regional consistency towards fulfilling the NPDES Phase II MS4 requirements.

Champaign County has sought to develop a plan suited to the MS4 requirements but also tailored to the abilities of an Illinois county. The NPDES Phase II MS4 requirements were included as a formal County land use policy in the Champaign County Land Resource Management Plan that was adopted in April 2010.

**Attachment 1. Annual Facility Inspection Report  
FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM**

Champaign County Permit No. ILR40 00256

April 1, 2013

Champaign County was late in submitting the second Notice of Intent (NOI) to IEPA. Therefore, the five year period for this second NOI will be that of the reissued general permit, April 1, 2009, to March 31, 2014. This document serves as the report of the Year 4 activities.

**SELF ASSESSMENT OF PERMIT COMPLIANCE**

The current Champaign County NOI contains 30 BMPs and no changes are proposed .

6 BMPs have been completed (see Attachment A) that are as follows:

- A.1.1. Handout displayed and available at Planning and Zoning permit counter
- B.6.1. Intergovernmental Storm Water Management group meetings (coordination meetings for all Champaign County MS4 jurisdictions).
- B.7.1. Funding for NPDES related was granted by the Champaign County Board
- C.6.1. Annual Report prepared and presented to the Environment and Land Use Committee (of the Champaign County Board) and the Champaign County Board.
- D.1.1. An Erosion and Sediment Control Ordinance was drafted and is undergoing legal review.
- D.2.1. Erosion and Sediment Control BMPs are included in the draft Erosion and Sediment Control Ordinance

**INFORMATION COLLECTED AND ANALYZED IN YEAR 4**

There was no information collected from April 2012 to March 2013.

**MS4 ACTIVITIES FOR YEAR 5**

The activities proposed for Year 5 are summarized in Attachment B.

**RELIANCE ON OTHER GOVERNMENTAL ENTITY**

None.

**YEAR 4 CONSTRUCTION PROJECTS**

Champaign County construction projects for Year 4 are summarized in Attachment C.

There were 4 roadway construction projects in Year 4 and none of them disturbed an acre of land all roadway projects were outside of the MS 4 jurisdictional area.

The only non-roadway construction project in Year 4 was the Storm Sewer Improvement for the East Campus Urbana, that was NPDES Permit No: ILR10Q46.

**Attachment 1. Annual Facility Inspection Report**  
**FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM**

Champaign County Permit No. ILR40 00256

April 1, 2013

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**ATTACHMENTS**

- A Status of Compliance with N.P.D.E.S. Permit Conditions for Year 4 (April 1, 2012- March 31, 2013)
- B Proposed N.P.D.E.S. Permit Activities for Year 5 (April 1, 2013- March 31, 2014)
- C Champaign County Construction Projects for Year 4 (April 1, 2012- March 31, 2013)

**Attachment A. Status Of Compliance With N.P.D.E.S. Permit Conditions for Year 4 (April 2012 – March 2013)**

**FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

Champaign County Permit No. ILR40 00256

April 1, 2013

BMP No.	Brief Description of Best Management Practice (BMP)	Status	Measurable Goal	Year 4 Milestone	Description of Activities
<b>A.1.1</b>	Flyers and information sheets at permit counter.	<b>COMPLETE</b>	Develop and distribute one new educational material handout	Distribute handout	Handout displayed and available at Planning and Zoning permit counter.
<b>A.2.1</b>	Inform business groups about MS4, NPDES, and BMPs <u>upon request</u> .	<b>COMPLETE</b>	Conduct one presentation per year <u>upon request</u> .	Conduct one presentation <u>upon request</u>	No presentation requested and none given
<b>A.2.2</b>	Inform developer, contractor, engineering, and architecture groups about MS4, NPDES, and BMPs.	<b>INCOMPLETE</b>	Conduct one presentation per year.	Conduct one presentation	NONE
<b>A.2.3</b>	Inform agriculture community, Farm Bureau, and 4H about MS4, NPDES, and BMPs.	<b>INCOMPLETE</b>	Conduct one presentation per year.	Conduct one presentation	NONE
<b>A.2.4.</b>	Inform environmental, conservation, and citizen groups about MS4, NPDES, and BMPs <u>upon request</u> .	<b>COMPLETE</b>	Conduct one presentation per year.	Conduct one presentation	No presentation requested and none given
<b>A.6.1.</b>	Educational and informational material on web page.	<b>INCOMPLETE</b>	Develop web page with annual updates on informational and educational materials.	Develop web page.	NONE
<b>B.6.1.</b>	Intergovernmental Storm Water Management group meetings	<b>COMPLETE</b>	Hold at least four MS4 coordination meetings year	Attend meetings	Attended at least 4 MS4 meetings
<b>B.7.1.</b>	Include NPDES MS4 requirements in the County's Land Resource Management Plan	<b>COMPLETE</b>	Include NPDES MS4 requirements in the County's Land Resource Management Plan and include in annual long range work plan as required	Include MS4 in work plan for FY13	MS4 project included in RPC Work Plan for FY13

**Attachment A. Status Of Compliance With N.P.D.E.S. Permit Conditions for Year 4 (April 2012 – March 2013)**

**FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

Champaign County Permit No. ILR40 00256

April 1, 2013

BMP No.	Brief Description of Best Management Practice (BMP)	Status	Measurable Goal	Year 4 Milestone	Description of Activities
<b>C.1.1.</b>	Map drainage system outfalls into streams and rivers.	<b>INCOMPLETE</b>	Update as information is available and complete a system wide updated every 3 years.	Develop drainage system map.	NONE
<b>C.2.1.</b>	Prohibit illegal dumping and illicit discharges into drainage system.	<b>INCOMPLETE</b>	Review existing Nuisance Ordinance and revise Ordinance language to include illegal dumping and illicit discharges into drainage systems. Implement either a new ordinance or amend existing ordinance.	Review existing Ordinance and draft new language for future adoption	NONE
<b>C.3.1.</b>	Establish citizen complaint phone line for illegal dumping and illicit discharges into drainage systems.	<b>INCOMPLETE</b>	Develop and maintain complaint phone line.	Maintain complaint phone line	NONE
<b>C.3.2.</b>	Establish citizen complaint phone line for non-complying and/or non-functioning private sewage treatment systems	<b>INCOMPLETE</b>	Develop and maintain complaint phone line.	Maintain complaint phone line	NONE
<b>C.3.3.</b>	Create a database of existing private sewage treatment systems and develop management plan to bring non-compliant systems into compliance.	<b>INCOMPLETE</b>	Create database and develop management plan. Implement plan.	Create database and develop management plan.	NONE
<b>C.6.1.</b>	Annual Report to the Environment and Land Use Committee (of the Champaign County Board) and the Champaign County Board	<b>COMPLETE</b>	Present Annual Report and place on file.	Annual Report completed.	Annual Report prepared and presented to the ELUC Committee

**Attachment A. Status Of Compliance With N.P.D.E.S. Permit Conditions for Year 4 (April 2012 – March 2013)**

**FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

Champaign County Permit No. ILR40 00256

April 1, 2013

BMP No.	Brief Description of Best Management Practice (BMP)	Status	Measurable Goal	Year 4 Milestone	Description of Activities
D.1.1.	Soil erosion and sediment control regulations	<i>COMPLETE</i>	Review existing soil erosion and sediment control regulations. Prepare draft regulations for County Board adoption. Approve revised regulations	Review existing regulations and draft new ordinance based on the "model" ordinance adopted by both Champaign & Urbana. Identify relevant legal authority for county regulation of soil erosion and sediment control.	New Draft Ordinance drafted and undergoing legal review
D.2.1.	Erosion and sediment control BMPs	<i>COMPLETE</i>	Review and evaluate existing BMPs to determine which should be included in the erosion and sediment control ordinance. Review existing regulations and develop new regulations for ordinance.	Evaluate BMPs used in the model ordinance "model" ordinance adopted by both Champaign & Urbana and modify as needed for County ordinance.	New BMPs included in new Draft Ordinance
D.3.1.	Prohibit illegal dumping and illicit discharges into storm drainage system from construction activities	<i>INCOMPLETE</i>	Review and strengthen Nuisance Ordinance to include illegal dumping and illicit discharges into drainage system. Implement either a new ordinance language or amend existing.	Review existing ordinance and draft proposed revisions for future adoption.	NONE
D.4.1.	Develop processes and procedures to evaluate proposed construction site runoff mechanisms.	<i>INCOMPLETE</i>	Develop procedures and processes to evaluate proposed construction site runoff control mechanisms.	Develop and implement procedures	NONE

**Attachment A. Status Of Compliance With N.P.D.E.S. Permit Conditions for Year 4 (April 2012 – March 2013)**

**FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

Champaign County Permit No. ILR40 00256

April 1, 2013

BMP No.	Brief Description of Best Management Practice (BMP)	Status	Measurable Goal	Year 4 Milestone	Description of Activities
<b>D.4.2.</b>	Training class or workshop for evaluating and inspecting construction site runoff control mechanisms.	<i>INCOMPLETE</i>	Zoning Officer (or Director's designee) attendance at training class or workshop for evaluating and inspecting construction site runoff control mechanisms.	Director's designee attends training.	NONE
<b>D.6.1.</b>	Develop procedures and processes to inspect construction sites for compliance with construction site runoff control mechanisms.	<i>INCOMPLETE</i>	Develop and implement plan for inspection of construction site runoff control mechanisms.	Develop and implement procedures.	NONE
<b>E.2.1.</b>	Require annual inspections of publicly owned storm water management facilities (post-construction).	<i>INCOMPLETE</i>	Review and update ordinance requiring annual inspections of publicly storm water management facilities to insure they function as designed (post-construction).	Develop language for ordinance and amend ordinance	NONE
<b>E.3.1.</b>	Develop procedures to insure that storm water management facilities are maintained to function as designed (post-construction).	<i>INCOMPLETE</i>	Develop maintenance and operations plans for storm water facilities (post-construction).	Develop and implement maintenance and operation plan.	NONE
<b>E.4.1.</b>	Training class or workshop for evaluating and inspecting construction site runoff control mechanisms (post-construction).	<i>INCOMPLETE</i>	Zoning Officer (or Director's designee) attendance at training class or workshop for evaluating and inspecting site runoff control mechanisms (post-construction).	Director's designee attends training.	NONE

**Attachment A. Status Of Compliance With N.P.D.E.S. Permit Conditions for Year 4 (April 2012 – March 2013)**

**FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

Champaign County Permit No. ILR40 00256

April 1, 2013

BMP No.	Brief Description of Best Management Practice (BMP)	Status	Measurable Goal	Year 4 Milestone	Description of Activities
E.5.1.	Develop procedures and processes to inspect construction sites for compliance with post-construction runoff control mechanisms.	<i>INCOMPLETE</i>	Develop procedures and processes to inspect construction sites for compliance with approved post-construction site runoff control mechanisms.	Develop and implement procedures.	NONE
F.1.1.	Spill prevention protocol	<i>INCOMPLETE</i>	Conduct annual spill prevention training with appropriate staff. Track meeting agenda, materials, and attendee sign-in sheet.	Training session completed	NONE
F.1.2.	Spill response protocol	<i>INCOMPLETE</i>	Conduct annual spill response training with appropriate staff. Track meeting agenda, materials, and attendee sign-in sheet.	Training session completed	NONE
F.1.3.	Pesticide storage, application, and disposal training.	<i>INCOMPLETE</i>	Conduct annual pesticide storage, application, and disposal training with appropriate staff. Track meeting agenda, materials, and attendee sign-in sheet. Review licensing annually.	Review license and complete training	NONE
F.1.4.	Hazardous material and storage management training.	<i>INCOMPLETE</i>	Conduct annual hazardous material and storage management training with appropriate staff. Track meeting agenda, materials, and attendee sign-in sheet. Review licensing annually.	License review and training session completed	NONE

**Attachment A. Status Of Compliance With N.P.D.E.S. Permit Conditions for Year 4 (April 2012 – March 2013)**

**FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

Champaign County Permit No. ILR40 00256

April 1, 2013

BMP No.	Brief Description of Best Management Practice (BMP)	Status	Measurable Goal	Year 4 Milestone	Description of Activities
<b>F.2.1.</b>	Storm water Pollution Prevention Plan (SWPPP) for County owned facilities.	<b><i>INCOMPLETE</i></b>	Prepare SWPPP for all County owned facilities.	Begin development of SWPPP for all County owned facilities including a timeline for proposed implementation.	NONE
<b>F.3.1.</b>	Investigate feasibility and effectiveness of integrated, bio-detention and filtering for County campus redesign.	<b><i>INCOMPLETE</i></b>	Review and develop a feasibility plan. Update feasibility plan each year, if necessary.	Champaign County Environment and Land Use Committee to review and consider whether this goal should be retained.	NONE

**Attachment B. Proposed N.P.D.E.S. Permit Activities For Reporting Year 5 (March 2013 – March 2014)**

**FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

Champaign County Permit No. ILR40 00256

April 1, 2013

BMP No.	Brief Description of Best Management Practice (BMP)	Measurable Goal	Year 5 Milestone	Proposed Activity (2013-2014)
<b>A.1.1</b>	Flyers and information sheets at permit counter.	Develop and distribute one new educational material handout	Update & distribute handout.	Update & distribute handout.
<b>A.2.1</b>	Inform business groups about MS4, NPDES, and BMPs.	Conduct one presentation per year, <u>upon request.</u>	Conduct one presentation, <u>upon request.</u>	Conduct one presentation if requested.
<b>A.2.2</b>	Inform developer, contractor, engineering, and architecture groups about MS4, NPDES, and BMPs.	Conduct one presentation per year.	Conduct one presentation.	Conduct one presentation.
<b>A.2.3</b>	Inform agriculture community, Farm Bureau, and 4H about MS4, NPDES, and BMPs.	Conduct one presentation per year.	Conduct one presentation.	Conduct one presentation.
<b>A.2.4.</b>	Inform environmental, conservation, and citizen groups about MS4, NPDES, and BMPs.	Conduct one presentation per year, <u>upon request.</u>	Conduct one presentation, <u>upon request.</u>	Conduct one presentation if requested.
<b>A.6.1.</b>	Educational and informational material on web page.	Develop web page with annual updates on informational and educational materials.	Develop web page.	Develop webpage and post to website.
<b>B.6.1.</b>	Intergovernmental Storm Water Management group meetings	Hold at least four MS4 coordination meetings each year.	Attend meetings.	Attend meetings.
<b>B.7.1.</b>	Include NPDES MS4 requirements in the County's Land Resource Management Plan	Include NPDES MS4 requirements in the County's Land Resource Management Plan and include in annual long range work plan as required.	Include MS4 in work plan for FY14.	Identify and establish budget for NPDES related tasks. Include tasks in the Champaign County Planning Contract.
<b>C.1.1.</b>	Map drainage system out falls into streams and rivers.	Update as information is available and complete a system wide	Develop drainage system map.	Produce a map of Champaign County MS4 jurisdiction based on 2010

**Attachment B. Proposed N.P.D.E.S. Permit Activities For Reporting Year 5 (March 2013 – March 2014)**

**FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

Champaign County Permit No. ILR40 00256

April 1, 2013

BMP No.	Brief Description of Best Management Practice (BMP)	Measurable Goal	Year 5 Milestone	Proposed Activity (2013-2014)
		update every 3 years.		Urbanized Area definition.
<b>C.2.1.</b>	Prohibit illegal dumping and illicit discharges into drainage systems.	Review existing Nuisance Ordinance and revise Ordinance to include illegal dumping and illicit discharges into drainage systems. Implement either a new Ordinance or amend existing Ordinance.	Review existing Ordinance and draft new language for future adoption.	Review existing Ordinance and draft new language for future adoption.
<b>C.3.1.</b>	Establish citizen complaint phone line for illegal dumping and illicit discharges into drainage systems.	Develop and maintain phone line.	Identify phone line in both online and published materials (phone book, local government reference book).	Add illegal dumping and illicit discharge categories to published materials with current phone number. Maintain complaint phone line.
<b>C.3.2.</b>	Establish citizen complaint phone line for non-complying and/or non-functioning private sewage treatment systems	Develop and maintain complaint phone line.	Identify phone line in both online and published materials (phone book, local government reference book).	Add private sewage treatment system category to published materials with current phone number. Maintain complaint phone line.
<b>C.3.3.</b>	Create a database of existing private sewage treatments systems and develop management plan to bring non-compliant systems into compliance.	Create database and develop and adopt management plan. Implement management plan.	Create database and develop management plan.	Create database and develop management plan.
<b>C.6.1.</b>	Annual report to the Environment and Land Use Committee of the Champaign County Board.	Develop annual report	Annual report completed	Complete annual report.

**Attachment B. Proposed N.P.D.E.S. Permit Activities For Reporting Year 5 (March 2013 – March 2014)**

**FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

Champaign County Permit No. ILR40 00256

April 1, 2013

BMP No.	Brief Description of Best Management Practice (BMP)	Measurable Goal	Year 5 Milestone	Proposed Activity (2013-2014)
D.1.1.	Soil erosion and sediment control regulations	Review existing soil erosion and sediment control regulations. Prepare draft regulations for County Board adoption. Approve revised regulations	Present draft erosion and sediment control regulations for approval by the County Board after public hearing at Zoning Board of Appeals.	Review legal findings and present draft regulations provided appropriate authority is found or obtained.
D.2.1.	Erosion and sediment control BMPs	Review and evaluate existing BMPs to determine which should be included in the Erosion and Sediment Control Ordinance. Review existing regulations and develop new regulations for ordinance.	Include BMP's in new draft erosion and sediment control regulations for approval by the County Board after public hearing at Zoning Board of Appeals.	Once ordinance is adopted, begin enforcing BMP's.
D.3.1.	Prohibit illegal dumping and illicit discharges into storm drainage system from construction activities.	Review existing Nuisance Ordinance and revise Ordinance language to include illegal dumping and illicit discharges into drainage systems from construction activities. Implement either a new Ordinance or amend existing Ordinance.	Review existing Ordinance and draft proposed revisions for future adoption.	Review existing Ordinance and draft proposed revisions for future adoption.
D.4.1.	Develop processes and procedures to evaluate proposed construction site runoff mechanisms.	Develop procedures and processes to evaluate proposed construction site runoff control mechanisms.	Develop and implement procedures.	Develop and implement procedures.

**Attachment B. Proposed N.P.D.E.S. Permit Activities For Reporting Year 5 (March 2013 – March 2014)**

**FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

Champaign County Permit No. ILR40 00256

April 1, 2013

BMP No.	Brief Description of Best Management Practice (BMP)	Measurable Goal	Year 5 Milestone	Proposed Activity (2013-2014)
D.4.2.	Training class/ workshop for evaluating and inspecting construction site runoff control mechanism.	Zoning Officer (or Director's designee) attendance at training class or workshop for evaluating and inspecting construction site runoff control mechanisms.	Director's designee attends training.	Director's designee attends training.
D.6.1.	Develop procedures and processes to inspect construction sites for compliance with construction site runoff control mechanisms.	Develop and implement plan for evaluation of construction site runoff mechanisms.	Develop and implement procedures.	Develop and implement procedures.
E.2.1.	Require annual inspection of publicly-owned storm water management facilities (post- construction).	Review and update Ordinance requiring annual inspections of publicly-owned storm water management facilities to ensure facilities function as designed (post-construction).	Develop language for ordinance and amend ordinance.	Develop language for ordinance and amend ordinance.
E.3.1.	Develop procedures to ensure that storm water management facilities are maintained to function as designed (post- construction).	Develop maintenance and operations plan for storm water facilities (post-construction).	Develop and implement maintenance and operations plan.	Develop and implement maintenance and operations plan.
E.4.1.	Training class or workshop for evaluating and inspecting site runoff control mechanisms (post-construction).	Zoning Officer (or Director's designee) attendance at training class or workshop for evaluating and inspecting site runoff control mechanisms (post-construction).	Director's designee attends training.	Director's designee attends training.
E.5.1.	Develop procedures and processes to inspect construction sites for compliance with runoff control mechanisms.	Develop inspection plan for runoff control measure compliance during construction.	Develop and implement procedures.	Develop and implement procedures

**Attachment B. Proposed N.P.D.E.S. Permit Activities For Reporting Year 5 (March 2013 – March 2014)**

**FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

Champaign County Permit No. ILR40 00256

April 1, 2013

BMP No.	Brief Description of Best Management Practice (BMP)	Measurable Goal	Year 5 Milestone	Proposed Activity (2013-2014)
F.1.1.	Spill prevention protocol	Conduct annual spill prevention training with appropriate County staff. Track meeting agenda, materials, and attendee sign-in sheet.	Training session completed.	Training session completed.
F.1.2.	Spill response protocol	Conduct annual spill response prevention training with appropriate staff. Track meeting agenda, materials, and attendee sign-in sheet.	Training session completed.	Training session completed.
F.1.3.	Pesticide storage, application, and disposal training.	Conduct annual pesticide storage, application, and disposal training with appropriate staff. Track meeting agenda, materials, and attendee sign-in sheet. Review licensing annually.	Review license and complete training.	Review license and complete training.
F.1.4.	Hazardous material and storage management training.	Conduct annual hazardous material and storage management training with appropriate staff. Track meeting agenda, materials, and attendee sign-in sheet. Review licensing annually.	License review and training session completed.	License review and training session completed.

**Attachment B. Proposed N.P.D.E.S. Permit Activities For Reporting Year 5 (March 2013 – March 2014)**

**FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)**

Champaign County Permit No. ILR40 00256

April 1, 2013

BMP No.	Brief Description of Best Management Practice (BMP)	Measurable Goal	Year 5 Milestone	Proposed Activity (2013-2014)
<b>F.2.1.</b>	Stormwater Pollution Prevention Plan (SWPPP) for County owned facilities.	Prepare SWPPP for all County owned facilities.	Begin development of SWPPP for all County owned facilities including a proposed timeline for implementation.	Begin development of SWPPP for all County owned facilities including a timeline for proposed implementation.
<b>F.3.1.</b>	Investigate feasibility and effectiveness of integrated, bio-detention and filtering for County campus redesign.	Review and develop a feasibility plan. Update feasibility plan each year, if necessary.	Champaign County Environment and Land Use Committee to review and consider whether this goal should be retained.	Review feasibility of integrated, bio-detention and filtering and develop a plan of implementation.

**Attachment C. List of Construction Projects (April 2012 – March 2013)**

**FOR MUNICIPAL SEPARATE STORM SEWER SYSTEM**

Champaign County Permit No. ILR40 00256

April 1, 2013

**ROADWAY CONSTRUCTION PROJECTS**

Section Number	Project Name	Project Location	Project Statistics	Project Notes
11-00981-00-BR	Box Culvert carrying CH 8 over tributary to Sangamon River	CH 8 between 500E & US RT 47; 475E 3300N; Sec.14 & 23 T22N R7E 3rd PM	Approx. 415 Feet in length	SN 010-4562 Brown TWP
10-00962-00-BR	Flatville Bridge	Located midway between Flatville and Gifford on C.H.11; Sec. 26/35	Approx. 120 feet in length	Constructed in 2012
10-20977-00-BR	Bridge widening in Rantoul Twp.	Located SE of the former Chanute AFB , TR 69C; Sec 7/18	Less than 100 feet in length	Constructed in 2012
11-00431-00-RS	CIR/Bit Paving	CH 8/CH30 from Fisher to Foosland	6.9 miles in length	Constructed in 2012

**OTHER CONSTRUCTION PROJECTS**

Project Name	Project Location	Project Statistics	Project Notes
<b>Storm Sewer Improvement East Campus Urbana, IL</b>	Art Bartell Road	Total Disturbed Area: 1.5 +/- acres	NPDES Permit No: ILR10Q46

Champaign County  
Department of

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To: **Environment and Land Use Committee**

From: **John Hall**, Director & Zoning Administrator  
**Andy Kass**, Associate Planner

Date: **March 26, 2013**

RE: **Zoning Ordinance Text Amendment Case 734-AT-12**

Request: **Request Preliminary Recommendation for Approval of a Text Amendment to the Champaign County Zoning Ordinance in Zoning Case 734-AT-12 to change the requirements for “contractor facility”**

Petitioner: **Zoning Administrator**

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**STATUS**

The Zoning Board of Appeals voted 6 to 0 to RECOMMEND ENACTMENT of this amendment at the February 28, 2013, public hearing.

The Committee of the Whole authorized this text amendment at the October 2, 2012, meeting. The amendment recommended by the ZBA is no different.

Standard protocol is for the Committee to make a preliminary recommendation on a proposed text amendment at the first Committee meeting following a ZBA recommendation and then make final recommendation to the County Board at the next regularly scheduled Committee meeting (April 4, 2013, in this instance). The one month delay in a final recommendation is intended to give municipalities and townships with plan commissions one month in which to provide comments or protests.

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**SUMMARY FINDING OF FACT**

The complete As-Approved Finding of Fact is available on the website as a handout under the February 28, 2013, ZBA meeting. The Summary Finding of Fact summarizes the achievement of relevant LRMP Goals, Objective, and Policies, the purpose of the *Zoning Ordinance*, and the improvements to the *Zoning Ordinance* that the amendment will provide.

**ATTACHMENTS**

- A Summary Finding of Fact for Case 734-AT-12**
- B Proposed Amendment (ANNOTATED) to Change the Requirements for “Contractor Facility”**
- C Proposed Amendment (NON-ANNOTATED) to Change the Requirements for “Contractor Facility”**

## SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on, **January 31, 2013, and February 28, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed text amendment **HELPS ACHIEVE** the Land Resource Management Plan because of the following (objectives and policies are very briefly summarized):
  - A. The proposed text amendment **HELPS ACHIEVE** the following LRMP goal:  
**Goal 4 Agriculture** because while it will not impede 6 Objectives and 16 Policies and is not relevant to 1 Objective and 3 Policies under this goal, it **HELPS ACHIEVE** the following:
    - Objective **4.2 requiring discretionary development to not interfere with agriculture** because it **HELPS ACHIEVE** the following:
      - Policy **4.2.1 requiring a proposed business in a rural area to support agriculture or provide a service that is better provided in the rural area (see Item 9.A.(1)).**
      - Policy **4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 9.A.(2)).**
    - Objective **4.3 requiring any discretionary development to be on a suitable site** because it **HELPS ACHIEVE** the following:
      - Policy **4.3.5 requiring any business on best prime farmland to be appropriate in a rural area and on a site that is well suited (see Item 9.B.(1)).**
  - B. The proposed text amendment will **NOT IMPEDE** the following LRMP goal(s):
    - **Goal 1 Planning and Public Involvement**
    - **Goal 2 Governmental Coordination**
    - **Goal 3 Prosperity**
    - **Goal 5 Urban Land Use**
    - **Goal 6 Public Health and Public Safety**
    - **Goal 7 Transportation**
    - **Goal 8 Natural Resources**
    - **Goal 9 Energy Conservation**
  - C. The proposed text amendment is **NOT RELEVANT** to the following LRMP goal(s):
    - **Goal 10 Cultural Amenities**
2. The proposed amendment **HELPS ACHIEVE** the purpose of the Zoning Ordinance as follows:
  - Classifies, regulates, and restricts the location of a specific trade (Purpose 2.0 (i) see Item 16.I.).

Attachment A. Summary Finding of Fact  
MARCH 26, 2013

3. The proposed text improvement **WILL IMPROVE the Zoning Ordinance** as follows:
  - Provide a use that is currently not authorized in the B-1 or B-5 Districts, but is a use that is appropriate in those Districts.
  - Specify standards by which a Contractors Facility can be authorized in the B-5 District.

**Attachment B. Proposed Amendment (ANNOTATED) to Change Requirements for  
“Contractor Facility”  
MARCH 26, 2013**

**Note: Underlined text indicates the original proposed amendment. Double underlined text indicates additions made by the ZBA.**

**1. Revise Section 5.2 as follows (new text underlined):**

**SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES**

Principal USES	Zoning DISTRICTS										Zoning DISTRICTS					
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2	
Contractors Facilities (with No Outdoor STORAGE Nor Outdoor OPERATIONS)		S	S						* -							
Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS		S	S						* -			5 S	S			

	= Permitted by right	<b>S</b>	= Permitted on individual LOTS as a SPECIAL USE	<b>B</b>	= COUNTY BOARD Special Use Permit
	= Proposed to be permitted by right	<b>S</b>	= Proposed to be permitted on individual LOTS as a SPECIAL USE		

**Footnotes**

5. Outdoor STORAGE as an ACCESSORY USE is allowed by right when all OUTDOOR STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN meeting the provisions of Sec. 7.6.3.

**2. Add to Section 6.1.3 as follows (new text underlined):**

**SECTION 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES**

SPECIAL USES or USE Categories	Minimum Fencing Required <sup>6</sup>	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions	
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline <sup>2</sup>			SIDE	REAR		
						MAJOR	COLLECTOR	MINOR				
Contractors Facilities with or without Outdoor STORAGE and/or Outdoor OPERATIONS	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below
		<p>1. In all DISTRICTS other than the B-5 DISTRICT, outdoor STORAGE and/ or outdoor OPERATIONS allowed as an ACCESSORY USE subject to subsection 7.6.</p> <p>2. In the B-5 DISTRICT, Outdoor STORAGE and/ or outdoor OPERATIONS allowed as an ACCESSORY USE provided as follows:</p> <p>A. No outdoor STORAGE and/ or outdoor OPERATIONS shall be visible from any second floor DWELLING UNIT.</p> <p>B. Outdoor STORAGE and/ or outdoor OPERATIONS may be located at the property line but shall be screened by a Type D SCREEN consistent with 4.3.3 H.1.</p>										

**Footnotes**

1. Standard same as applicable zoning DISTRICT

**Attachment C. Proposed Amendment (NON-ANNOTATED) to Change Requirements for “Contractor Facility”**

MARCH 26, 2013

**1.Revise “Contractors Facilities” in Section 5.2 to read as follows:**

**SECTION 5.2 TABLE OF AUTHORIZED PRINCIPAL USES**

Principal USES	Zoning DISTRICTS										Zoning DISTRICTS					
	CR	AG-1	AG-2	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-4	B-5	I-1	I-2	
Contractors Facilities (with No Outdoor STORAGE Nor Outdoor OPERATIONS)		S	S						*							
Contractors Facilities with Outdoor STORAGE and/or Outdoor OPERATIONS		S	S						*			5	S			



= Permitted by right



=Permitted on individual LOTS as a SPECIAL USE



= COUNTY BOARD Special Use Permit

**Footnotes**

- Outdoor STORAGE as an ACCESSORY USE is allowed by right when all OUTDOOR STORAGE is located in the REAR YARD and is completely screened by a Type D SCREEN meeting the provisions of Sec. 7.6.3.

**2. Add to Section 6.1.3 as follows:**

**SECTION 6.1.3 SCHEDULE OF STANDARD CONDITIONS FOR SPECIFIC TYPES OF SPECIAL USES**

SPECIAL USES or USE Categories	Minimum Fencing Required <sup>6</sup>	Minimum LOT Size		Maximum HEIGHT		Required YARDS (feet)					Explanatory or Special Provisions
		AREA (Acres)	Width (feet)	Feet	Stories	Front Setback from STREET Centerline <sup>2</sup>			SIDE	REAR	
						MAJOR	COLLECTOR	MINOR			
Contractors Facilities with or without Outdoor STORAGE and/or Outdoor OPERATIONS	NR	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	*See below
		<ol style="list-style-type: none"> <li>In all DISTRICTS other than the B-5 DISTRICT, outdoor STORAGE and/ or outdoor OPERATIONS allowed as an ACCESSORY USE subject to subsection 7.6.</li> <li>In the B-5 DISTRICT, Outdoor STORAGE and/ or outdoor OPERATIONS allowed as an ACCESSORY USE provided as follows:                             <ol style="list-style-type: none"> <li>No outdoor STORAGE and/ or outdoor OPERATIONS shall be visible from any second floor DWELLING UNIT.</li> <li>Outdoor STORAGE and/ or outdoor OPERATIONS may be located at the property line but shall be screened by a Type D SCREEN consistent with 4.3.3 H.1.</li> </ol> </li> </ol>									

**Footnotes**

- Standard same as applicable zoning DISTRICT

Champaign County  
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To: **Environmental and Land Use Committee**

From: **John Hall**, Director & Zoning Administrator  
**Andy Kass**, Associate Planner

Date: **March 26, 2013**

RE: **Zoning Ordinance Text Amendment Case 743-AT-13**

Request: **Request Preliminary Recommendation to County Board to Amend the Zoning Ordinance to allow for a County Board approved variance when the requirement for annexation is a requirement for plat approval by a municipality involving the expansion and/or construction of a water treatment plant or related facilities owned and operated by a predominately rural water district, when the municipality has its own water treatment plant and related facilities.**

Petitioner: **Zoning Administrator**

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***STATUS***

THIS CASE HAS NOT YET BEEN HEARD BY THE ZONING BOARD OF APPEALS.

The Zoning Board of Appeals will consider this text amendment at their March 28, 2013, meeting. This is a very simple amendment and the ZBA may be able to take action on March 28.

This amendment is intended to facilitate the permitting of the Sangamon Valley Public Water District's new treatment plant which is approaching a deadline later this year and saving time in the amendment process will be important in that plant getting the necessary approvals in a timely manner.

If the ZBA does not take action on March 28 this case should be pulled from the ELUC Agenda.

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**ATTACHMENTS**

A Preliminary Memorandum for Case 743-AT-13

# CASE NO. 743-AT-13

PRELIMINARY MEMORANDUM

March 22, 2013

Petitioner: **Zoning Administrator**

Prepared by: **Andy Kass**, Associate Planner  
**John Hall**, Zoning Administrator

**PLANNING &  
ZONING**

Request: Amend the Champaign County Zoning Ordinance as follows:

**Part A. Revise Section 9.1.9 as follows:**

1. **Authorize County Board approved variances as authorized in Section 13**
2. **Require Findings for County Board approved variances**
3. **Authorize conditions for County Board approved variances**
4. **Require three-fourths of all members of the County Board to approve a variance when a written protest against the variance is submitted by a township board in a township that has a plan commission, within 30 days after the close of the public hearing at the Zoning Board of Appeals.**

**Part B. Revise Section 13 as follows:**

1. **Add “or the Governing Body” after each use of “Board”**
2. **Authorize that a variance or special use permit or zoning use permit or zoning compliance certificate may be authorized when a construction or use would violate the subdivision regulations of a municipality when the requirement for annexation is a requirement for plat approval by that municipality involving the expansion and/or construction of a water treatment plant or related facilities owned and operated by a predominately rural water district, when the municipality has its own water treatment plant and related facilities. If no plat approval shall be considered without the requirement for annexation then a VARIANCE from the requirement for compliance with the municipal SUBDIVISION regulations may be considered by the GOVERNING BODY.**

**Part C. Revise Section 9.2.2 to require three-fourths of all members of the County Board to approve a text amendment or map amendment when a written protest against the amendment is submitted by a township board in a township that has a plan commission, within 30 days after the close of the public hearing at the Zoning Board of Appeals.**

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## BACKGROUND

For background information please see Attachment A.

## ATTACHMENTS

- A Memo to the Environmental and Land Use Committee dated February 26, 2013, with attachments:
  - A Proposed Amendment to Section 9.1.9 of the Zoning Ordinance
  - B Proposed Amendment to Section 13 of the Zoning Ordinance
  - C Proposed Amendment to Section 9.2.2 of the Zoning Ordinance
- B LRMP Land Use Goals, Objectives, and Policies & Appendix (included separately)
- C Draft Finding of Fact and Final Determination (included separately)

Champaign County  
Department of

**PLANNING &  
ZONING**

To: **Environment and Land Use Committee**

From: **John Hall, Director & Zoning Administrator**

Date: **February 26, 2013**

Request: **Request approval to proceed with a public hearing for a Zoning Ordinance Text Amendment to Allow Variances from Municipal Subdivision Regulations for Rural Water District Water Treatment Plant and Related Facilities**

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## BACKGROUND

The Board recently approved map amendment Case 717-AM-12 authorizing an expansion of the AG-2 Agriculture Zoning District to allow for the expansion of the Sangamon Valley Public Water District treatment plant located at 709 North Prairieview Road, Mahomet. The Board approved that map amendment even though the Village of Mahomet had made a formal protest.

Based on testimony and other evidence in Case 717-AM-12 and the related Cases 718-S-12 and 717-V-12, the Village required annexation as part of the plat approval for the property and the Water District was opposed to annexation because it feared that annexation could eventually result in the Water District being dissolved and its facilities taken into the Village water services. The Water District was very clear that it was not opposed in principal to plat approval.

During the consideration of Case 717-AM-12 and the related zoning cases it was made clear that Section 13 of the Zoning Ordinance required compliance with municipal subdivision regulations and paragraph 9.1.9 B. of the Ordinance prohibited any variance from that requirement.

Today the Water District and the Village appear no closer to a compromise regarding annexation and the deadline nears for the Water District expansion.

This amendment proposes to authorize the County Board to approve a variance from the requirement for annexation to a municipality pursuant to or as a requirement for plat approval by that municipality in exactly similar instances but only if the municipality will not consider plat approval without the requirement for annexation.

If the amendment is adopted and if the Water District would apply for and be granted such a variance, the amendment would allow a Zoning Use Permit to be approved for construction of the new plant. The Water District could then construct the plant expansion in full conformance with the County Zoning Ordinance and the Village would have the right to pursue enforcement of its subdivision regulations.

**Zoning Administrator**  
**FEBRUARY 26, 2013**

The effect of the amendment is to relieve the County of municipal subdivision regulation enforcement responsibilities but only in very limited cases:

- (1) only in cases involving the expansion and/or construction of a water treatment plant or related facilities owned and operated by a predominately rural water district; and
- (2) only when the requirement for annexation is a requirement for plat approval by a municipality that has its own water treatment plant and related facilities; and
- (3) only when no plat approval shall be considered without the requirement for annexation.

**OVERVIEW OF PROPOSED AMENDMENT**

The amendment directly affects Section 9.1.9 and Section 13 of the Zoning Ordinance as follows:

1. Section 9.1.9 is proposed to be amended to allow for County Board (the Ordinance already defines “Governing Body” as the Champaign County Board) approval of this specific kind of variance as follows (see Attachment A):
  - a. “GOVERNING BODY” is added to paragraphs 9.1.9 A., C., D, and E.
  - b. A new paragraph 9.1.9 F. is added that provides for protest of a County Board approved variance by any township with a planning commission, as authorized by state law.
2. Section 13 of the Zoning Ordinance is proposed to be amended by adding this specific exception to subparagraph 13.2.1A.4.a. (see Attachment B).

The proposed amendment also includes a long overdue amendment to Section 9.2.2 explaining the effect of township protest rights on map amendments for townships with planning commissions (see Attachment C). This part of the amendment is long overdue.

**MUNICIPAL PROTESTS LIKELY**

This proposed amendment is likely to be protested by all County municipalities but a protest from even one municipality will trigger the supermajority requirement for approval.

**NO STATE’S ATTORNEY REVIEW YET**

Because of the deadline faced by Sangamon Valley Public Water District related to the Water Treatment Plant expansion and other zoning related issues that the State’s Attorney has been working on, this proposed amendment has been forwarded to ELUC without the benefit of prior State’s Attorney review. If the proposed amendment is authorized to proceed to a public hearing there will be State’s Attorney review in as timely a manner as possible.

**ATTACHMENTS**

- A Proposed Amendment to Section 9.1.9 of the Zoning Ordinance**
- B Proposed Amendment to Section 13 of the Zoning Ordinance**
- C Proposed Amendment to Section 9.2.2 of the Zoning Ordinance**

**Attachment A Proposed Amendment to Section 9.1.9 of the Zoning Ordinance**

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**9.1.9 VARIANCES**

A. Table of VARIANCE Classifications and Presiding Authority

VARIANCE Classification	Presiding Authority
<p><b>ADMINISTRATIVE VARIANCE:</b></p> <p>Deviation of 10 percent or less from regulation or standard of this ordinance related to the location of STRUCTURES or to bulk requirements</p>	<p>May be authorized by the Zoning Administrator in accordance with Section 9.1.10</p>
<p><b>Minor VARIANCE:</b></p> <p><b>Contested ADMINISTRATIVE VARIANCE</b></p> <p>Deviation of 10 percent or less from numerical regulations or standard of this ordinance not related to the location of STRUCTURES or to bulk requirements</p> <p>Deviation of more than 10 percent but not exceeding 25 percent from numerical regulation or standard of this ordinance</p>	<p>May be granted by the Hearing Officer or by the BOARD in accordance with Paragraph 9.1.5B and the requirements of this Section.</p>
<p><b>Major VARIANCE:</b></p> <p>Deviation exceeding 25 percent from numerical regulation or standard of this ordinance.</p> <p>Waiver from nonnumerical regulation or standard of this ordinance.</p> <p>Deviation from numerical regulation or standard of the <i>Champaign County Stormwater Management Policy</i> or <i>Champaign County Special Flood Hazard Areas Ordinance</i>.</p> <p>Waiver from nonnumerical regulations or standard of the <i>Champaign County Stormwater Management Policy</i> or <i>Champaign County Special Flood Hazard Ordinance</i>.</p>	<p>May be granted by the BOARD in accordance with the requirements of this Section.</p>
<p><u>County Board VARIANCE:</u></p> <p><u>Any VARIANCE authorized by Section 13.</u></p>	<p><u>May be granted by the GOVERNING BODY in accordance with the requirements of this Section.</u></p>

**Attachment A Proposed Amendment to Section 9.1.9 of the Zoning Ordinance**

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B. Prohibited VARIANCES

At no time shall the BOARD, ~~or~~ the Hearing Office or the GOVERNING BODY grant a VARIANCE in the following instances:

1. To grant a VARIANCE to allow a USE not permissible under the terms of this ordinance in the DISTRICT involved, or any USE expressly or by implication prohibited by the terms of this ordinance in said DISTRICT.
2. To waive compliance with any municipal, state, or federal regulation incorporated into this ordinance except as authorized in Section 13.
3. To waive compliance with any procedural requirement contained in this ordinance.
4. To waive compliance with regulations pertaining to NONCONFORMING LOTS, STRUCTURES, or USES, except as specifically authorized in Section 8.
5. To authorize any USE or CONSTRUCTION prohibited by Section ~~14.2.1~~ 13.2.1.
6. To authorize a SMALL WIND TURBINE TOWER rotor diameter larger than 75 feet.

C. VARIANCE Criteria

1. A VARIANCE from the terms of this ordinance shall not be granted by the BOARD, ~~or~~ the Hearing Officer or the GOVERNING BODY unless a written application for a VARIANCE is submitted demonstrating all of the following:
  - a. that special conditions and circumstances exist which are peculiar to the land or STRUCTURE involved which are not applicable to other similarly situated land or STRUCTURES elsewhere in the same zoning DISTRICT;
  - b. that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted USE of the land or STRUCTURES or CONSTRUCTION on the LOT;

**Attachment A Proposed Amendment to Section 9.1.9 of the Zoning Ordinance**

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- c. that the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant;
    - d. that the granting of the VARIANCE is in harmony with the general purpose and intent of this ordinance;
    - e. that the granting of the VARIANCE will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
  2. No NONCONFORMING USE of the neighboring lands or STRUCTURES in the same DISTRICT, and no permitted USE of lands or STRUCTURES in other DISTRICTS shall be considered grounds for the issuance of a VARIANCE.
- D. Findings
  1. The BOARD, ~~or~~ the Hearing Officer or the GOVERNING BODY shall make findings that the requirements of Section 9.1.9C have been met by the applicant for a VARIANCE, and justify the granting of the VARIANCE.
  2. The BOARD, ~~or~~ the Hearing Officer or the GOVERNING BODY shall further make a finding that the VARIANCE is the minimum variation that will make possible the reasonable use of the land or STRUCTURE.
- E. Conditions
  1. In granting any VARIANCE, the BOARD, ~~or~~ the Hearing Officer or the GOVERNING BODY may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of conditions under which the VARIANCE is granted shall be deemed a violation of this ordinance and punishable as provided in Section 11.2.3 of this ordinance.
- F. Action of the GOVERNING BODY
  1. In the case of a written protest against a VARIANCE on land which is located within a township with a plan commission, and the plan commission objects to the VARIANCE, the township board of trustees shall submit its written objections to the GOVERNING BODY within 15 days after the public hearing at the Zoning Board of Appeals, and such VARIANCE shall not be approved except by the favorable vote of three-fourths of all members of the GOVERNING BODY.

**SECTION 13 NON-INTERFERENCE WITH GREATER RESTRICTIONS  
OTHERWISE IMPOSED**

- 13.1 It is not intended by this ordinance to interfere with, or abrogate or annul any easements, restrictions, covenants, or other agreements between parties, nor to interfere with, or abrogate or annul any ordinances other than expressly repealed hereby. Rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or provided shall remain in full force and effect except that where this ordinance imposes a greater restriction upon the USE of land or STRUCTURES, or upon the HEIGHT of STRUCTURES, or BUFFER STRIPS, COURTS, LOT AREA, LOT AREA per DWELLING UNIT or LODGING UNIT, BUILDING AREA, LOT COVERAGE, PARKING SPACES, SETBACK LINE, LOT width, or LOT depth, or any similar restrictions, than are required by or imposed by such ordinances, rules, regulations, or permits, the provisions of this ordinance shall control.
- 13.2.1 The BOARD or the GOVERNING BODY shall not approve VARIANCES or SPECIAL USE Permits, and the Zoning Administrator shall not issue Zoning Use Permits or Zoning Compliance Certificates when:
- A. The CONSTRUCTION or USE would violate:
1. the *Champaign County Special Flood Hazard Area Development Ordinance* (Ord. No 209, as amended);
  2. the *Illinois Plat Act* (765 ILCS 205/0.01 *et seq.*);
  3. the *Champaign County Subdivision Regulations* (Ord. No. 44, as amended);
  4. the SUBDIVISION regulations of a municipality where the LOT is within the jurisdiction of a municipality which has enacted SUBDIVISION regulations except for the following:
    - a. The requirement for annexation to a municipality pursuant to or as a requirement for plat approval by that municipality involving the expansion and/or construction of a water treatment plant or related facilities or a sewage treatment plant and related facilities owned and operated by a predominately rural water district, when the municipality has it's own water treatment plant and related facilities. If no plat approval shall be considered without the requirement for annexation then a VARIANCE from the requirement for compliance with the municipal SUBDIVISION regulations may be considered by the GOVERNING BODY.

**Attachment B Proposed Amendment to Section 13 of the Zoning Ordinance**

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5. the *Champaign County Health Ordinance* (Ord. No. 573);
  6. the *Champaign County Public Nuisance Ordinance* (Ord. No. 468, as amended); or
  7. any license ordinance of Champaign County.
- B. The CONSTRUCTION or USE is located on a LOT or LOTS created in violation of said *Illinois Plat Act*, *Champaign County Subdivision Regulations* or municipal SUBDIVISION regulations except as provided for in 13.2.1A.4.a.
- C. An outstanding violation of the *Zoning Ordinance* or any regulation listed in Section 13.2.1A exists on the LOT except when:
1. the Zoning Use Permit or Zoning Compliance Certificate is the sole impediment to correcting the violation;
  2. the BOARD finds that granting a VARIANCE or SPECIAL USE Permit will facilitate correction of any non-*Zoning Ordinance* violations;
  3. the VARIANCE, SPECIAL USE Permit, Zoning Use Permit or Compliance Certificate is required to effect any stipulation, agreement or court order resolving the violation; or
  4. a municipality or the Champaign County Health Department has the legal authority to waive compliance with a regulation and stipulates in writing that it has no objection to issuing the VARIANCE, SPECIAL USE Permit, Zoning Use Permit or Zoning Compliance Certificate.
- 13.2.2** The above provisions notwithstanding, no VARIANCE, SPECIAL USE Permit, Zoning Use Permit or Zoning Compliance Certificate shall be denied for USE or CONSTRUCTION on LOTS created prior to May 21, 1991 solely because such LOTS were created in violation of the *Illinois Plat Act* or *Champaign County Subdivision Regulations* provided that such LOTS conform to all other applicable regulations and standards of this ordinance and the creation of such LOTS did not violate any applicable municipal SUBDIVISION ordinance in effect at the time such LOTS were created.

**Attachment B Proposed Amendment to Section 9.2.2 of the Zoning Ordinance**

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**9.2.2 Action of the GOVERNING BODY**

- A. In case of a written protest against any such action:
1. signed by the OWNER or OWNERS of at least 20% of the land to be rezoned; or
  2. signed by the OWNER or OWNERS of land immediately touching, or immediately across the street, alley, or public right-of-way from, at least 20% of the perimeter of the land to be rezoned; and filed with the County Clerk, such action shall not be passed except by the favorable vote of three-fourths of all the members of the GOVERNING BODY.
- B. In the case of a written protest against any such action concerning the alteration of the Zoning classifications of land which lies within one and one-half miles of the limits of a ZONED MUNICIPALITY such written protest signed and acknowledged by the city/village council or president and board of trustees of a ZONED MUNICIPALITY nearest adjacent, and filed with the County Clerk, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the GOVERNING BODY.
- C. In the case of a written protest against any such text amendment or map amendment affecting an unincorporated area of a township with a plan commission, the township board of trustees shall submit its written objections to the GOVERNING BODY within 30 days after the public hearing at the Zoning Board of Appeals, and such amendment shall not be approved except by the favorable vote of three-fourths of all members of the GOVERNING BODY.

**PRELIMINARY DRAFT**  
**743-AT-13**  
**FINDING OF FACT**  
**AND FINAL DETERMINATION**  
**of**  
**Champaign County Zoning Board of Appeals**

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Final Determination: *{RECOMMEND ENACTMENT/RECOMMEND DENIAL}*

Date: March 28, 2013

Petitioner: Zoning Administrator

Request: Amend the Champaign County Zoning Ordinance as follows:

Part A. Revise Section 9.1.9 as follows:

1. Authorize County Board approved variances as authorized in Section 13
2. Require Findings for County Board approved variances
3. Authorize conditions for County Board approved variances
4. Require three-fourths of all members of the County Board to approve a variance when a written protest against the variance is submitted by a township board in a township that has a plan commission, within 30 days after the close of the public hearing at the Zoning Board of Appeals.

Part B. Revise Section 13 as follows:

1. Add “or the Governing Body” after each use of “Board”
2. Authorize that a variance or special use permit or zoning use permit or zoning compliance certificate may be authorized when a construction or use would violate the subdivision regulations of a municipality when the requirement for annexation is a requirement for plat approval by that municipality involving the expansion and/or construction of a water treatment plant or related facilities owned and operated by a predominately rural water district, when the municipality has its own water treatment plant and related facilities. If no plat approval shall be considered without the requirement for annexation then a VARIANCE from the requirement for compliance with the municipal SUBDIVISION regulations may be considered by the GOVERNING BODY.

Part C. Revise Section 9.2.2 to require three-fourths of all members of the County Board to approve a text amendment or map amendment when a written protest against the amendment is submitted by a township board in a township that has a plan commission, within 30 days after the close of the public hearing at the Zoning Board of Appeals.

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**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 28, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to relieve the County of municipal subdivision regulation enforcement in instances only related to the expansion and/or construction of a water treatment plant or related facilities owned and operated by a predominantly rural water district when the requirement for annexation is a requirement for plat approval by a municipality that has its own water treatment plant and related facilities and when no plat approval shall be considered without the requirement for annexation. The amendment will also provide the effect of a township protest for those with planning commissions for map amendments and County Board authorized variances.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

**SUMMARY OF THE PROPOSED AMENDMENT**

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

**GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES**

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
  - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
  - B. The LRMP defines Goals, Objectives, and Policies as follows:
    - (1) Goal: an ideal future condition to which the community aspires
    - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
    - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives

- C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

**REGARDING LRMP GOALS**

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states as follows:

**Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.**

Goal 1 has 4 objectives and 4 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 1.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

**Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.**

Goal 2 has two objectives and three policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 2.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

**Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.**

Goal 3 has three objectives no policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 3.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

**Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.**

Goal 4 has 9 objectives and 22 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 4.

10. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

**Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.**

Goal 5 has 3 objectives and 15 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 5.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

**Champaign County will ensure protection of the public health and public safety in land resource management decisions.**

Goal 6 has 4 objectives and 7 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 6.

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

**Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.**

Goal 7 has 2 objectives and 7 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 7.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

**Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.**

Goal 8 has 9 objectives and 36 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 8.

14. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

**Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.**

Goal 9 has 5 objectives and 5 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 9.

15. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

**Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.**

Goal 10 has 1 objective and 1 policy. The proposed amendment will *NOT IMPEDE* the achievement of Goal 10.

***REGARDING THE PURPOSE OF THE ZONING ORDINANCE***

16. The proposed amendment appears to *HELP ACHIEVE* the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is not directly related to this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is not directly related to this purpose.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed amendment is not directly related to this purpose.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

The proposed amendment is not directly related to this purpose.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is not directly related to this purpose.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of buildings and structures hereafter to be erected.

The proposed amendment is not directly related to this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is not directly related to this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.

The proposed amendment is not directly related to this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses.

The proposed amendment is not directly related to this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is not directly related to this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which buildings, structures, or uses therein shall conform.

The proposed amendment is directly related to this purpose because the amendment will allow the County to authorize construction of water treatment plants and related facilities for rural water districts if the proposed construction is in full compliance with County zoning, while also relieving the County from enforcement of municipal subdivision regulations in those instances where annexation is a requirement and the proposed construction is compliant with all other aspects of municipal subdivision requirements.

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit uses, buildings, or structures incompatible with the character of such districts.

The proposed amendment is not directly related to this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is not directly related to this purpose.

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed amendment is not directly related to this purpose.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is not directly related to this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is not directly related to this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is not directly related to this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is not directly related to this purpose.

- 17. The proposed text amendment will **IMPROVE** the text of the Zoning Ordinance because it will provide:
  - A. The County Board with the ability to authorize a variance from the Section 13 requirement of compliance with municipal subdivision regulations.
  - B. The Zoning Administrator the ability to authorize a Zoning Use Permit for the expansion and/or construction of a water treatment plant or related facility that is predominantly owned and operated by a rural water district if the proposed use is in compliance with County zoning regulations.
  - C. Relief from County enforcement of municipal subdivision regulations, but will still allow a municipality to enforce their regulations.
  - D. Clarify the effect of a township protest for a township with a planning commission for map amendments and for County Board authorized variances.

**SUMMARY FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on, **March 28, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed text amendment will ***NOT IMPEDE*** the Land Resource Management Plan because of the following:
  - A. The proposed text amendment will ***NOT IMPEDE*** the following LRMP goal(s):
    - **Goal 1 Planning and Public Involvement**
    - **Goal 2 Governmental Coordination**
    - **Goal 3 Prosperity**
    - **Goal 4 Agriculture**
    - **Goal 5 Urban Land Use**
    - **Goal 6 Public Health and Public Safety**
    - **Goal 7 Transportation**
    - **Goal 8 Natural Resources**
    - **Goal 9 Energy Conservation**
    - **Goal 10 Cultural Amenities**
2. The proposed amendment ***HELPS ACHIEVE*** the purpose of the **Zoning Ordinance** as follows:
  - Fixes regulations and standards to which buildings, structures, or uses therein shall conform. (Purpose 2.0 (k) see Item 16.K.)
3. The proposed text improvement will ***IMPROVE*** the **Zoning Ordinance** as follows:
  - Allows the County Board to authorize a variance from the Section 13 requirement of compliance with municipal subdivision regulations.
  - Allows the Zoning Administrator to authorize a Zoning Use Permit for the expansion and/or construction of a water treatment plant or related facility that is predominantly owned and operated by a rural water district if the proposed use is in compliance with County zoning regulations.
  - Provides relief from County enforcement of municipal subdivision regulations, but will still allow a municipality to enforce their regulations.
  - Clarify the effect of a township protest by a township with a planning commission for map amendments and for County Board authorized variances.

**DOCUMENTS OF RECORD**

1. Preliminary Memorandum dated March 22, 2013, with attachments:
  - A Memo to the Environmental and Land Use Committee dated February 26, 2013, with attachments:
    - A Proposed Amendment to Section 9.1.9 of the Zoning Ordinance
    - B Proposed Amendment to Section 13 of the Zoning Ordinance
    - C Proposed Amendment to Section 9.2.2 of the Zoning Ordinance
  - B LRMP Land Use Goals, Objectives, and Policies & Appendix
  - C Draft Finding of Fact and Final Determination

**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 743-AT-13** should *{BE ENACTED / NOT BE ENACTED}* by the County Board in the form attached hereto.

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

SIGNED:

Eric Thorsland, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

**Proposed Amendment**

**9.1.9 VARIANCES**

A. Table of VARIANCE Classifications and Presiding Authority

VARIANCE Classification	Presiding Authority
<p><b>ADMINISTRATIVE VARIANCE:</b></p> <p>Deviation of 10 percent or less from regulation or standard of this ordinance related to the location of STRUCTURES or to bulk requirements</p>	<p>May be authorized by the Zoning Administrator in accordance with Section 9.1.10</p>
<p><b>Minor VARIANCE:</b></p> <p><b>Contested ADMINISTRATIVE VARIANCE</b></p> <p>Deviation of 10 percent or less from numerical regulations or standard of this ordinance not related to the location of STRUCTURES or to bulk requirements</p> <p>Deviation of more than 10 percent but not exceeding 25 percent from numerical regulation or standard of this ordinance</p>	<p>May be granted by the Hearing Officer or by the BOARD in accordance with Paragraph 9.1.5B and the requirements of this Section.</p>
<p><b>Major VARIANCE:</b></p> <p>Deviation exceeding 25 percent from numerical regulation or standard of this ordinance.</p> <p>Waiver from nonnumerical regulation or standard of this ordinance.</p> <p>Deviation from numerical regulation or standard of the <i>Champaign County Stormwater Management Policy</i> or <i>Champaign County Special Flood Hazard Areas Ordinance</i>.</p> <p>Waiver from nonnumerical regulations or standard of the <i>Champaign County Stormwater Management Policy</i> or <i>Champaign County Special Flood Hazard Ordinance</i>.</p>	<p>May be granted by the BOARD in accordance with the requirements of this Section.</p>
<p><b>County Board VARIANCE:</b></p> <p><u>Any VARIANCE authorized by Section 13.</u></p>	<p><u>May be granted by the GOVERNING BODY in accordance with the requirements of this Section.</u></p>

B. Prohibited VARIANCES

At no time shall the BOARD, ~~or the Hearing Office~~ or the GOVERNING BODY grant a VARIANCE in the following instances:

1. To grant a VARIANCE to allow a USE not permissible under the terms of this ordinance in the DISTRICT involved, or any USE expressly or by implication prohibited by the terms of this ordinance in said DISTRICT.
2. To waive compliance with any municipal, state, or federal regulation incorporated into this ordinance except as authorized in Section 13.
3. To waive compliance with any procedural requirement contained in this ordinance.
4. To waive compliance with regulations pertaining to NONCONFORMING LOTS, STRUCTURES, or USES, except as specifically authorized in Section 8.
5. To authorize any USE or CONSTRUCTION prohibited by Section ~~14.2.1~~ 13.2.1.
6. To authorize a SMALL WIND TURBINE TOWER rotor diameter larger than 75 feet.

C. VARIANCE Criteria

1. A VARIANCE from the terms of this ordinance shall not be granted by the BOARD, ~~or the Hearing Officer~~ or the GOVERNING BODY unless a written application for a VARIANCE is submitted demonstrating all of the following:
  - a. that special conditions and circumstances exist which are peculiar to the land or STRUCTURE involved which are not applicable to other similarly situated land or STRUCTURES elsewhere in the same zoning DISTRICT;
  - b. that practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted USE of the land or STRUCTURES or CONSTRUCTION on the LOT;
  - c. that the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the applicant;
  - d. that the granting of the VARIANCE is in harmony with the general purpose and intent of this ordinance;
  - e. that the granting of the VARIANCE will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
2. No NONCONFORMING USE of the neighboring lands or STRUCTURES in the same DISTRICT, and no permitted USE of lands or STRUCTURES in other DISTRICTS shall be considered grounds for the issuance of a VARIANCE.

D. Findings

1. The BOARD, ~~or~~ the Hearing Officer or the GOVERING BODY shall make findings that the requirements of Section 9.1.9C have been met by the applicant for a VARIANCE, and justify the granting of the VARIANCE.
2. The BOARD, ~~or~~ the Hearing Officer or the GOVERING BODY shall further make a finding that the VARIANCE is the minimum variation that will make possible the reasonable use of the land or STRUCTURE.

E. Conditions

1. In granting any VARIANCE, the BOARD, ~~or~~ the Hearing Officer or the GOVERING BODY may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of conditions under which the VARIANCE is granted shall be deemed a violation of this ordinance and punishable as provided in Section 11.2.3 of this ordinance.

F. Action of the GOVERNING BODY

1. In the case of a written protest against a VARIANCE on land which is located within a township with a plan commission, and the plan commission objects to the VARIANCE, the township board of trustees shall submit its written objections to the GOVERNING BODY within 15 days after the public hearing at the Zoning Board of Appeals, and such VARIANCE shall not be approved except by the favorable vote of three-fourths of all members of the GOVERNING BODY.

**SECTION 13 NON-INTERFERENCE WITH GREATER RESTRICTIONS  
OTHERWISE IMPOSED**

- 13.1 It is not intended by this ordinance to interfere with, or abrogate or annul any easements, restrictions, covenants, or other agreements between parties, nor to interfere with, or abrogate or annul any ordinances other than expressly repealed hereby. Rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or provided shall remain in full force and effect except that where this ordinance imposes a greater restriction upon the USE of land or STRUCTURES, or upon the HEIGHT of STRUCTURES, or BUFFER STRIPS, COURTS, LOT AREA, LOT AREA per DWELLING UNIT or LODGING UNIT, BUILDING AREA, LOT COVERAGE, PARKING SPACES, SETBACK LINE, LOT width, or LOT depth, or any similar restrictions, than are required by or imposed by such ordinances, rules, regulations, or permits, the provisions of this ordinance shall control.
- 13.2.1 The BOARD or the GOVERNING BODY shall not approve VARIANCES or SPECIAL USE Permits, and the Zoning Administrator shall not issue Zoning Use Permits or Zoning Compliance Certificates when:
- A. The CONSTRUCTION or USE would violate:
1. the *Champaign County Special Flood Hazard Area Development Ordinance* (Ord. No 209, as amended);
  2. the *Illinois Plat Act* (765 ILCS 205/0.01 *et seq.*);
  3. the *Champaign County Subdivision Regulations* (Ord. No. 44, as amended);
  4. the SUBDIVISION regulations of a municipality where the LOT is within the jurisdiction of a municipality which has enacted SUBDIVISION regulations except for the following:
    - a. The requirement for annexation to a municipality pursuant to or as a requirement for plat approval by that municipality involving the expansion and/or construction of a water treatment plant or related facilities or a sewage treatment plant and related facilities owned and operated by a predominately rural water district, when the municipality has its own water treatment plant and related facilities. If no plat approval shall be considered without the requirement for annexation then a VARIANCE from the requirement for compliance with the municipal SUBDIVISION regulations may be considered by the GOVERNING BODY.

5. the *Champaign County Health Ordinance* (Ord. No. 573);
  6. the *Champaign County Public Nuisance Ordinance* (Ord. No. 468, as amended): or
  7. any license ordinance of Champaign County.
- B. The CONSTRUCTION or USE is located on a LOT or LOTS created in violation of said *Illinois Plat Act, Champaign County Subdivision Regulations* or municipal SUBDIVISION regulations except as provided for in 13.2.1A.4.a.
- C. An outstanding violation of the *Zoning Ordinance* or any regulation listed in Section 13.2.1A exists on the LOT except when:
1. the Zoning Use Permit or Zoning Compliance Certificate is the sole impediment to correcting the violation;
  2. the BOARD finds that granting a VARIANCE or SPECIAL USE Permit will facilitate correction of any non-*Zoning Ordinance* violations;
  3. the VARIANCE, SPECIAL USE Permit, Zoning Use Permit or Compliance Certificate is required to effect any stipulation, agreement or court order resolving the violation; or
  4. a municipality or the Champaign County Health Department has the legal authority to waive compliance with a regulation and stipulates in writing that it has no objection to issuing the VARIANCE, SPECIAL USE Permit, Zoning Use Permit or Zoning Compliance Certificate.
- 13.2.2** The above provisions notwithstanding, no VARIANCE, SPECIAL USE Permit, Zoning Use Permit or Zoning Compliance Certificate shall be denied for USE or CONSTRUCTION on LOTS created prior to May 21, 1991 solely because such LOTS were created in violation of the *Illinois Plat Act* or *Champaign County Subdivision Regulations* provided that such LOTS conform to all other applicable regulations and standards of this ordinance and the creation of such LOTS did not violate any applicable municipal SUBDIVISION ordinance in effect at the time such LOTS were created.

**9.2.2 Action of the GOVERNING BODY**

- A. In case of a written protest against any such action:
1. signed by the OWNER or OWNERS of at least 20% of the land to be rezoned; or
  2. signed by the OWNER or OWNERS of land immediately touching, or immediately across the street, alley, or public right-of-way from, at least 20% of the perimeter of the land to be rezoned; and filed with the County Clerk, such action shall not be passed except by the favorable vote of three-fourths of all the members of the GOVERNING BODY.
- B. In the case of a written protest against any such action concerning the alteration of the Zoning classifications of land which lies within one and one-half miles of the limits of a ZONED MUNICIPALITY such written protest signed and acknowledged by the city/village council or president and board of trustees of a ZONED MUNICIPALITY nearest adjacent, and filed with the County Clerk, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the GOVERNING BODY.
- C. In the case of a written protest against any such text amendment or map amendment affecting an unincorporated area of a township with a plan commission, the township board of trustees shall submit its written objections to the GOVERNING BODY within 30 days after the public hearing at the Zoning Board of Appeals, and such amendment shall not be approved except by the favorable vote of three-fourths of all members of the GOVERNING BODY.



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

(217) 384-3708  
zoningdept@co.champaign.il.us  
www.co.champaign.il.us/zoning

**MONTHLY REPORT for FEBRUARY 2013<sup>1</sup>**

**Zoning Cases**

The distribution of cases filed, completed, and pending is detailed in Table 1. Four zoning cases were filed in February and three were filed in February 2012. The average number of cases filed in February in the preceding five years was 1.4.

Two ZBA meetings were held in February and two cases were finalized.

Two ZBA meetings were held in February 2012 and no cases were finalized. The average number of cases finalized in February in the preceding five years was 2.4.

By the end of February there were 17 cases pending. By the end of February 2012 there were 14 cases pending.

**Table 1. Zoning Case Activity in February 2013 & February 2012**

Type of Case	February 2013 2 ZBA meetings		February 2012 2 ZBA meetings	
	Cases Filed	Cases Completed	Cases Filed	Cases Completed
Variance	1	0	1	0
SFHA Variance	1	0	2	0
Special Use	1	0	0	0
Map Amendment	1	0	0	0
Text Amendment	1	2	0	0
Change of Non-conforming Use	0	0	0	0
Administrative Variance	0	0	0	0
Interpretation / Appeal	0	0	0	0
<b>TOTALS</b>	<b>4</b>	<b>2</b>	<b>3</b>	<b>0</b>
Total cases filed (fiscal year)	8 cases		4 cases	
Total cases completed (fiscal year)	7 cases		4 cases	
Case pending*	17 cases		14 cases	
* Cases pending includes all cases continued and new cases filed <u>but not decided</u>				

<sup>1</sup> Note that approved absences and sick days resulted in an average staffing level of 84% or the equivalent of 4.4 staff members (of the 5 authorized) present for each of the 19 work days in February.

### **Subdivisions**

There was no County subdivision application, review, or recording in February.

No municipal subdivisions were reviewed for compliance with County zoning in February.

### **Zoning Use Permits**

A detailed breakdown of permitting activity appears in Table 2. A list of all Zoning Use Permits issued for the month is at Appendix A. Permitting activity in February can be summarized as follows:

- 13 permits for 8 structures were received in February compared to 5 permits for 4 structures in February 2012. The five-year average for permits in February in the preceding five years is 8.6.
- 11 months out of the last 29 months have equaled or exceeded the five-year average for number of permits (including December 2012, October 2012, September 2012, May 2012, April 2012, January 2012, December 2011, August 2011, February 2011, February 2011, September 2010).
- 6.6 days was the average turnaround (review) time for complete initial residential permit applications in February.
- \$832,600 was the reported value for the permits in February compared to a total of \$541,000 in February 2012. The five-year average reported value for authorized construction in February is \$461,158.
- 17 months in the last 49 months have equaled or exceeded the five-year average for reported value of construction (including February 2013, January 2013, November 2012, September 2012, August 2012, May 2012, April 2012, February 2012, January 2012, December 2011, November 2011, August 2011, June 2011, February 2011, August and May 2010 and March 2009).
- \$1,969 in fees were collected in February compared to a total of \$1,418 in February 2012. The five-year average for fees collected in February is \$1,073.
- 13 months in the last 45 months have equaled or exceeded the five-year average for collected permit fees (including February 2013, January 2013, October 2012, September 2012, May 2012, April 2012, February 2012, February 2012, December 2011, June 2011, August 2010, and December and March 2009).
- There were also 3 lot split inquiries and 210 other zoning inquiries in February.
- Two rural addresses were issued in February
- Minutes were prepared for two ZBA meetings

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**Table 2. Zoning Use Permit Activity in February 2013**

PERMITS	CURRENT MONTH			FISCAL YEAR TO DATE		
	#	Total Fee	\$ Value	#	Total Fee	\$ Value
AGRICULTURAL:		N.A.			N.A.	
Residential						
Other	3	N.A.	453,900	7	N.A.	608,955
SINGLE FAMILY Residential:						
New - Site Built	2	1,416	350,000	3	2,445	966,662
Manufactured						
Additions	2	114	1,700	5	437	32,100
	1	145	3,000	4	372	14,900
TWO-FAMILY Residential						
<b>Average turn-around time for permit approval</b>			6.6 days			
MULTI - FAMILY Residential						
HOME OCCUPATION: Rural						
Neighborhood	1	N.A.	0	1	N.A.	0
COMMERCIAL: New				2	2,006	1,200,000
Other						
INDUSTRIAL: New						
Other						
OTHER USES: New						
Other						
SIGNS						
TOWERS (Includes Acc. Bldg.)						
OTHER PERMITS	4	294	24,000	4	294	24,000
<b>TOTAL</b>	<b>13/8</b>	<b>\$1,969</b>	<b>\$832,600</b>	<b>26/19</b>	<b>\$5,554</b>	<b>\$2,846,617</b>

\*13 permits were issued for 8 structures during February 2013

◇26 permits have been issued for 19 structures since December 1, 2012 (FY2013)

NOTE: Home occupations and other permits (change of use, temporary use) total 5 since December, 2012, (this number is not included in the total # of structures).

**Zoning Compliance Inspections**

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- 28 compliance inspections were made in February for a total of 33 compliance inspections so far in FY2013.
- 16 compliance certificates were issued in February for a total of 21 compliance certificates so far in FY2013. The FY2013 budget anticipated a total of 510 compliance inspections for an average of 9.8 inspections per week.

**Zoning and Nuisance Enforcement**

Table 3 contains the detailed breakdown of enforcement activity for February 2012 and can be summarized as follows:

- 6 new complaints were received in February compared to 7 new complaints in February 2013. One complaint was referred to another agency in February 2012 and 2 complaints were referred in February 2012.
- 29 enforcement inspections were conducted in February compared to 37 in February 2012. Six of the 2013 inspections were for the six new complaints received in February 2013.
- No contacts were made prior to written notification in February and three were made in February 2012.
- 29 initial investigation inquiries were made in February for an average of 7.3 per week in February and 8.7 per week for the fiscal year. The FY2013 budget had anticipated an average of 9.6 initial investigation inquiries per week.
- One First Notice and 2 Final Notices were issued in February compared to 2 First Notice and no Final Notices in February 2012. The FY2013 budget anticipates a total of 30 First Notices.
- No cases were referred to the State's Attorney in February and no cases were referred in February 2012.
- 9 cases were resolved in February (3 of the resolved cases were received in February) and 5 cases were resolved in February 2012.
- 439 cases remain open at the end of February compared to 425 open cases at the end of February 2012.

**APPENDICES**

- A Zoning Use Permits Authorized**
- B Zoning Compliance Certificates Issued**

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**Table 3. Enforcement Activity During February 2013**

	FY2012 TOTALS <sup>1</sup>	Dec. 2012	Jan. 2013	Feb. 2013	March 2013	April 2013	May 2013	June 2013	July 2013	Aug. 2013	Sep. 2013	Oct. 2013	Nov. 2013	TOTALS <sup>1</sup> FY2013
Complaints Received	80	1	9	6										16
Initial Complaints Referred to Others	10	0	0	1										1
Inspections	515	35	49	29 <sup>4</sup>										113 <sup>5</sup>
Phone Contact Prior to Notice	13	0	0	0										0
First Notices Issued	24	0	7	1										8
Final Notices Issued	8	0	1	2										3
Referrals to State's Attorney	5	2	0	0										2
Cases Resolved <sup>2</sup>	69	0	8	9 <sup>6</sup>										17 <sup>7</sup>
Open Cases <sup>3</sup>	440	441	442	439										439 <sup>8</sup>

Notes

1. Total includes cases from previous years.
2. Resolved cases are cases that have been inspected, notice given, and violation is gone, or inspection has occurred and no violation has been found to occur on the property.
3. Open Cases are unresolved cases and includes any case referred to the State's Attorney or new complaints not yet investigated.
4. 6 inspections of the 29 performed were for the 6 complaints received in February, 2013.
5. 19 inspections of the 113 inspections performed in 2013 were for complaints received in 2013.
6. 3 of the resolved cases for February, 2013, were received in February, 2013.
7. 5 of the 17 cases resolved in FY 2013 were for complaints that were also received in FY 2013.
8. Total open cases include 31 cases that have been referred to the State's Attorney, some of which were referred as early as 2001.

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**APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING FEBRUARY, 2013**

<b>Permit Number</b>	<b>Zoning District; Property Description; Address; PIN</b>	<b>Owner Name</b>	<b>Date Applied, Date Approved</b>	<b>Project (Related Zoning Case)</b>
65-12-01	CR District; Lot 2, Phillips Acres Subdivision, Section 12, Urbana Township; 1760 CR 1650N, Urbana; PIN: 30-21-12-201-005	Jedd Swisher	03/15/12 02/01/13	Construct a single family home with attached garage and authorize a previously constructed detached storage shed  (Case: 724-V-12)
74-12-03	R1 District; Lot 1, Windsor Park Subdivision, Section 25, Champaign Township; 1 Willowbrook Court, Champaign; PIN: 03-20-25-126-037	Denny Anderson	03/14/12 02/06/13	Construct a detached storage shed and an addition to an existing home (covered deck, greenhouse and backdoor airlock)  (Case: 715-V-12)
318-12-01 FP	CR District; A 37 acre tract of land located in the NE 1/4 of Section 27, Crittenden Township; 175 CR 1600E, Villa Grove; PIN: 08-33-27-200-023	Phillip Jones	11/13/12 02/11/13	Construct an addition to an existing barn in the mapped floodplain
22-13-01	AG-1 District; Lot 102, Farm Ridge Subdivision; Section 13, Urbana Township; 1753 CR 1550N, Urbana; PIN: 30-21-13-300-008	Steve Hester	01/22/13 02/05/13	Change the Use to establish a Minor Rural Specialty Business for a sewing/ quilting/ photography business
25-13-01	AG-1 District; Lot 2, Silver Trio Subdivision; Section 3, Philo Township; 1588 CR 1100N, Urbana; PIN: 19-27-03-400-011	Matt Shipley	01/25/13 02/07/13	Construct a single family home with attached garage

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**APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING FEBRUARY, 2013**

<b>Permit Number</b>	<b>Zoning District; Property Description; Address; PIN</b>	<b>Owner Name</b>	<b>Date Applied, Date Approved</b>	<b>Project (Related Zoning Case)</b>
25-13-02	I-1 District; Lots 261 & 262, Wilber Heights Subdivision; Section 31, Somer Township; 213 Wallace Avenue, Champaign; PIN: 25-15-31-353-015 & 016	Max Branson & E. Lynne Yeazel	01/25/13 02/07/13	Construct two porch additions to an existing manufactured homes
25-13-03	AG-1 District; A tract of land located primarily in the S ½ of Section 28, St. Joseph Township; 1321 CR 2075E, St. Joseph, IL PIN: 28-22-28-400-005	Izard Partnership	01/25/13 02/05/13	Construct a storage shed for agriculture equipment
29-13-01	CR District; A 22 acre parcel of land in the W ½ of the SE ¼ of the SW ¼ of Section 25, Newcomb Township; 430 CR 2500N, Mahomet; PIN: 16-07-26-376-010	Michael Boero	01/29/13 02/05/13	Change the Use to establish a Veterinary Hospital  (Case: 722-S-12)
32-13-01	I-1 District; A 55 acre tract of land located in part of the E ½ of the SW ¼ of Section 32, Somer Township; 413 W. Oaks Road, Urbana, Illinois PIN: 25-15-32-300-010	Mary Kuhlman	02/01/13 02/15/13	Construct a detached agricultural storage building
39-13-01	R-2 District A tract of land located in the NW ¼ of Section 15, Urbana Township, North and East of Scottswood Subdivision; 2507 ½ E. Main Street, Urbana; PIN: 30-21-15-132-031	Pathfinder Group of Illinois LLC	02/08/13 02/15/13	Construct (replace) a porch addition to an existing single family home
43-13-01	Under review			

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**APPENDIX A. ZONING USE PERMITS AUTHORIZED DURING FEBRUARY, 2013**

<b>Permit Number</b>	<b>Zoning District; Property Description; Address; PIN</b>	<b>Owner Name</b>	<b>Date Applied, Date Approved</b>	<b>Project (Related Zoning Case)</b>
46-13-01	AG-1 District; A tract of land being a part of the NW 1/4 of the SW 1/4 of Section 24, Sadorus Township; 239 CR 525E, Pesotum; PIN: 22-31-24-300-012	Michael Rosenberger	02/15/13 02/27/13	Construct a detached storage building for agriculture equipment storage
52-13-01	CR District; The S 231' of the N 298.4' of that part of the SE 1/4 of the SE 1/4 of Section 25, Newcomb Township lying E of the centerline of the Big Slough Ditch; 2521 CR 600E, Dewey; PIN: 16-07-25-400-013	Bruce Busboom	02/21/13 02/27/13	Temporary Use to allow a Magic Show event on 4/5, 4/6, and 4/7/13

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**APPENDIX B. ZONING COMPLIANCE CERTIFICATES ISSUED DURING  
FEBRUARY, 2013**

<b>Date</b>	<b>Permit Number</b>	<b>Property Description; Address; PIN</b>	<b>Project (Related Zoning Case)</b>
02/07/12	108-12-01	A tract of land located in the NE 1/4 of Section 27, Newcomb Township; 381 CR 2600N, Mahomet; PIN: 16-07-27-200-010	Single family home with attached garage
02/07/13	220-11-03	Lot 4, Brock Subdivision; Section 25, Mahomet Township; 593 CR 2600N, Mahomet; PIN: 16-07-25-226-004	Detached garage/storage shed
02/07/13	101-12-02	Tract III of a Plat of Survey of the SE 1/4 of Section 23, Newcomb Township; 2623 CR 500E, Mahomet; PIN: 16-07-23-400-010	Above ground swimming pool
02/07/13	163-12-01	Parcel 2 of a Plat of Survey of Part of the NE 1/4 of Section 23, Newcomb Township; 2653 CR 500E, Mahomet; PIN: 16-07-23-200-019	Single family home with attached garage
02/07/13	244-11-01	A tract of land being a part of the W 1/2 of the NE 1/4 of Section 7, Newcomb Township; 63 CR 2900N, Fisher; PIN: 16-07-07-200-006	Detached garage
02/07/13	243-12-02	A tract of land located in the SW Corner of the SW 1/4 of Section 30, Newcomb Township; 2506 CR 0E, Mansfield; PIN: 16-07-30-300-005	Detached garage
02/07/13	111-12-01	A tract of land located in the SW 1/4 of Section 29, Newcomb Township; 140 CR 2500N, Mahomet; PIN: 16-07-29-300-003	Single family home with attached garage

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**APPENDIX B. ZONING COMPLIANCE CERTIFICATES ISSUED DURING  
FEBRUARY, 2013**

<b>Date</b>	<b>Permit Number</b>	<b>Property Description; Address; PIN</b>	<b>Project (Related Zoning Case)</b>
02/07/13	110-12-01	Tract 7 of Blackbird Meadows Development, Section 22, Newcomb Township; 366A CR 2650N, Mahomet; PIN: 16-07-22-251-011	Detached garage
02/07/13	117-12-01	A tract of land located in the NE 1/4 of the SE 1/4 of Section 26, Newcomb Township; 2527 CR 450E, Mahomet; PIN: 16-07-26-326-011	Sunroom addition to an existing single family home
02/07/13	240-12-01	Tract 3 of Trautman's Section 34 Subdivision No. 2, which includes a Replat of Trautman's Section 34 Subdivision, Mahomet Township; 399 CR 2425N, Mahomet; PIN: 16-07-34-400-023 & 024	Detached garage
02/07/13	185-12-02	Lot 1, Summerfield East Subdivision, Section 36, Newcomb Township; 2498 CR 550E, Dewey; PIN: Part of 16-07-36-200-015 & 25-400-032	Single family home with attached garage
02/07/13	249-12-01	Lot 1, Lakeview 6 <sup>th</sup> Subdivision, Section 13, Mahomet Township; 2012 Tin Cup Road, Suite D, Mahomet; PIN: 15-13-13-101-017	Change the Use to a Veterinary Clinic, <i>All About the Animals Pet Clinic</i>
02/07/13	208-12-01	Lot 1 of Brook Farm Subdivision, Section 35, Newcomb Township; 455 CR 2425N, Mahomet; PIN: 16-07-35-400-010	Single family home with attached garage
02/07/13	276-11-02	Lot 2, Deerfield Estates, Section 36, Newcomb Township; 588B County Road 2400N, Dewey; PIN: 16-07-36-451-010	Detached garage and detached storage shed

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**APPENDIX B. ZONING COMPLIANCE CERTIFICATES ISSUED DURING  
 FEBRUARY, 2013**

Date	Permit Number	Property Description; Address; PIN	Project (Related Zoning Case)
02/07/13	201-12-01	A tract of land located in the NE 1/4 of Section 12, Mahomet Township; immediately adjacent to Lot 6 and Lot 11 of Charter Oaks Subdivision; 1110 Oak Run Road, Mahomet; PIN: 15-13-12-200-002	Addition to an existing single family home
02/20/13	17-12-01	The East Half of Lot 9 and all of Lots 10, 11, and 12 of Block 1 of the Original Town of Prairieview, now Longview, Section 34, Raymond Township; 210 E. Logan Street, Longview; PIN: 21-34-34-306-013, 014, 015, & 016	Warehouse and office for "Roofs by Rodger" with no Outdoor Storage

## Understanding HB 2615 - Illinois Hydraulic Fracturing Regulatory Act

The Illinois Hydraulic Fracturing Regulatory Act, the result of extensive negotiations among industry groups, an environmental coalition, state legislators and state agencies including the Department of Natural Resources, IEPA and the Illinois Attorney General, is one of the most stringent bills on hydraulic fracturing (“fracking”) in the nation and contains extensive provisions to protect water quality, assure transparency, and promote public involvement.

**The Strongest Protections Against Water Pollution in the Nation.** The Act includes numerous precedent-setting provisions designed to protect against water pollution. Collectively, the Act’s provisions amount to the strongest protections against fracking-related water pollution in the country. They include:

- **Prohibition on open-air ponds for wastewater storage.** The Act takes groundbreaking steps to minimize the risk of water pollution by requiring closed tanks for wastewater storage except temporarily in unforeseeable circumstances.
- **Strong waste fluid management requirements.** The Act provides additional strong protections against water pollution by requiring that: (a) wastewater be reused in fracking or injected deep underground, (b) wastewater be tested for dangerous chemicals and (c) wells be shut down if fracking fluid is released outside of the shale rock formation being fractured.
- **Comprehensive water monitoring requirements.** The Act ensures that water pollution is quickly and easily identified by requiring both baseline and periodic post-fracking testing of surface water and groundwater sources near fracking wells.
- **Presumption of liability for water pollution.** The Act places the onus on fracking companies to prove that contamination of water sources near the well site was not caused by fracking. Very few states have this important and powerful provision.
- **Setbacks from water sources.** The Act’s setbacks for water sources are among the strongest in the nation and mandate the largest setback of any state from public water supply intakes.
- **Well construction standards.** The Act protects against contamination by requiring numerous best engineering practices for well construction, casements and maintenance.

**Transparency and Public Participation.** The Act ensures that the public will have access to a great deal of information about fracking, including what chemicals are used, how much water is used, the source of the water, and detailed descriptions of fracking operations. The Act also makes certain that the public will have the opportunity to engage in the oversight of fracking operations. Examples include:

- **The strongest chemical disclosure provisions in the nation.** The chemical disclosure provisions include comprehensive disclosure requirements for both before and after fracking occurs. This includes the creation of master lists of the base fluids, additives and chemicals that may be used in fracking, which are to be posted on the Illinois Department of Natural Resource’s website.
- **Trade Secrets.** The Act allows companies to request trade secret protection of any of the chemical information otherwise required to be disclosed. However, it also includes important provisions to ensure that only qualified trade secrets are protected, that the public can challenge trade secret designations, and that health needs trump companies’ right to protect chemical information.

- **Water Use.** Fracking permit applicants must submit a water management plan describing the source of water to be used for fracking, the location where that water will be withdrawn, the anticipated volume and rate of each water withdrawal and the months when withdrawals will take place. After fracking, companies must report to DNR the total water used in fracking and the locations from which the water was withdrawn.
- **Public notice and comment.** Notice of the permit application is published twice in a local newspaper and sent directly to owners of property near the proposed well site. Each permit application will be made available for public comment for 30 days. If a hearing is held on the permit, DNR may extend the comment period for an additional 15 days.
- **Public hearing and appeal.** Anyone who may be adversely affected by the permit may request a public hearing. Public hearings will be “contested case” hearings, allowing for parties to present evidence and cross-examine witnesses. Final permit decisions are subject to judicial review.
- **Citizen suits.** The Act provides that, in addition to the Attorney General and the State’s Attorney of the county in which fracking is taking place, any adversely affected persons – including environmental groups – may sue (a) fracking companies for violations of the Act, and (b) the Department for failure to perform its duties under the Act.

#### **Other Key Provisions.**

- **Water management and wildlife protection.** In the Water Management Plan portion of fracking permit applications, applicants must describe methods they will use to minimize water withdrawals and adverse impact to aquatic life from those withdrawals.
- **Air quality.** The Act exceeds federal air requirements for oil and gas fracking in two ways: (1) it applies to both oil and gas wells, while the federal rule applies only to gas wells, and (2) it applies during both the initial fracking process (called “well completions”) and later in the production phase, whereas the federal rule only covers the initial fracking process. Fracking companies are required to capture natural gas and put that gas to beneficial use (direct it into a pipeline or use it for onsite energy generation, among others) unless they demonstrate that it would be technically infeasible or economically unreasonable to do so. In that case, they must flare the gas, destroying most of the harmful air pollution in the process.
- **Earthquake Prevention.** Under the Act, if a noticeable earthquake occurs which can be traced to the deep underground wells where fracking waste is injected, DNR will adopt rules to monitor seismic impacts and limit injection activity.
- **Enforcement.** The Act grants DNR broad authority to administer and enforce the Act, including authority to inspect fracking sites, collect data, require testing or sampling, examine records and logs, hold hearings, adopt rules, and take other actions as may be necessary to enforce the Act.

#### **For additional information, contact:**

- **Environmental Law & Policy Center:** Jenny Cassel, [jcassel@elpc.org](mailto:jcassel@elpc.org), 312-795-3726
- **Faith in Place:** Brian Sauder, [brian@faithinplace.org](mailto:brian@faithinplace.org), 217-649-1898
- **Natural Resources Defense Council:** Ann Alexander, [aalexander@nrdc.org](mailto:aalexander@nrdc.org), 312-651-7905