



CHAMPAIGN COUNTY BOARD ENVIRONMENT and LAND USE COMMITTEE (ELUC) AGENDA

County of Champaign, Urbana, Illinois

Thursday, September 8, 2016 - 6:30 p.m.

Lyle Shields Meeting Room

Brookens Administrative Center, 1776 E. Washington St., Urbana

Committee Members:

Aaron Esry – Chair

C.Pius Weibel – Vice-Chair

Astrid Berkson

Stan Harper

Matt Hiser

Pattsi Petrie

Jon Schroeder

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda/Addenda
- IV. Approval of Minutes
 - A. ELUC Committee meeting – August 4, 2016 1 – 8
- V. Public Participation
- VI. Communications
- VII. **For Information Only**
 - A. Champaign County Forest Preserve District Projects
 - B. Online Registration for the October 15, 2016, Countywide Residential Electronics Collection (CREC) 9 – 13
 - C. Illinois Environmental Protection Agency to provide a Local Government Used Tire Collection for Local Government Entities in Champaign County 14
 - D. Mid-Course Summary Regarding Status of LRMP Implementation 15 – 21
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- VIII. **Items to be Recommended to the County Board**
 - A. Zoning Case 844-AM-16: Request by Aric and Lauryl Silver to amend the Zoning Map to change the zoning district designation from the B-3 Highway Business Zoning District to the AG-1 Agriculture Zoning District to allow construction of a new dwelling on property formerly occupied by the Burr Oak Restaurant and located at 2667 CR2100N, Ogden. 32 – 43

Champaign County strives to provide an environment welcoming to all persons regardless of disabilities, race, gender, or religion. Please call 217-384-3776 to request special accommodations at least 2 business days in advance.

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

MINUTES – SUBJECT TO APPROVAL

DATE: Thursday, August 4, 2016
TIME: 6:30 p.m.
PLACE: Lyle Shields Meeting Room
Brookens Administrative Center
1776 E Washington, Urbana, IL 61802

Committee Members

Present	Absent
Aaron Esry (Chair)	
C. Pius Weibel (Vice Chair)	
Astrid Berkson	
Stan Harper	
Matt Hiser	
Patti Petrie	
Jon Schroeder	

County Staff: Rick Snider (County Administrator), John Hall (Zoning Administrator), Tammy Asplund (Recording Secretary), Jeff Blue (Highway Engineer)
Others Present: Susan Monte (Regional Planning Commission), Susan Chavarria (Regional Planning Commission), Kathleen Oldrey (Regional Planning Commission), Jamie Hitt (Planning and Zoning)

MINUTES

I. Call to Order

Committee Chair Esry called the meeting to order at 6:32 p.m.

II. Roll Call

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

III. Approval of Agenda and Addendum

MOTION by Ms. Petrie to approve the agenda as distributed; seconded by Mr. Weibel. Upon vote, the **MOTION CARRIED** unanimously.

IV. Approval of Minutes

A. ELUC Committee meeting – June 9, 2016

Ms. Berkson entered the meeting at 6:34 p.m.

MOTION by Ms. Petrie to approve the minutes of the June 9, 2016 ELUC meeting as distributed; seconded by Mr. Harper. Upon vote, the **MOTION CARRIED** unanimously.

V. Public Participation

Dennis Mickunas noted that he does not support the proposed open burning ordinance. Mr. Mickunas noted that only two complaints against landscape waste burning have been logged in 2015 and 2016. Mr. Mickunas additionally noted that some landscape waste items are too large for other methods of disposal and no other counties in Illinois completely ban landscape waste burning. Mr. Mickunas advocated for setting guidelines for open burning instead of complete restriction.

Ronald McGaffin noted that he does not support the proposed open burning ordinance unless he is provided with an alternative method for disposing his leaves and landscape waste.

Kylene Gilbert noted that smoke from the unincorporated neighborhood bordering her incorporated neighborhood often fills her and her neighbors' yards. The smoke is hard to breathe and has entered her home when windows are left open. Ms. Gilbert's son was hospitalized due to respiratory failure and can no longer be outside or have the windows open when residents in the unincorporated neighborhood are burning landscape waste. Ms. Gilbert supported the proposed open burning ordinance and provided the committee with photos and a handout of times and dates of burning that has occurred in her neighborhood.

Stephen Platt noted that he does not support the proposed open burning ordinance and supported Mr. Mickunas and Mr. McGaffin's comments. He noted that residents in Urbana Township and Champaign Township will be impacted differently from the proposed ordinance, and he asked the board to consider the unintended consequences of passing an ordinance based on a small number of complaints.

Kari May supported the proposed open burning ordinance and Ms. Gilbert's comments, and noted that she is Ms. Gilbert's neighbor. Ms. May noted that her daughter has a respiratory condition that the smoke aggravates and she was unaware of the burning problem in the unincorporated neighborhood when she purchases her home.

Keith Padgett, Highway Commissioner at Champaign Township Road District, noted that a burn pit was installed in 2002 for landscape waste that was found dumped along roads in the Champaign Township Road District. Mr. Padgett noted that he serves 7 subdivisions with a leaf pickup program in order to deter residents from burning their waste. If the proposed open burning ordinance is passed, Mr. Padgett noted that he will experience a large increase in the amount of landscape waste that is dumped along roads in the Champaign Township Road District. Mr. Padgett noted that he will not continue his leaf pickup program if the ordinance is passed.

Joshua Johnson noted that he posts flyers and collects fees for Mr. Padgett's leaf pickup program through the Champaign Township Road District. Mr. Johnson noted that the service is not utilized in his neighborhood and many of his neighbors still choose to burn. Mr. Johnson supported the proposed ordinance.

Sandra Klitzing noted that she has asthma and a neighbor who regularly burns. Ms. Klitzing has had to install an air filtration system in her home due the smoke from open burning. Ms. Klitzing has contacted the City of Champaign, the Champaign Police Department and the Champaign Fire Department and each entity has told her that there is nothing that can be done because the burning occurs in an unincorporated area. Ms. Klitzing asked the committee to seriously consider the burning ban but to also be fair to those who might have financial difficulties with properly disposing of their waste.

Rob Schaffer noted that he lives in an unincorporated area and often burns to dispose of landscape waste. Mr. Schaffer noted that the ordinance is currently too broad and does not address specific air quality issues. He noted that the ordinance should focus on specific issues such as smoldering piles of leaves and wet grass, heavy smoke patterns and unintended open fires. Mr. Schaffer additionally noted that the ordinance should include language about common sense issues such as not burning when the wind is

blowing into a neighbor's yard and not burning within 200 or 300 feet of a residence with known medical issues.

Ken Jones asked the board to consider and propose better alternatives before passing a complete ban. Mr. Jones does not often burn, but he would like to be able to dispose his landscape waste in a responsible place without paying a large amount of money to do so.

Bill Fisher noted the quality of life for people of all ages and medical conditions is impacted when landscape waste is burned. Mr. Fisher asked for all alternatives to be considered for each side of the argument, but he supports the burning ban if no other options can be found.

Cathy Eastman noted that she lives on one side of the street where she is within Urbana city limits while her neighbors across the street live in unincorporated Champaign County. Ms. Eastman noted that burning occurs in irregular intervals and her family member suffers from allergies when smoke is in her yard and house. Often times, trash and cardboard are burned along with landscape waste and Ms. Eastman does not have a way to keep the smoke out of her home. However, Ms. Eastman is sympathetic to those who burn because they do not have a better, cost-effective option available. Ms. Eastman asked the board to consider all alternatives to be considered for each side of the argument, but she supports the burning ban if no other options can be found. Additionally, Ms. Eastman noted that the number of complaints is inaccurate due to residents not knowing who to contact about the problem.

Arch Robison noted that he supports the burning ban, but he understands that those who burn leaves need to be provided with a cost-effective alternative to burning. Mr. Robison noted that open burning made sense when population density was less, but population density has increased.

Linda Dulaney noted that she supports the burning ban and reported that she spent 42 days in Carle Hospital due to respiratory problems. Ms. Dulaney commented that putting one's finances ahead of their neighbors' health is not right.

John Santos supported the burning ban. After listening to discussions, Mr. Santos proposed that the problem stems from leaf burning and the ordinance should focus on banning leaf burning.

Ruth Mitchell supported the burning ban. Ms. Mitchell noted that she is the president of the Homeowners Association in her neighborhood. She noted that about approximately 50% of the residents use Mr. Padgett's leaf collection program, but there are still people who burn landscape waste along with trash and other items.

Bill Earl asked the committee how he should dispose of his leaves when he lives on an acre lot with 11 trees and Urbana does not provide any collection services.

VI. Communications

None

VII. For Information Only

A. Mid-Course Summary Regarding Status of LRMP Implementation (to be available prior to meeting)

Ms. Monte noted that this summary is a preliminary document and is willing to provide more detailed information to the committee at the next meeting.

Ms. Petrie asked for more information to be provided at a future meeting in regards to the goals of the project. Ms. Monte confirmed.

B. *FY2017 Budget Proposal for an Additional Staff Position in the Department of Planning & Zoning*

Mr. Hall reported an additional staff position will be needed to keep up with the demands of the MS4 Program on an annual basis. Zoning cases and departmental workload has increased during FY2016, and senior staff members do not have the proper amount of time to focus on the MS4 Program. Mr. Hall noted that while interns are a great resource, it is unlikely that MS4 Program deadlines will be met as on-going staffing needs continue to grow. Mr. Hall reported that more hours from the RPC Planning Contract can be used as an alternative to hiring an additional staff member.

Ms. Petrie asked Mr. Hall if the size of the area required to be included in the MS4 program will grow to include the entire county as time progresses. Mr. Hall confirmed and noted that many people expect that the 2020 census may cause the MS4 Program to grow to include the full county. Additionally, Ms. Petrie also thanked Mr. Hall for informing the committee that the additional staff member will be utilized into the future for all Planning and Zoning tasks.

Mr. Weibel supported adding an additional staff member.

Mr. Harper asked if the Illinois EPA will provide funding for the mandates they are imposing on Mr. Hall. Mr. Hall noted that mandates are the result of the Clean Water Act and the Illinois EPA enforces the federal Clean Water Act.

Mr. Schroeder noted that the Illinois EPA additionally interprets the Clean Water Act. Additionally, Mr. Schroeder commented that the mandates are very broad and the EPA does not give any guidelines on how to be in compliance with the program.

C. *Notice of Application for Permit to Manage Waste at former Champaign Municipal Landfill located at 3616 West Bloomington Road (US Rte 150), Champaign.*

Mr. Hall noted that Champaign Municipal Landfill is not under any violation, but they would like to have a permit to manage waste in order to maintain best business practices.

D. *Notice of Application for Permit to Manage Waste at Rantoul Municipal Landfill located at CR3200N and CR1800E, Rantoul*

Mr. Hall noted that Rantoul Municipal Landfill is not under any violation, but they would like to have a permit to manage waste in order to maintain best business practices

Ms. Petrie asked if either landfill is over the Mahomet Aquifer. Mr. Hall noted that the Champaign Municipal Landfill is likely over the aquifer while the Rantoul Municipal Landfill is not.

VIII. Items to Receive & Place on File by ELUC Committee to Allow for 30-day Review Period

A. *Proposed Landscape Waste Burning Ordinance*

Ms. Monte noted that the proposal stems from discussions at the February 2015 meeting where ELUC members requested that a proposal be made for a landscape waste burning ordinance that Champaign County could administer and enforce. This is a proposal to amend the Champaign County Public Nuisance Ordinance to prohibit the burning of landscape waste within certain designated areas in unincorporated Champaign County.

Ms. Oldrey reported that the proposal for a landscape waste burning ordinance was prompted by complaints received about open burning from individuals with respiratory health problems. While researching the issue, stakeholders in Champaign, Urbana, Rantoul, Mahomet and Savoy were

contacted and the unincorporated areas around Savoy, Mahomet and Rantoul did not seem to have the need or desire to include them on any proposal going forward.

Ms. Monte noted that two options are included in the proposal. Option A includes a 1,000-foot area around the entirety of the City of Champaign and the City of Urbana. Option B includes a 1,000-foot area around areas that already offer leaf collection programs and services. At present, Champaign Township is the only area in the map that provides leaf collection programs and services. Ms. Petrie asked that more research be completed to include the three areas on the Option A map that are not entirely enclosed.

Mr. Schroeder asked what type of materials are burned at Mt. Hope Cemetery. Ms. Monte noted that cemetery maintenance staff members often burn leaves and landscape waste and leave unattended, smoldering piles.

Ms. Monte reported that alternatives to landscape waste burning include: leaving leaves on the lawn while mowing in order to have the leaves shredded and their nutrients added to the soil; mulching grass clippings and leaves to use as mulch around shrubs and plants; collecting landscape waste for an on-site compost pile; bringing landscape waste to the recycling center for a per bag fee; paying a contractor to remove the landscape waste from the property.

Ms. Berkson noted that item 3. F. 6. does not adequately address the burning problem as it allows for burning that does not need to exceed 100 feet from an adjacent property. Ms. Monte noted that maps would need to be made on a case by case basis in order to enforce this item. Mr. Hall noted this provision sets a standard for how away from an adjacent property you must be and it was developed for a worst case scenario.

Ms. Monte noted that enforcement of the proposed ordinance would fall under the responsibilities of the Planning and Zoning Department. Fire protection districts are not required to take any enforcement action.

Ms. Petrie noted that the proposed ordinance does not include any incentives for residents to change behaviors and asked how organized efforts in neighborhoods can be developed to tackle landscape waste problems. Ms. Petrie also noted that she is concerned that a 1,000-foot prohibitive burn area is not large enough to accommodate for different types of weather on different days. Ms. Petrie asked for clarification of an unrestricted area on the Option B map.

Mr. Padgett explained that the area Ms. Petrie questioned is Dobbins Downs and sits on the dividing line between Hensley Township and Champaign Township. Hensley Township does not provide alternatives to landscape burning so it is therefore not included in the restricted area.

Mr. Harper noted more research needs to be completed in order to provide alternatives to burning before this proposal is put into place.

Mr. Hiser commented that he supports this proposal due to the public health issues surrounding landscape waste burning.

Mr. Schroeder supported Mr. Harper's comments about conducting more research on burning alternatives and asked for wood to be removed from the proposal.

Ms. Berkson commented that health costs associated with respiratory health problems far outweigh the costs for responsibly removing landscape waste from one's property.

Mr. Hall asked the committee if the proposal for the burning restrictions around Champaign Township are acceptable due to the leaf collection programs that are already in place. Mr.

Schroeder confirmed. Ms. Berkson noted that if other townships and entities would buy into the Champaign Township program or establish similar programs, things would work nicely.

Mr. Weibel noted that he has many trees on his property and he mulches and composts the landscape waste from them. Additionally, Mr. Weibel's wife is asthmatic and has had to take her to emergency room due to smoke from neighbors. Mr. Weibel noted that the health costs associated with respiratory care are much higher than paying for a service to come to your property and collect landscape waste. Mr. Weibel asked for clarifications to be established for bonfires.

Mr. Harper asked how much it costs to install and operate a professional burn pit such as the burn pit established by Champaign Township. Mr. Padgett noted rehab costs for the burn pit in 2013 totaled \$80,000.

IX. Items to be Approved by ELUC

A. *Recreation & Entertainment License*

1. *Recreation & Entertainment License: Maria Guadalupe Flores Rojas d.b.a. El Dorado Corp. for Mexican dancing with live band and DJ at the Champaign County Fair Association Fairgrounds, 1302 North Coler Avenue, Urbana IL, August 27 – August 28, 2016.*
2. *Recreation & Entertainment License: Maria Guadalupe Flores Rojas d.b.a. El Dorado Corp. for Mexican rodeo with dancing with live band and DJ at the Champaign County Fair Association Fairgrounds, 1302 North Coler Avenue, Urbana IL, September 10 – September 11, 2016.*

OMNIBUS MOTION by Ms. Petrie to approve the Recreation & Entertainment Licenses for Maria Guadalupe Flores Rojas, August 27 – August 28, 2016 and September 10 – September 11, 2016; seconded by Mr. Hiser.

Ms. Berkson asked why the licenses are redacted. Mr. Hall noted that driver's license and social security numbers are included and cannot be made public.

Upon vote, **MOTION CARRIED** unanimously.

B. *Champaign County Coordination of October 15, 2016, Countywide Residential Electronics Collection (CREC)*

Ms. Monte noted that contractor for the October collection opted out of this agreement and a subsequent RFP was issued. This is a request to approve County coordination of the event with a different contractor. Efforts will also be made to limit the collection to Champaign County residents and an online registration system will be used to help limit the number of electronics collected.

Ms. Petrie asked for a reminder of the cost sharing amounts with the contractor and the cost sharing amounts between the City of Champaign and Champaign County. Ms. Monte noted that Champaign County assumes the population base of all non-participating local governments in the County. An appeal was sent to all non-participating local governments asking that they pay their fair share for the event of approximately \$0.17 per person. A second appeal will be sent within the coming weeks. Ms. Petrie asked if any total costs have changed since the initial proposal in February. Ms. Monte noted that there is a total increase of \$13,000 and will cost Champaign County approximately \$6,000 more than in past events.

MOTION by Mr. Harper to approve the Champaign County Coordination of October 15, 2016, Countywide Residential Electronics Collection (CREC); seconded by Ms. Petrie. Upon vote, **MOTION CARRIED** unanimously.

C. *Request to Stop Work on Assistance to Wilber Heights Subdivision due to Inability to Affect a Jurisdictional Transfer of Wilber Avenue*

MOTION by Mr. Harper to approve the Request to Stop Work on Assistance to Wilber Heights Subdivision due to Inability to Affect a Jurisdictional Transfer of Wilber Avenue; seconded by Mr. Weibel.

Ms. Monte noted that no local government highway authority has expressed in any interest in maintaining Wilber Avenue and the work can not be completed without their involvement.

Ms. Petrie asked if intergovernmental cost share agreements have been discussed in order to keep the project moving forward in a timely manner. Ms. Monte noted that one third of Wilber Avenue is within the City of Champaign, but no other entity has been identified to establish a cost sharing agreement for the additional two thirds of Wilber Avenue. Mr. Hall confirmed.

Mr. Weibel asked who currently maintains Wilber Avenue. Mr. Hall noted that IDOT currently maintains Wilber Avenue. Mr. Schroeder asked if IDOT is responsible for reconstruction costs if they are already providing maintenance to the road. Mr. Blue noted Wilber Avenue is technically an IDOT road and they are currently providing minimum upkeep. Mr. Schroeder asked if Champaign Township could place a weight limit sign on the road. Mr. Blue noted that it is IDOT's jurisdiction.

Upon vote: Aye (6) Esry, Berkson, Schroeder, Shore, Weibel

Nay (1) Petrie

MOTION CARRIED.

X. **Items to be Recommended to the County Board**

A. *Zoning Case 833-AM-16: Request by Terry and Janice Wolf d.b.a Wolf Ag Solutions, Inc. to amend the Zoning Map to change the zoning district designation from the AG-2 Agriculture District to the B-4 General Business District for the continued use of a Farm Equipment Sales and Service business with a Trailer Sales Area (open lot) for Wolf Ag Solutions located at 2758 CR1100N (County Highway 15), Homer.*

MOTION by Mr. Harper to approve Zoning Case 833-AM-16; seconded by Ms. Berkson. Upon vote, **MOTION CARRIED** unanimously.

B. *Intergovernmental Cost-Share Agreement for the 2016 Countywide Residential Electronics Collection*

MOTION by Ms. Petrie to approve the Intergovernmental Cost-Share Agreement for the 2016 Countywide Residential Electronics Collection; seconded by Mr. Hiser. Upon vote, **MOTION CARRIED** unanimously.

C. *Agreement Between the Contractor, the Coordinator, and the Host Site for the 2016 Countywide Residential Electronics Collection*

MOTION by Ms. Petrie to approve Agreement Between the Contractor, the Coordinator, and the Host Site for the 2016 Countywide Residential Electronics Collection; seconded by Mr. Hiser.

Ms. Monte noted that no additions or corrections have been made by the State's Attorney's office or the contractor.

Upon vote, **MOTION CARRIED** unanimously.

D. *Amending the RPC FY16 County Planning Contract to re-allocate work hours from LRMP Implementation to MS4 Storm Sewer System Map Preparation*

MOTION by Mr. Schroeder to approve Amending the RPC FY16 County Planning Contract to re-allocate work hours from LRMP Implementation to MS4 Storm Sewer System Map Preparation; seconded by Mr. Weibel. Upon vote, **MOTION CARRIED** unanimously.

E. *FY2017 County Planning Contract Proposal*

MOTION by Mr. Weibel to FY2017 County Planning Contract Proposal; seconded by Mr. Schroeder.

Ms. Monte noted that the contract has been updated to accommodate Mr. Hall's request for the MS4 program. Additionally, hours have been allocated for environmental justice projects, solid waste management updates and natural resource assessment system.

Upon vote: Aye (6) Esry, Berkson, Schroeder, Shore, Weibel
Nay (1) Petrie

MOTION CARRIED.

F. *Proposed Decommissioning of Mabel Thomas Park located at 2603 Campbell Drive, Champaign*

MOTION by Ms. Petrie to approve Proposed Decommissioning of Mabel Thomas Park located at 2603 Campbell Drive, Champaign; seconded by Ms. Berkson.

Ms. Petrie commented that Ms. Mabel was instrumental in many community projects, including the John St. Watershed project, and is sad to see this park decommissioned.

Mr. Weibel asked if the playground equipment is still used. Ms. Hitt noted that complaints were raised against the park and a fence was put around the property. The equipment is past its expected shelf life.

Upon vote, **MOTION CARRIED** unanimously.

XI. Monthly Reports

A. *May, June 2016*

MOTION by Mr. Esry to accept and place on file the May, June 2016 Monthly Reports.

XII. Other Business

None

XIII. Chair's Report

None

XIV. Designation of Items to be Placed on Consent Agenda

X. B, X. C, X. D, X. F

XV. Adjournment

MOTION by Ms. Berkson to adjourn; seconded by Mr. Hiser. Upon vote, the **MOTION CARRIED** unanimously. There being no further business, Mr. Esry adjourned the meeting at 9:13 p.m.

DATE: August 30, 2016
TO: Environment and Land Use Committee
FROM: Susan Monte, Planner
RE: Online Registration for October 15, 2016 Countywide Residential Electronics Collection
Information Only

Event coordinators are publicizing the need to register online to reserve a time to participate in the upcoming October 15 Countywide Residential Electronics Collection. Attachment A is a copy of ad content regarding the event being distributed online and at key locations.

Prior to the upcoming collection event, as resources allow, event coordinators will publicize the alternative local recycle/reuse options available year-round for recycling of most electronics items, except for cathode ray tube televisions, console televisions, and large projection televisions. Attachment B is the Champaign County E-Guide listing these alternative options.

Attachments

- A October 15 event ad
- B Champaign County E-Guide

FREE CHAMPAIGN COUNTY RESIDENTIAL ELECTRONICS COLLECTION

Saturday, October 15, 2016
8 a.m. - noon

Register at: ecycle.simplybook.me/

Space is limited, so sign up today!

You **MUST** register online in order to
drop off your electronic items!

Location:

PARKLAND COLLEGE

2400 W Bradley Ave, Champaign

Enter on Duncan Rd



Limit of 2 TV's per vehicle!

See reverse side of this card for a complete list of electronic items accepted at the collection.

Questions? Contact the Recycling Coordinator in your community: **10**

City of Champaign: 217.403.4780 | City of Urbana: 217.384.2302 | Champaign County: 217.819.4035

With the exception of TV's, there are local options available to recycle most electronics year-round.

Google "*Champaign County E-Guide*" for more information.

Electronic Items Accepted at the Champaign County Residential Electronics Collection

Residents may bring the following electronic items (working and non-working) to the Countywide Residential Electronics Collection.

Items from commercial businesses will not be accepted.

Entertainment:

- **Televisions***
- DVD/VHS players, radios, stereo equipment, remote controls, MP3 players, iPods, e-readers, projectors
- Hand-held gaming devices, video game consoles, digital cameras, camcorders
- Cable and satellite receivers



Computer Components:

- Computers and servers, laptops, tablets, printers, copiers, monitors, keyboards, speakers, mice, cables, wires, external drives, UPS
- Computer parts including but not limited to: circuit boards, hard drives, optical drives, power supplies, ribbon cables, RAM
- Networking equipment, hubs, switches, routers, cables, modems, scanners
- Ink and toner cartridges

Communication Devices and Other Office Electronics:

- Cash registers, credit card readers, typewriters, adding machines, calculators
- Cell phones and accessories, telephones, telecom equipment, chargers

Other Items:

- Microwaves
- Christmas lights
- Rechargeable batteries: Lithium Ion, Ni-Cd, Lead Acid, Ni-Mh



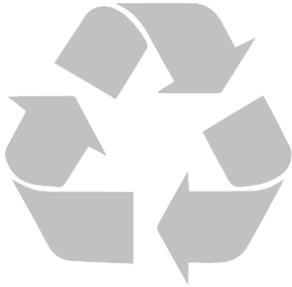
* **ALL** types and models of TV's accepted at the collection event.

There is a limit of 2 TV's per vehicle, with a 10-item total limit.

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NOT ACCEPTED: loose alkaline batteries, liquid containing items, freon-containing items (AC units, dehumidifiers), white goods (refrigerators, freezers), thermostats, light bulbs

Recycle / Reuse Unwanted Electronics



GUIDE FOR RESIDENTS of Champaign County, Illinois

This guide describes local options available to residents to recycle or reuse unwanted electronics items.

As of January 1, 2012, local waste haulers no longer accept 17 categories of electronics items listed below with your regular trash collection,

Electronics Items Banned from Illinois Landfills

- Televisions
- Monitors
- Printers
- Computers (laptops, notebooks, netbooks, tablets)
- Electronic keyboards
- Facsimile machines
- Videocassette recorders
- Portable digital music players
- Digital video disc players
- Video game consoles
- Small scale servers
- Scanners
- Electronic mice
- Digital converter boxes
- Cable receivers
- Satellite receivers
- Digital video disc recorders

For a list of registered residential e-waste collectors and recyclers in Illinois, visit:

www.epa.illinois.gov/topics/waste-management/electronics-recycling.

TVs & Computer Monitors

As of June 15, 2016, the known available local no-cost options for residents to recycle TVs or computer monitors are as follows:



Flat-Panel TV (rear view)

Flat-Panel TVs* and Flat-Panel Computer Monitors*

HABITAT FOR HUMANITY RESTORE Accepts only flat-panel TVs and flat-panel computer monitors for free.

Flat-Panel TVs and monitors are flat in the back and can be mounted on the wall.

*No other type of TV or computer monitor accepted.

119 East University Avenue, Champaign Drop-off in store only: Mon-Fri 10am-6pm and Sat 10am –4pm

Flat-Panel TVs* and Flat-Panel Computer Monitors and CRT (Tube) Computer Monitors

GOODWILL Accepts only flat-panel TVs for free. *No other type of TV accepted.

Flat-Panel TVs are flat in the back and can be mounted on the wall.

Accepts Cathode-Ray-Tube (CRT) computer monitors or flat-panel computer monitors for free.

Champaign Store, 912 W. Anthony Drop-off in store only: Mon-Sat 9am-7pm and Sunday noon-6pm

Savoy Store, 1201 Savoy Plaza Lane Drop-off in store only: Mon-Sat 9am-8pm and Sunday noon-7pm

CRT (Tube) Computer Monitors and Flat-Panel Computer Monitors

STAPLES Accepts only Cathode-Ray-Tube (CRT) monitors and flat-panel computer monitors for free.

3-item limit per household per day.

Staples does not accept TVs.

2005 N. Prospect Avenue, Champaign Drop-off in store only during Staples business hours.

Residents: Recycle / Reuse Unwanted Electronics

Where to bring these OTHER ELECTRONICS ITEMS for Recycling / Reuse:

- Computers (laptop, notebook, netbook, tablet)
- Electronic keyboards
- Facsimile machines
- Videocassette recorders
- Portable digital music players
- Digital video disc players
- Video game consoles
- Printers
- Small scale servers
- Scanners
- Electronic mice
- Digital converter boxes
- Cable or satellite receivers



Mervis Recycling

Location: 3008 N. Cunningham Ave, Urbana

Drop-Off Times: Monday-Friday, 8 am-5 pm & Saturday 8 am-noon

Best Buy

Location: 2117 N. Prospect Avenue, Champaign

Drop-Off Times: Best Buy business hours only

3-item limit per household per day

Visit Best Buy 'electronics recycling' website for information regarding additional limitations.

Goodwill

Champaign Store, 912 West Anthony, Champaign

Drop-Off Times: Monday-Saturday 9 am -7 pm & Sunday noon-6 pm

Savoy Goodwill Store, 1201 Savoy Plaza Lane, Savoy

Drop-Off Times: Monday-Saturday 9 am-8 pm & Sunday noon-6 pm

Habitat for Humanity ReStore

Location: 119 East University Avenue, Champaign

Drop-Off Times: Monday – Friday 10 am-6 pm or Saturday 10 am-4 pm

Mack's Twin City Recycling

Location: 2808 N. Lincoln Avenue, Urbana

Drop-Off Times: Monday-Friday 8 am-4 pm & Saturday 8 am-11:30 am

Staples

Location: 2005 N. Prospect Avenue, Champaign

Drop-Off Times: Staples business hours. 3-item limit per household per day

*These listings are not intended to constitute company endorsements.
This brochure was prepared by the Champaign County Regional Planning Commission.*

DATE: August 30, 2016
TO: Environment and Land Use Committee
FROM: Susan Monte, Planner
RE: Illinois Environmental Protection Agency to provide a Local Government Used Tire Collection for Local Government Entities in Champaign County
Information Only

Curt White, of the IEPA Bureau of Land Used Tire Collection Program, recently informed me that conditions now allow that the 2014 Champaign County application to IEPA for a Local Government Used Tire Collection could be scheduled with an IEPA tire pick-up to be available this fall. He asked if there was still interest in coordinating a local government used tire collection.

Given this opportunity and relatively short notice, I notified Champaign Township Highway Commissioner Keith Padgett to request his assistance in coordinating a collection for local governments in Champaign County to occur this fall, based on his knowledge and experience in holding used tire collection events in the past. He agreed to assist, and agreed that the township premises at 3900 Kearns Road in Champaign could be designated as the location for the local government used tire collection.

The dates of October 10 through October 21 tentatively have been selected as the dates that local government entities within the county will be invited to bring tires found along rights-of-ways or on abandoned properties to the township premises. Illinois EPA Bureau of Land will fund tire pick-up, transport, and processing sometime soon following that time period.

Once we receive official IEPA clearance, RPC will notify all eligible local government entities to publicize the opportunity and will provide an estimate of expected tire volume to IEPA Bureau of Land.



DATE: August 31, 2016
TO: Environment and Land Use Committee
FROM: Susan Monte, Planner
RE: Mid-Course Summary Regarding Status of LRMP Implementation
ACTION REQUEST: Information Only

To supplement the information provided to ELUC at its August, 2016 meeting, this memorandum indicates the current status of the 14 larger scale LRMP priority items identified in LRMP Volume 2, in the 'Proposed Timeframe of Larger Scale LRMP Priority Items for County Board Consideration.'

Highlights of the current status summary (see Attachment B) of the 14 larger scale LRMP priority items follow:

Regarding Large-Scale Priority Items Indicated as Near-Term Items (2011-2013)

- A total of 12 LRMP priority items under the Goal 4 (Agriculture) with potential to include a zoning ordinance text amendment were brought forward for County Board consideration. County Board members reviewed and approved six of the 12 items. The six approved priority items received a public hearing before the ZBA, with each of the related zoning ordinance text amendments ultimately adopted by the County Board. Attachment B lists the six Goal 4 (Agriculture) LRMP priority items not approved by the County Board to move forward to a public hearing.
- In February, 2015, the County Board approved a proposal based on LRMP Priority Item 6.1.1c under Goal 6 (Public Health and Safety) with regard to updating the zoning ordinance to reflect an updated county health ordinance to move forward to the public hearing stage.
- Under Goal 8 (Natural Resources), Champaign County Department of Planning and Zoning initiated efforts to meet NPDES Phase II MS4 Storm Water Management program county requirements. Priority Item 8.4.5a continues as a primary focus of the Champaign County Department of Planning and Zoning, and as an ongoing County Work Plan item.
- Under Goal 4 (Agriculture), the Champaign County LESA Update project, including a subsequent technical revision to Appendix A of the LESA Update, was completed in 2013.
- Numerous potential amendments to the zoning ordinance and other county ordinances remain pending.

Regarding Large-Scale Priority Items Indicated as Mid-Term Items (2013-2016)

- Under Goal 6 (Public Health and Safety), with regard to Priority Items 6.3a, CCRPC completed the "Champaign County Building Code Feasibility Study and Implementation Strategies" dated 4/23/2012 for County Board review. The County Board straw vote in May, 2012 did not approve inclusion of Priority Item 6.3a in the next year County Work Plan to continue efforts to develop a proposal to adopt a building code forward for county board consideration.

- Under Goal 6 (Public Health and Safety) Priority Items 6.1.4b and 6.1.4c, regarding county adoption of a property maintenance code, are pending.
- Under Goal 6 (Public Health and Safety) Priority Item 6.4a, in November, 2015, ELUC received the CCRPC proposal for a comprehensive update to the Champaign County Solid Waste Management Plan. ELUC included Priority Item 6.4b, to complete the comprehensive update, in the 2017 Alternate County Work Plan, which will be effective in the event that the increased staffing request by Champaign County Department of Planning and Zoning is approved by the County Board in 2016.

Attachments

A Memorandum to ELUC dated August 3, 2016

B Current Status of Larger Scale LRMP Priority Items for County Board Consideration

DATE: August 3, 2016
 TO: Environment and Land Use Committee
 FROM: Susan Monte, Planner
 RE: Mid-Course Summary Regarding Status of LRMP Implementation
 ACTION REQUEST: Information Only

LRMP Implementation Tasks

A total of 193 LRMP Priority Items have been identified as implementable tasks in the LRMP.

Attachment A lists the relative quantities of LRMP objectives, policies, and priority items.

LRMP Priority Items were organized in a chronological timetable as follows:

	Total	Completed or In Progress	Reviewed and denied or delayed
Ongoing	51	51	
Immediate	36	36	
Immediate then Ongoing	22	22	
Near Term	60	18	7
Near Term then Ongoing	4	4	
Mid Term	11	1	1
<u>Long Term</u>	<u>10</u>		
	193	132	8
		68%	4%

Attachment A: Relative quantities of LRMP objectives, policies, and priority items

Relative Quantities of LRMP Objectives, Policies, and Priority Items

	LRMP Goals		Relative Quantities
1	Planning & Public Involvement	Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.	4 Objectives 4 Policies 6 Priority Items
2	Governmental Coordination	Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.	2 Objectives 3 Policies 4 Priority Items
3	Prosperity	Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.	3 Objectives 4 Priority Items
4	Agriculture	Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.	9 Objectives 22 Policies 50 Priority Items
5	Urban Land Use	Champaign County will encourage <i>urban development</i> that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.	3 Objectives 15 Policies 41 Priority Items
6	Public Health & Public Safety	Champaign County will ensure protection of the public health and public safety in land resource management decisions.	4 Objectives 7 Policies 18 Priority Items
7	Transportation	Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.	2 Objectives 7 Policies 9 Priority Items
8	Natural Resources	Champaign County will strive to conserve and enhance the County's landscape and natural resources and ensure their sustainable use.	9 Objectives 37 Policies 49 Priority Items
9	Energy Conservation	Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.	5 Objectives 5 Policies 10 Priority Items
10	Cultural Amenities	Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.	1 Objective 1 Policy 2 Priority Items

Total: **193 LRMP Priority Items**

CURRENT STATUS OF LARGER SCALE LRMP PRIORITY ITEMS FOR COUNTY BOARD CONSIDERATION

Near Term: 2011 – 2013 Larger Scale LRMP Priority Items for County Board Consideration:**1) Amend Champaign County Zoning Ordinance to include provisions of LRMP goals, objectives and policies (GOPs)**

Goal 4 (Agriculture)

Priority Item 4.1.1 – pending

Priority Item 4.1.5 – Reviewed by C-O-W in 2011, at which time there were insufficient votes to forward to a public hearing.

Priority Item 4.1.6d – Reviewed and approved by C-O-W in 2011. Champaign County Ordinance 891 adopted 10/20/2011.

Priority Item 4.1.9 – Reviewed by C-O-W in 2011, at which time there were insufficient votes to forward to a public hearing.

Priority Item 4.2.1c – pending

Priority Items 4.2.2d, 4.2.3b, 4.2.4b, and 4.3.5c – Reviewed by C-O-W in 2012, at which time there was a tie vote. With a tie vote, the motion to approved failed.

Priority Items 4.3.1c, 4.3.2c, and 4.3.3c, and 4.3.4c – Reviewed and approved by C-O-W in 2011. Champaign County Ordinance 891 adopted 10/20/2011.

Priority Item 4.4 – Reviewed and approved by C-O-W in 2011. Champaign County Ordinance 892 adopted 10/20/2011.

Goal 5 (Urban Land Use)

Pending Priority Items are: 5.1.1c, 5.1.2e, 5.1.5d, 5.1.6d

Goal 6 (Public Health and Safety)

Priority Item 6.1.1c- Reviewed and approved by ELUC in February, 2015 for referral to ZA for a public hearing. Public hearing pending.

Goal 8 (Natural Resources)

Pending Priority Items are: 8.1.1d, 8.3.1, 8.5.1, 8.5.2, 8.6.2, 8.6.3, 8.6.4, 8.7.1, 8.7.3, and 8.7.5b

Goal 9 (Energy Conservation)

Pending Priority Items are: 9.1.1 and 9.3.

2) Amend all relevant Champaign County ordinances to include provisions of LRMP goals, objectives and policies (GOPs)

Goal 1 (Planning and Public Involvement)

Pending Priority Item: 1.1b

Goal 5 (Urban Land Use)

Pending Priority Items: 5.1.3c, 5.1.4c, 5.1.7b, 5.2.1b, 5.2.2c, 5.2.3b, 5.3.1c, and 5.3.2c.

Goal 6 (Public Health and Public Safety)

Pending Priority Item: 6.1.3b

Goal 8 (Natural Resources)

Pending Priority Items: 8.4.2b, 8.4.3b, and 8.8.1b

Goal 9 (Energy Conservation)

Pending Priority Item: 9.2.1

3) Complete required revisions to Phase II NPDES Storm Water Management Program [Priority Item 8.4.5a]

Goal 8 (Natural Resources)

Priority Item 8.4.5a continues to be a priority and ongoing focus for the Champaign County Department of Planning and Zoning Director. Over the past three years, the annual CCRPC County Planning Contract has included priority items to assist in completing the annual update report revisions and provide assistance in administering provisions of the updated Phase II NPDES MS4 Storm Water Management Program.

4) Work with County Facilities Committee toward the completion of an energy audit for County facilities. [Priority Item 9.1.3]

Goal 9 (Energy Conservation)

Consistent with Priority Item 9.1.3, the Smart Energy Design Assistance Center completed an energy audit for the Brookens building, but not for other County facilities. This priority item was placed on the 2016 CCRPC County Work Plan and subsequently de-prioritized in August to instead provide CCRPC planning and technical assistance towards completion of the Champaign County MS4 Storm Water Management Program requirements.

5) Submit a proposal to ELUC regarding Champaign County review of recommended changes to the Site Assessment Portion of LESA [Priority Items 4.5a & b]

Goal 4 (Agriculture)

Both Priority Item 4.5a and 4.5b tasks were expanded to cover the Land Evaluation portion of the LESA. Both priority items, as expanded, were completed in 2012, a public hearing approved, and the Zoning Ordinance amended to reflect the LESA update. Champaign County Ordinance No. 914, adopted 11/27/2012.

A subsequent technical correction to Appendix A of the LESA update was completed, approved by ELUC, public hearing held in 2013, and adopted by the County Board. Champaign County Ordinance No. 933, adopted 10/24/13.

Mid Term: 2013 – 2016 Larger Scale LRMP Priority Items for County Board Consideration

6) Submit a proposal to ELUC regarding adopting a building code and a property maintenance code for unincorporated Champaign and proceed with ELUC recommendations [Priority Items 6.3a & b; 6.1.4b & c]

Goal 6 (Public Health and Safety)

With regard to Priority Items 6.3a and 6.3b, CCRPC completed the "[Champaign County Building Code Feasibility Study and Implementation Strategies](#)" dated 4/23/2012. The ELUC C-O-W straw vote on 5/8/2012 failed to approve inclusion of next steps toward County adoption of a building code in the 2013 County Work Plan.

Priority Items 6.1.4b and 6.1.4c with regards to a property maintenance code are pending.

Related to property maintenance, however, the Champaign County Planning and Zoning Department Director developed the Champaign County Rental Habitability Ordinance, approved by ELUC C-O-W, and adopted by the County Board. Champaign County Ordinance No. 867, adopted 10/21/2010.

7) Submit proposal to ELUC for development of a multi-jurisdictional countywide transportation plan that is consistent with the LRMP [Priority Item 7.2.1]

Goal 7 (Transportation)

Priority Item 7.2.1 is pending.

8) Submit proposal to ELUC regarding comprehensive update of the Champaign County Waste Management Plan [Priority Items 6.4a & b]

Goal 6 (Public Health and Safety)

Priority Item 6.4a: the CCRPC planner submitted a proposal to ELUC on 11/5/2015 regarding the need for a comprehensive update of the Champaign County Solid Waste Management Plan, and including a scope of work.

Priority Item 6.4b is included in the 2017 Alternate County Work Plan, which will be effective in the event that the increased staffing request by Champaign County Department of Planning and Zoning is approved by the County Board in 2016.

Long Term: 2016 – 2020 + Larger Scale LRMP Priority Items for County Board Consideration

9) Submit proposal to ELUC regarding adopting a voluntary purchase or transfer of development rights program in Champaign County [Priority Items 4.6.1a & b]

Goal 4 (Agriculture)

Pending Priority Items: 4.6.1a and 4.6.1b

10) Submit proposal to ELUC regarding the feasibility of developing *rural* landscape character design guidelines for the County and follow-up regarding ELUC recommendation [Priority Items 4.9.1a & b]

Goal 4 (Agriculture)

Pending Priority Items: 4.9.1a and 4.9.1b

<p>11) Submit proposal to ELUC regarding developing a natural resource assessment system and complete development of such a system [Priority Items 8.9a& b]</p> <p>Goal 8 (Natural Resources) Priority Item 8.9a was placed on the 2016 CCRPC County Work Plan and subsequently de-prioritized in August to instead provide CCRPC planning and technical assistance towards completion of the Champaign County MS4 Storm Water Management Program requirements.</p> <p>Priority Item 8.9a is included in the 2017 Alternate County Work Plan, which will be effective in the event that the increased staffing request by Champaign County Department of Planning and Zoning is approved by the County Board in 2016.</p> <p>Pending Priority Item: 8.9b</p>
<p>12) Submit proposal to ELUC to research possible voluntary incentives consistent with Policy 8.7.5 for application in the County [Priority Item 8.7.5a]</p> <p>Goal 8 (Natural Resources) Pending Priority Item: 8.7.5a</p>
<p>13) Submit proposal to ELUC and County Facilities Committee to identify historic structures, places and landscapes in the County [Priority Item 10.1.1b]</p> <p>Goal 10 (Cultural Resources) Pending Priority Item: 10.1.1b</p>
<p>14) After the 2010 U.S. Census data becomes available, submit a proposal to ELUC regarding the LRMP comprehensive update [Priority Items 1.4.1 & 1.4.2]</p> <p>Goal 1 (Planning and Public Involvement) Pending Priority Items: 1.4.1 and 1.4.2</p>

DATE: August 30, 2016
 TO: Environment and Land Use Committee
 FROM: Susan Monte and Kathleen Oldrey, Planners
 John Hall, Zoning Administrator
 RE: Subsidizing reduced Landscape Recycling Center fees for a limited time for property owners in an expanded Prohibited Burn Area
 Information Only

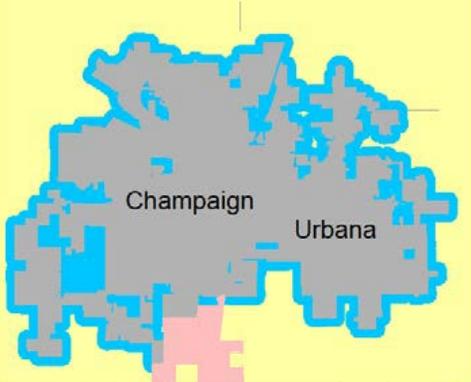
Recently, Mike Brunk (City of Urbana Arborist) suggested a ‘middle-of-the-road’ type of alternative for County Board consideration with regard to providing a low-cost alternative to owners of properties in the proposed Prohibited Burn Areas (PBA).

Mr. Brunk suggested that the County Board consider establishing and fund a voucher system for owners of property in the PBA, so that they could use the vouchers to bring leafbags or landscape waste to the Landscape Recycling Center (LRC) in Urbana at a reduced cost. LRC would collect vouchers used by property owners of the PBA, tally them, and then invoice the county for reimbursement.

Mr. Brunk said that LRC is primarily interested in increasing volume of incoming landscape waste, and that LRC is open to being more flexible with regard to developing partnerships than in the past. He indicated that the LRC would be willing to initially offer a reduced rate of \$5 per cubic yard of landscape waste brought to the LRC as an introductory incentive. The fee of \$5 per cubic yard would gradually increase by \$1 on an annual basis to the normal rate. LRC currently charges \$9 per cubic yard, and a cubic yard is equivalent to six or seven landscape waste bags.

If funding for this type of county program was available and a program established, Mr. Brunk estimates that approximately 40 percent of households receiving vouchers would actually use the vouchers. A preliminary ball-park estimate of county cost to administer a program of this type is \$12,000 to \$35,000 each fall, with the higher cost assuming three vouchers utilized by approximately 40 percent of households in the proposed PBA.

Developing a landscape waste voucher program of this type will require that the County Board budget sufficient funding and staff time to develop the program. If that occurs, it could be feasible to launch a landscape waste voucher program in Fall, 2017.



Option A proposal for a landscape waste burning prohibition to apply in the Prohibited Burn Area in four townships that surround the City of Champaign and City of Urbana.

Proposed Prohibited Burn Area (PBA)

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, Champaign County MS4 Coordinator**
DATE: **August 30, 2016**
RE: **Proposed statutory amendment to Grant Stormwater Planning and Management Authority to all Illinois Counties to Provide for Adoption of Countywide Stormwater Ordinances, Projects and Programs**

FOR INFORMATION ONLY

This memorandum reviews a proposed statutory amendment that if adopted would grant counties new stormwater authority.

BACKGROUND

The attachment proposes a statutory amendment to extend to all Illinois counties that are subject to the NPDES MS4 Storm Water Program (ILR40 General Permit) the ability to establish a “stormwater management planning committee” consisting of equal membership by county board representatives and municipal representatives, with the authority to develop a stormwater management plan that consolidates existing stormwater management into a united, countywide structure, and, after so doing, the county board could seek approval by a majority of the electors of up to a 0.20% annual property tax and a “use” tax of 1/10 of one cent.

This could provide a means of financing the MS4 Storm Water Program in unincorporated Champaign County, if this were adopted by the legislature and if the electorate would approve the new tax.

However, as currently proposed, this may require the MS4 Program to be countywide rather than only in the MS4 Jurisdictional Area as is the current Champaign County MS4 Program, and for that reason it is difficult to assess overall costs and benefits.

There is a real chance that in the long term (more than 5 years from now), it may become necessary for Champaign County to take advantage of this or similar legislation in order to adequately fund the MS4 Program.

ATTACHMENTS

A Email with proposed amendment

Zoning Administrator
Proposal for Statutory Amendment
AUGUST 30, 2016

John Hall

From: John Hall
Sent: Tuesday, August 30, 2016 10:42 AM
To: John Hall
Subject: FW: County legislation for stormwater authority
Attachments: Proposed county bill 1062.2.docx

From: Hal Sprague [<mailto:hal@cnt.org>]
Sent: Monday, August 22, 2016 1:13 PM
To: Anthony Charlton (charlton.dupage@icloud.com); mwarner@lakecountyil.gov; sdbrendel@co.madison.il.us
Cc: John Hall; hajekscott@co.kane.il.us; dhorton@co.mchenry.il.us; mwahl@peariacounty.org; jacbm@msn.com; phogan@co.st-clair.il.us; tcarrroll@willcountymaduse.com; jmahon@vercounty.org
Subject: County legislation for stormwater authority

Dear County Friends,

Since the [Report for the Urban Flooding Awareness Act](#) was issued in June 2015, we have been working with the Illinois Dept. of Natural Resources on the implementation of some of the Report's recommendations. Among the recommendations for the Illinois General Assembly is that

"Stormwater Planning and Management authority should be granted to all Illinois counties to adopt countywide stormwater ordinances, projects and programs." (See Report, page 78)

After discussing this with some state legislators, it was suggested that we draft a bill and share it with stakeholders. After obtaining their comments and support, we should go back to the legislators with the results to consider for the 2017 legislative session. I am attaching a preliminary draft bill for your consideration. I have also shared this with IDNR and IEPA for their thoughts and comments.

As far as strategy for drafting the bill, I am using an existing piece of legislation, 55 ILCS 5/5-1062.2 of the Counties Code, because making incremental changes to existing law is generally an easier lift than proposing a completely new section of the Counties Code. Also, this bill provides an opportunity to address related stormwater management and urban flooding ideas at the county level. I would appreciate it if you all would make your own suggestions, as long as they are relevant.

I am not sure what to tell you for a timeframe – would a couple of weeks be enough, or do you need more time to circulate to your legislative staffs and County Boards? I will say that if I do not hear from you by September 23, I'll assume that you have no comments and will move forward. I'll send a reminder notice in about 2 weeks.

Thank you very much for your help. This should be a completely agreed-upon bill and at the least I would like to hear that your county would not oppose the bill if were introduced next session.

Regards,
Hal

Hal Sprague
Policy Manager, Water Program
Center for Neighborhood Technology
2125 W. North Avenue, Chicago, IL 60647
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www.cnt.org | [facebook](#) | [twitter](#) | [newsletter](#) | [support](#)

1

Proposed County Stormwater Management Legislation in the 2017 ILGA

1. **A bill amending 55 ILCS 5/5-1062.2 of the Counties Code** to add the remaining 86 counties in Illinois to the list authorized to adopt countywide stormwater management plans and ordinances and take other related actions to protect their communities from flooding and water pollution. The bill also authorizes all listed counties to take any action they deem necessary to comply with the State's Stormwater General Permit (ILR40). In addition, the amendment authorizes and encourages the counties to address "urban flooding" in their plans and ordinances. Urban flooding is the flooding of public and private land in urban communities that results from stormwater or snowmelt runoff overwhelming the existing drainage infrastructure, unrelated to the overflow of any river or lake, whether or not that land is located in or near a floodplain. The amendment also prioritizes the use of cost effective, nature-based solutions to water quality and flooding problems, such as those that increase infiltration, evapotranspiration and the collection of runoff for reuse.
2. **The Illinois Department of Natural Resources' 2015 "Report for the Urban Flooding Awareness Act"** made the following findings related to existing county stormwater programs:
 - a. A number of counties with countywide stormwater management authority have profoundly impacted urban flooding through a myriad of programs and projects aimed to reduce stormwater runoff.
 - b. Current county stormwater ordinances have common elements including providing safe passage for the 1% annual chance event, retaining runoff on-site, and requiring stormwater management for a certain area of disturbance or new impervious.
 - c. Countywide stormwater management programs are able to address more efficiently stormwater program management issues in urban areas (e.g., permitting, inspections) than individual small communities, especially in a highly developed urban area.
 - d. Counties are better able to facilitate watershed-based analysis of stormwater management issues.
 - e. Counties have successfully implemented sources of funding that may not be viable for small communities.
3. **The IDNR Report also specifically recommends**
 - a. Stormwater Planning and Management authority should be granted to all Illinois counties to adopt countywide stormwater ordinances, projects and programs.

(55 ILCS 5/5-1062.2)

Sec. 5-1062.2. Stormwater management.

- (a) The purpose of this Section is to allow management and mitigation of the effects of urbanization on stormwater drainage in **all Illinois counties not granted such authority under Sections 5-1062 and 5-1062.3.** ~~the metropolitan counties of Madison, St. Clair, Monroe, Kankakee, Grundy, LaSalle, DeKalb, Kendall, and Boone and references to~~

~~"county" in this Section apply only to those counties.~~ **This section is specifically intended to authorize any of these counties subject to the State's Stormwater General Permit (ILR40) to take any action necessary to comply with that permit.** This Section does not apply to counties in the Northeastern Illinois Planning Commission that are granted authorities in Section 5-1062. The purpose of this Section shall be achieved by:

(1) Consolidating the existing stormwater management framework into a united, countywide structure.

(2) Setting minimum standards for floodplain and stormwater management, **with an emphasis on the use of cost effective, nature-based solutions to water quality and flooding problems, such as those that restore or enhance the natural hydrologic cycle by increasing infiltration, evapotranspiration and the collection of runoff for reuse as appropriate considering the local conditions.**

(3) Preparing a countywide plan for the management of stormwater runoff, including the management of natural and man-made drainageways. The countywide plan may incorporate watershed plans, **and should also evaluate and address the water quality and flooding problems that exist in urban communities that are not necessarily adjacent to a body of water or its floodplain and are caused primarily by stormwater runoff that exceeds the capacity of the local drainage system.**

(b) A stormwater management planning committee may be established by county board resolution, with its membership consisting of equal numbers of county board and municipal representatives from each county board district, and such other members as may be determined by the county and municipal members. If the county has more than 6 county board districts, however, the county board may by ordinance divide the county into not less than 6 areas of approximately equal population, to be used instead of county board districts for the purpose of determining representation on the stormwater management planning committee.

The county board members shall be appointed by the chairman of the county board. Municipal members from each county board district or other represented area shall be appointed by a majority vote of the mayors of those municipalities that have the greatest percentage of their respective populations residing in that county board district or other represented area. All municipal and county board representatives shall be entitled to a vote; the other members shall be nonvoting members, unless authorized to vote by the unanimous consent of the municipal and county board representatives. A municipality that is located in more than one county may choose, at the time of formation of the stormwater management planning committee and based on watershed boundaries, to participate in the stormwater management planning program of either or both of the counties. Subcommittees of the stormwater management planning committee may be established to serve a portion of the county or a particular drainage basin that has similar stormwater management needs. The stormwater management planning committee shall adopt bylaws, by a majority vote of the county and municipal members, to govern the functions of the committee and its subcommittees. Officers of the committee shall include a chair and vice chair, one of whom shall be a county representative and one a municipal representative.

The principal duties of the committee shall be to develop a stormwater management plan for presentation to and approval by the county board, and to direct the plan's implementation and revision. The committee may retain engineering, legal, and

financial advisors and inspection personnel. The committee shall meet at least quarterly and shall hold at least one public meeting during the preparation of the plan and prior to its submittal to the county board. The committee may make grants to units of local government that **(1) participate in the National Flood Insurance Program (NFIP), (2) have achieved and maintain a rating of at least eight (8) in the Community Rating System (CRS) Program and (3) have adopted an ordinance requiring actions consistent with the stormwater management plan, and to landowners for the purposes of stormwater management, including special projects; use of the grant money must be consistent with the stormwater management plan.**

The committee shall not have or exercise any power of eminent domain.

(c) In the preparation of a stormwater management plan, a county stormwater management planning committee shall coordinate the planning process with each adjoining county to ensure that recommended stormwater projects will have no significant impact on the levels or flows of stormwaters in inter-county watersheds or on the capacity of existing and planned stormwater retention facilities. An adopted stormwater management plan shall identify steps taken by the county to coordinate the development of plan recommendations with adjoining counties.

(d) The stormwater management committee may not enforce any rules or regulations that would interfere with (i) any power granted by the Illinois Drainage Code (70 ILCS 605/) to operate, construct, maintain, or improve drainage systems or (ii) the ability to operate, maintain, or improve the drainage systems used on or by land or a facility used for production agriculture purposes, as defined in the Use Tax Act (35 ILCS 105/), except newly constructed buildings and newly installed impervious paved surfaces. Disputes regarding an exception shall be determined by a mutually agreed upon arbitrator paid by the disputing party or parties.

(e) Before the stormwater management planning committee recommends to the county board a stormwater management plan for the county or a portion thereof, it shall submit the plan to the Office of Water Resources of the Department of Natural Resources for review and recommendations. The Office, in reviewing the plan, shall consider such factors as impacts on the levels or flows in rivers and streams and the cumulative effects of stormwater discharges on flood levels. The Office of Water Resources shall determine whether the plan or ordinances enacted to implement the plan complies with the requirements of subsection (f). Within a period not to exceed 60 days, the review comments and recommendations shall be submitted to the stormwater management planning committee for consideration. Any amendments to the plan shall be submitted to the Office for review.

(f) Prior to recommending the plan to the county board, the stormwater management planning committee shall hold at least one public hearing thereon and shall afford interested persons an opportunity to be heard. The hearing shall be held in the county seat. Notice of the hearing shall be published at least once no less than 15 days in advance of the hearing in a newspaper of general circulation published in the county. The notice shall state the time and place of the hearing and the place where copies of the proposed plan will be accessible for examination by interested parties. If an affected municipality having a stormwater management plan adopted by ordinance wishes to protest the proposed county plan provisions, it shall appear at the hearing and submit in writing specific proposals to the stormwater management planning committee. After consideration of the matters raised at the hearing, the committee may amend or approve

the plan and recommend it to the county board for adoption.

The county board may enact the proposed plan by ordinance. If the proposals for modification of the plan made by an affected municipality having a stormwater management plan are not included in the proposed county plan, and the municipality affected by the plan opposes adoption of the county plan by resolution of its corporate authorities, approval of the county plan shall require an affirmative vote of at least two-thirds of the county board members present and voting. If the county board wishes to amend the county plan, it shall submit in writing specific proposals to the stormwater management planning committee. If the proposals are not approved by the committee, or are opposed by resolution of the corporate authorities of an affected municipality having a municipal stormwater management plan, amendment of the plan shall require an affirmative vote of at least two-thirds of the county board members present and voting.

(g) The county board may prescribe by ordinance reasonable rules and regulations for floodplain management and for governing the location, width, course, and release rate of all stormwater runoff channels, streams, and basins in the county, in accordance with the adopted stormwater management plan. **The county board may also take any action necessary to comply with the State's General NPDES Permit No. ILR40 if the county is subject to the permit.** Land, facilities, and drainage district facilities used for production agriculture as defined in subsection (d) shall not be subjected to regulation by the county board or stormwater management committee under this Section for floodplain management and for governing location, width, course, maintenance, and release rate of stormwater runoff channels, streams and basins, or water discharged from a drainage district. These rules and regulations shall, at a minimum, meet the standards for floodplain management established by the Office of Water Resources and the requirements of the Federal Emergency Management Agency for participation in the National Flood Insurance Program. The Commission may not impose more stringent regulations regarding water quality on entities discharging in accordance with a valid National Pollution Discharge Elimination System permit issued under the Environmental Protection Act.

(h) In accordance with, and if recommended in, the adopted stormwater management plan, the county board may adopt a schedule of fees as may be necessary to mitigate the effects of increased stormwater runoff resulting from new development based on actual costs. The fees shall not exceed the cost of satisfying the onsite stormwater retention or detention requirements of the adopted stormwater management plan. The fees shall be used to finance activities undertaken by the county or its included municipalities to mitigate the effects of urban stormwater runoff by providing regional stormwater retention or detention facilities, as identified in the county plan. The county board shall provide for a credit or reduction in fees for any onsite retention, detention, drainage district assessments, or other similar stormwater facility that the developer is required to construct consistent with the stormwater management ordinance. All these fees collected by the county shall be held in a separate fund, and shall be expended only in the watershed within which they were collected.

(i) For the purpose of implementing this Section and for the development, design, planning, construction, operation, and maintenance of stormwater facilities provided for in the stormwater management plan, a county board that has established a stormwater management planning committee pursuant to this Section may cause an annual tax of

not to exceed 0.20% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the county to be levied upon all the taxable property in the county or occupation and use taxes of 1/10 of one cent. The property tax shall be in addition to all other taxes authorized by law to be levied and collected in the county and shall be in addition to the maximum tax rate authorized by law for general county purposes. The 0.20% limitation provided in this Section may be increased or decreased by referendum in accordance with the provisions of Sections 18-120, 18-125, and 18-130 of the Property Tax Code (35 ILCS 200/).

Any revenues generated as a result of ownership or operation of facilities or land acquired with the tax funds collected pursuant to this subsection shall be held in a separate fund and be used either to abate such property tax or for implementing this Section.

However, the tax authorized by this subsection shall not be levied until the question of its adoption, either for a specified period or indefinitely, has been submitted to the electors thereof and approved by a majority of those voting on the question. This question may be submitted at any election held in the county after the adoption of a resolution by the county board providing for the submission of the question to the electors of the county. The county board shall certify the resolution and proposition to the proper election officials, who shall submit the proposition at an election in accordance with the general election law. If a majority of the votes cast on the question is in favor of the levy of the tax, it may thereafter be levied in the county for the specified period or indefinitely, as provided in the proposition. The question shall be put in substantially the following form:

Shall an annual tax be levied for stormwater management purposes (for a period of not more than years) at a rate not exceeding% of the equalized assessed value of the taxable property of County?

Or this question may be submitted at any election held in the county after the adoption of a resolution by the county board providing for the submission of the question to the electors of the county to authorize use and occupation taxes of 1/10 of one cent:

Shall use and occupation taxes be raised for stormwater management purposes (for a period of not more than years) at a rate of 1/10 of one cent for taxable goods in County?

Votes shall be recorded as Yes or No.

(j) For those counties that adopt a property tax in accordance with the provisions in this Section, the stormwater management committee shall offer property tax abatements or incentive payments to property owners who construct, maintain, and use approved stormwater management devices. For those counties that adopt use and occupation taxes in accordance with the provisions of this Section, the stormwater management committee may offer tax rebates or incentive payments to property owners who construct, maintain, and use approved stormwater management devices. The stormwater management committee is authorized to offer credits to the property tax, if applicable, based on authorized practices consistent with the stormwater management plan and approved by the committee. Expenses of staff of a stormwater management committee that are expended on regulatory project review may be no more than 20% of the annual budget of the committee, including funds raised under subsections (h) and (i).

(k) Any county that has adopted a county stormwater management plan under this Section may, after 10 days written notice receiving consent of the owner or occupant, enter upon any lands or waters within the county for the purpose of inspecting

stormwater facilities or causing the removal of any obstruction to an affected watercourse. If consent is denied or cannot be reasonably obtained, the county ordinance shall provide a process or procedure for an administrative warrant to be obtained. The county shall be responsible for any damages occasioned thereby.

(l) Upon petition of the municipality, and based on a finding of the stormwater management planning committee, the county shall not enforce rules and regulations adopted by the county in any municipality located wholly or partly within the county that has a municipal stormwater management ordinance that is consistent with and at least as stringent as the county plan and ordinance, and is being enforced by the municipal authorities. On issues that the county ordinance is more stringent as deemed by the committee, the county shall only enforce rules and regulations adopted by the county on the more stringent issues and accept municipal permits. The county shall have no more than 60 days to review permits or the permits shall be deemed approved.

(m) A county may issue general obligation bonds for implementing any stormwater plan adopted under this Section in the manner prescribed in Section 5-1012; except that the referendum requirement of Section 5-1012 does not apply to bonds issued pursuant to this Section on which the principal and interest are to be paid entirely out of funds generated by the taxes and fees authorized by this Section.

(n) The powers authorized by this Section may be implemented by the county board for a portion of the county subject to similar stormwater management needs.

(o) The powers and taxes authorized by this Section are in addition to the powers and taxes authorized by Division 5-15; in exercising its powers under this Section, a county shall not be subject to the restrictions and requirements of that Division.

(Source: P.A. 94-675, eff. 8-23-05.)

Champaign County
Department of



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: **Champaign County Environment & Land Use Committee**

From: **John Hall, Zoning Administrator**
Susan Chavarria, Senior Planner

Date: **August 26, 2016**

RE: **Recommendation for rezoning Case 844-AM-16**

Request: **Amend the Zoning Map to change the zoning district designation from the B-3 Highway Business District to the AG-1 Agriculture District.**

Petitioners: **Aric and Lauryl Silver**

STATUS

The Zoning Board of Appeals (ZBA) voted 7-0 to “RECOMMEND ENACTMENT” of this map amendment at their August 25, 2016 meeting. The ZBA found that the rezoning achieved or did not impede all relevant Goals, Objectives, and Policies from the Champaign County Land Resource Management Plan.

There were no public comments during the hearing.

Staff recommends two special conditions for the rezoning, regarding Right to Farm Resolution 3425 and applying for a Change of Use Permit.

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Royal, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.

BACKGROUND

The petitioners request to rezone the property from its current B-3 Highway Business zoning designation to its original AG-1 Agriculture zoning designation. The property was rezoned in 1978 (Case 291-AM-78) in order to allow establishment and use of the Burr-Oak restaurant; the restaurant has been closed for many years. The petitioners purchased the subject property in October 2015, and want to build a home on the site, which is not permitted in the B-3 Zoning District. The petitioners intend to demolish the existing home on the property, but retain a detached garage and the detached machine shed that housed the restaurant. The machine shed will be used for storage.

There are no protected natural resources on the subject property.

No comments have been received regarding the proposed map amendment.

PROPOSED SPECIAL CONDITIONS

The following special conditions were recommended by the ZBA for Case 844-AM-16:

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

The above special condition is necessary to ensure the following:

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- B. A Change of Use Permit shall be applied for within 30 days of the approval of Case 844-AM-16 by the County Board.**

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

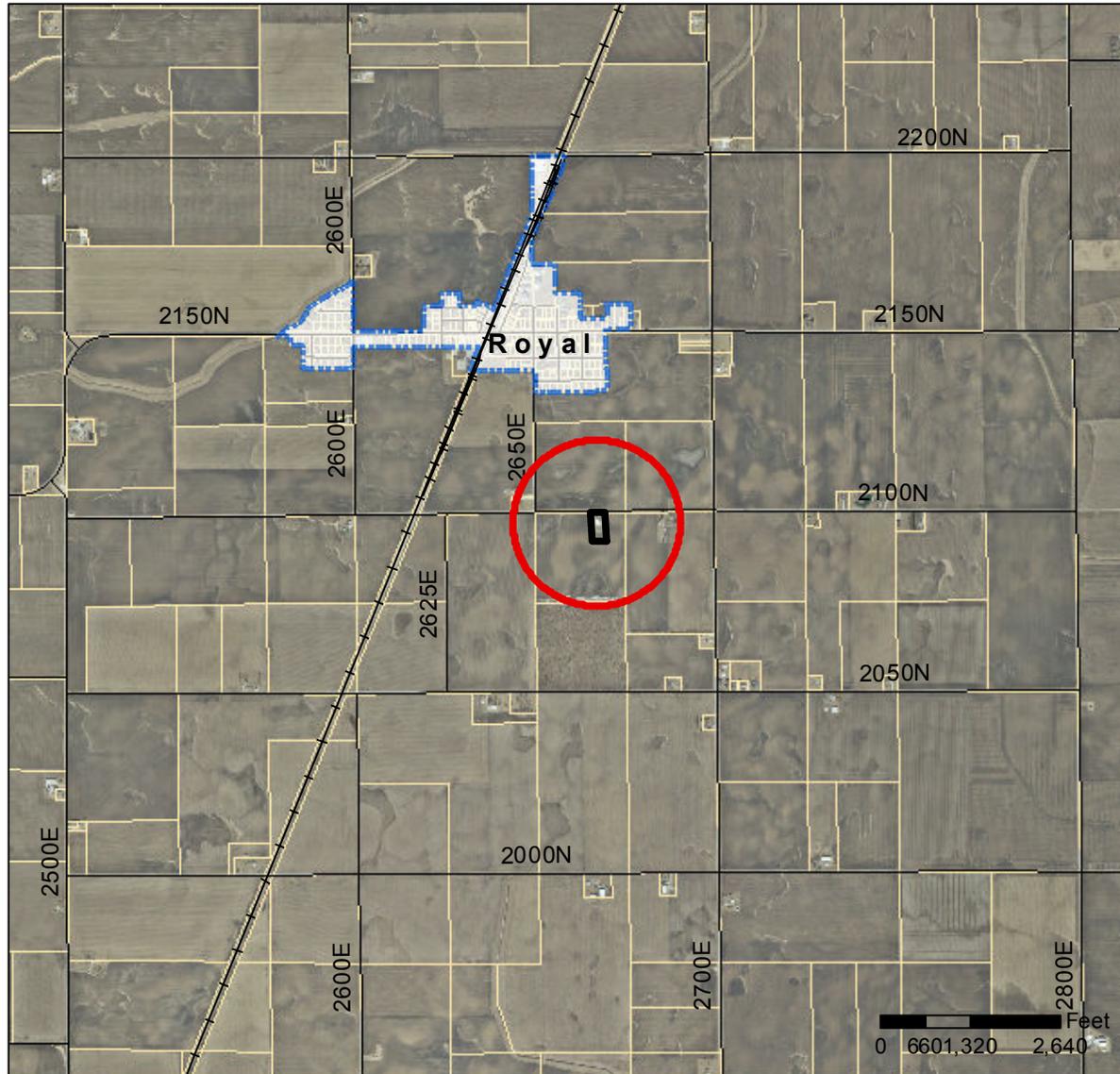
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received July 25, 2016
- C Copy of Right to Farm Resolution 3425
- D Summary Finding of Fact and Final Determination for Case 844-AM-16 as approved by ZBA on August 25, 2016

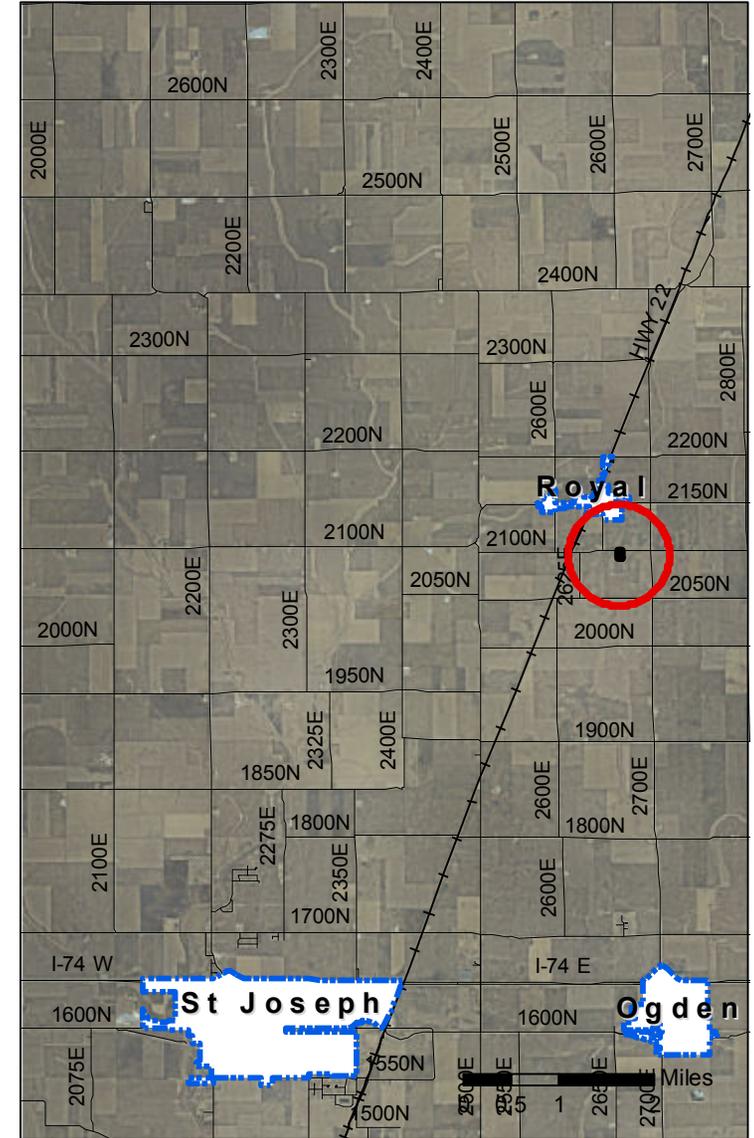
Location Map

Case 844-AM-16
August 25, 2016

Subject Property

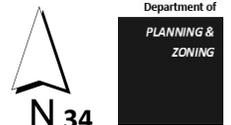


Property location in Champaign County



Legend

-  Subject Property
-  Municipal Boundary
-  Existing Ehler Bros facility
-  Streams
-  Parcels
-  Streets



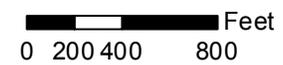
Land Use Map

Case 844-AM-16
August 25, 2016



Legend

-  Subject Property
-  Parcels
- SF Single Family Residential
- AG Agriculture



Champaign County
Department of
PLANNING &
ZONING

Zoning Map

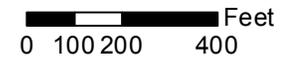
Case 844-AM-16
August 25, 2016

Note: Mylar is slightly skewed from CCGIS Zoning layer. Zoning for subject property is B-3.



Legend

- Subject Property
- Streets

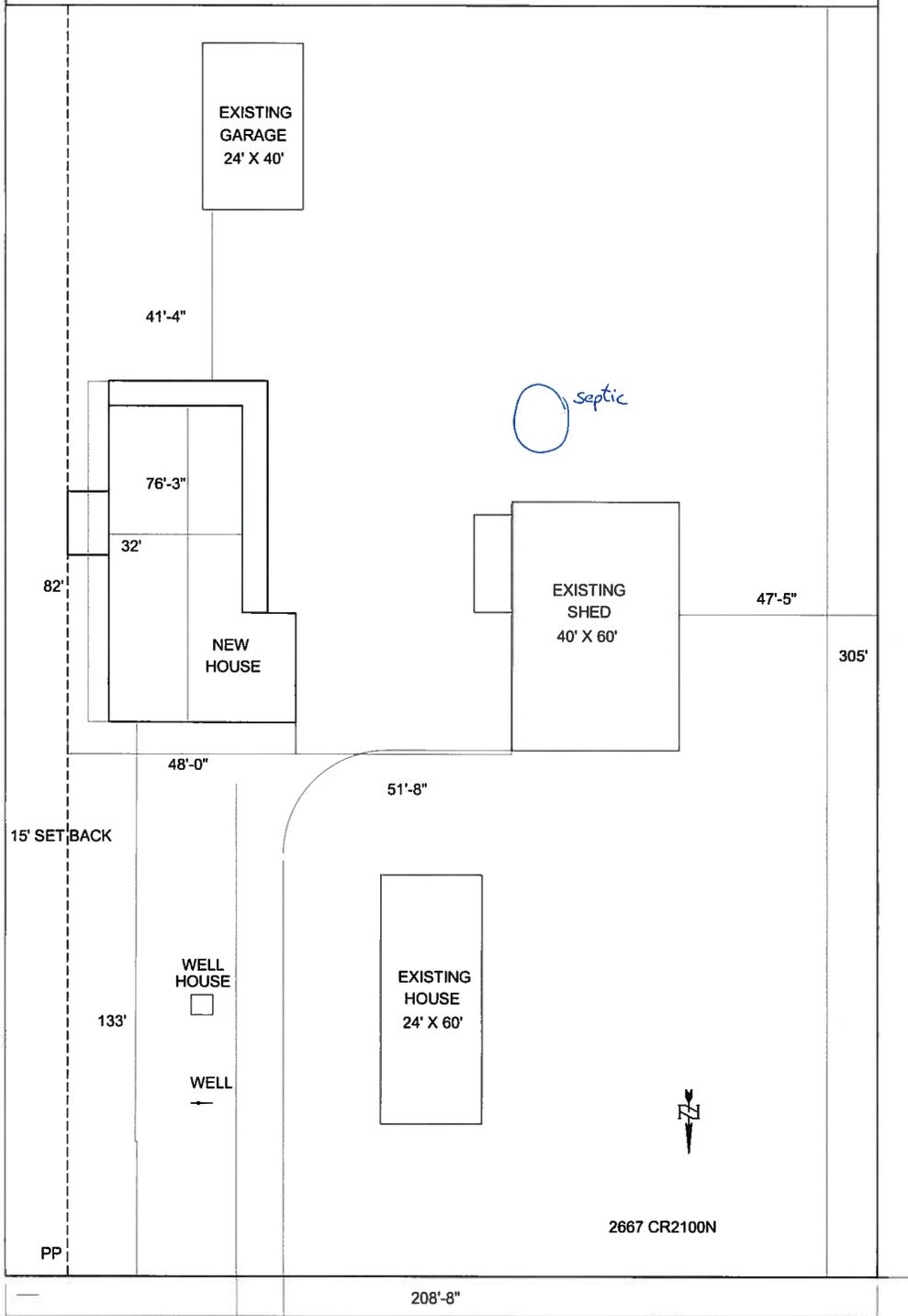


CROP
LAND

RECEIVED

JUL 25 2016

CHAMPAIGN CO. P & Z DEPARTMENT



417'-5"

RESOLUTION NO. 3425

**A RESOLUTION PERTAINING TO THE
RIGHT TO FARM IN CHAMPAIGN COUNTY**

WHEREAS, the Chairman and the Board of Champaign County have determined that it is in the best interest of the residents of Champaign County to enact a Right to Farm Resolution which reflects the essence of the Farm Nuisance Suit Act as provided for in the Illinois Compiled Statutes, 740 ILCS 70 (1992); and

WHEREAS, the County wishes to conserve, protect, and encourage development and improvement of its agricultural land for the production of food and other agricultural products; and

WHEREAS, when nonagricultural land uses extend into agricultural areas, farms often become the subject of nuisance suits. As a result, farms are sometimes forced to cease operations. Others are discouraged from making investments in farm improvements.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Chairman and the Board of Champaign County as follows:

1. That the purpose of this resolution is to reduce the loss to the county of its agricultural resources by limiting the circumstances under which farming operations are deemed a nuisance.

2. That the term "farm" as used in this resolution means that part of any parcel of land used for the growing and harvesting of crops, for the feeding, breeding, and management of livestock; for dairying or other agricultural or horticultural use or combination thereof.

3. That no farm or any of its appurtenances should be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation.

RESOLUTION NO. 3425

Page 2

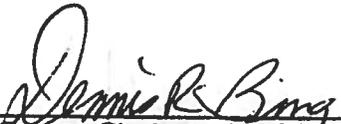
4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 24th day of May, A.D., 1994.



Chairman, County Board of the
County of Champaign, Illinois

ATTEST:



County Clerk and Ex-Officio
Clerk of the County Board

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 25, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
 - A. Regarding Goal 4 Agriculture:
 - (1) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because it will **HELP ACHIEVE** the following:
 - a. Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture and is appropriate in a rural area (see Item 13.A.(5)).
 - b. Policy 4.3.4 requiring existing public infrastructure be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.A.(4)).
 - c. Policy 4.3.3 requiring existing public services be adequate to support the proposed development effectively and safely without undue public expense (see Item 13.A.(3)).
 - d. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.A.(2)).
 - (2) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because it will **HELP ACHIEVE** the following:
 - a. Policy 4.2.4 requiring that all discretionary review consider whether a buffer between existing agricultural operations and the proposed development is necessary (see Item 13.B.(4)).
 - b. Policy 4.2.3 requiring that each proposed *discretionary development* explicitly recognize and provide for the right of agricultural activities to continue on adjacent land (see Item 13.B.(3)).
 - c. Policy 4.2.2 requiring discretionary development in a rural area to not interfere with agriculture or negatively affect rural infrastructure (see Item 13.B.(2)).
 - d. 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 13.B.(1)).
 - (3) It will **HELP ACHIEVE** Objective 4.1 requiring minimization of the fragmentation of farmland, conservation of farmland, and stringent development standards on best prime farmland because it will **HELP ACHIEVE** the following:

- a. Policy 4.1.8 requiring the County to consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development (see Item 13.C.(4)).
 - b. Policy 4.1.6 requiring that the use, design, site and location are consistent with policies regarding suitability, adequacy of infrastructure and public services, conflict with agriculture, conversion of farmland, and disturbance of natural areas (see Item 13.C.(3)).
 - c. Policy 4.1.1, which states that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. The County will not accommodate other land uses except under very restricted conditions or in areas of less productive soils (see Item 13.C.(2)).
- (4) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
- B. Regarding Goal 8 Natural Resources:
- (1) The proposed amendment will **HELP ACHIEVE** Objective 8.6 requiring the County to encourage resource management which avoids loss or degradation of areas representative of the pre-settlement environment and other areas that provide habitat for native and game species because it will **HELP ACHIEVE** the following:
 - a. Policy 8.6.3 requiring that the County use the Illinois Natural Areas Inventory and other scientific sources of information to identify priority areas for protection or which offer the potential for restoration, preservation, or enhancement (see Item 17.A.(2)).
- C. The proposed 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 9 Energy Conservation
 - Goal 10 Cultural Amenities
- D. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:
- A. The proposed residential use would involve the demolition of a dilapidated house, the construction of a new house, and resident occupation of a vacant property.

- B. The site with proposed improvements is well-suited overall for the proposed land use.
 - C. The property has been vacant of a use permitted in the B-3 Highway Business Zoning District for many years. The Village of Royal southern corporate limit is the same distance from the subject property as it was in 1988 aerial photography.
 - D. There has been no proposed development of the site as a restaurant or other business.
 - E. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
3. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. Re-establishing the AG-1 District at this location will not introduce haphazard urban land uses (Purpose 2.0 (n) see Item 21.I.).
 - B. Re-establishing the AG-1 District at this location will not impact sensitive natural resources or habitats (Purpose 2.0 (o) see Item 21.J.).
 - C. Re-establishing the AG-1 District at this location will not require the development of public utilities or transportation facilities (Purpose 2.0 (p) see Item 21.K.).
 - D. Re-establishing the AG-1 District at this location will not take any land out of production (Purpose 2.0 (q) see Item 21.L.).

Cases 844-AM-16

Page 4 of 4

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 844-AM-16** should *{BE ENACTED / NOT BE ENACTED}* by the County Board ***SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:***

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

The above special condition is necessary to ensure the following:

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- B. A Change of Use Permit shall be applied for within 30 days of the approval of Case 844-AM-16 by the County Board.**

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

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



Date: August 30, 2016
To: Environment and Land Use Committee
From: Susan Monte and Kathleen Oldrey, Planners
John Hall, Zoning Administrator
Re: Proposed Landscape Waste Burning Restrictions

Action Request: Recommend Approval

At its August 4, 2016 meeting, ELUC members heard public testimony for and against a proposal to prohibit open burning of landscape waste within a designated Prohibited Burn Area.

This memorandum encourages ELUC to consider recommending approval of the Option B draft proposal to amend the *Champaign County Public Nuisance Ordinance* to add landscape waste burning prohibition to apply within a designated Prohibited Burn Area (PBA) with open burning of landscape waste restrictions to apply within remaining unincorporated areas.

Within the immediate Champaign–Urbana area, Champaign Township is the only township that provides a low-cost alternative for disposal of landscape waste. Option B of the proposed amendment recognizes that low-cost alternative.

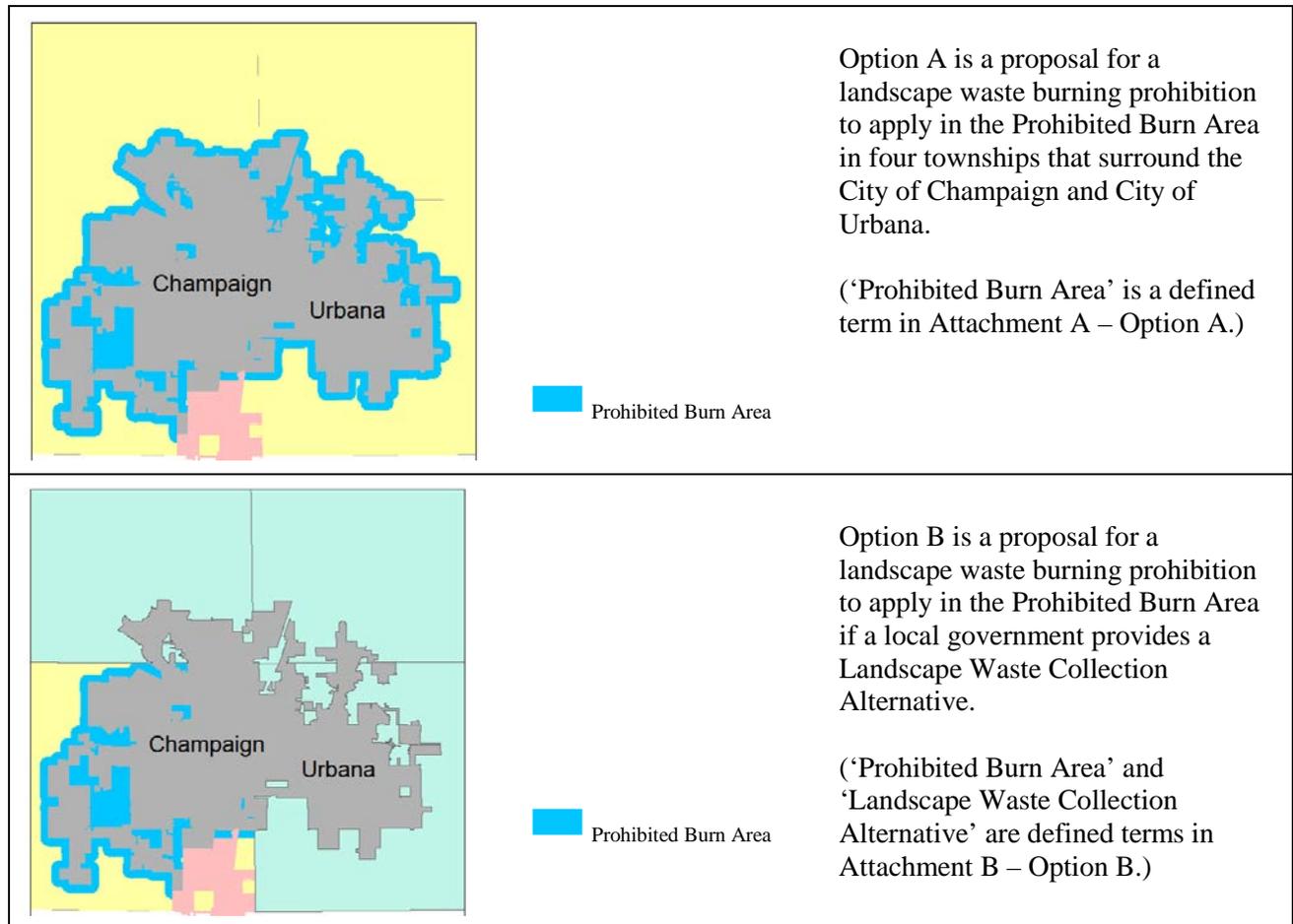
The public comments received at the ELUC meeting on August 4 made it clear that, outside of Champaign Township, the public will accept a landscape waste burning prohibition only if a low-cost landscape waste collection alternative is offered.

However, given the lack of interest on the part of other townships to provide a low-cost alternative, it is impossible for staff to propose an alternative unless the County Board is willing to provide funding. The County Board no longer provides funding for the Landscape Recycling Center, and any alternative would seem to require significant new expenditures.

Regarding burning of landscape waste to occur this fall, Option B is a reasonable alternative that is responsive without being overreaching and includes guidelines for burning of landscape waste throughout the unincorporated area. Option B can be in place by early October and, once adopted, these guidelines can continue to be refined or improved as needed and as resources allow.

(continued)

Proposed Landscape Waste Burning Restrictions



Attachments

- A ELUC Memorandum dated July 25, 2016
- B Draft Handout: Open Burning Restriction of Landscape Waste

Date: July 25, 2016
To: Environment and Land Use Committee
From: Susan Monte and Kathleen Oldrey, Planners
John Hall, Zoning Administrator
Re: Proposed Landscape Waste Burning Restrictions

Action Request: Hold for a 30-Day review period

This memorandum describes a draft proposal to amend the *Champaign County Public Nuisance Ordinance* to add **landscape waste burning restrictions** to apply within a designated 'Restricted Burn Area' (RBA).

Background

In the fall and spring, Champaign County Department of Planning and Zoning staff and Champaign County Board members expect to receive inquiries about the county implementing a leaf burning ordinance from those concerned about and tolerating adverse public health impacts of smoke from seasonal landscape waste burning.

In 2015, ELUC members expressed interest in finding a workable solution to the ongoing landscape waste burning problem. RPC planners, with input from the Champaign County Zoning Administrator and key stakeholders, researched the problem and feasible options and propose the draft amendment to the County Public Nuisance Ordinance (Attachments A and B) to prohibit landscape waste burning within a Restricted Burn Area (RBA).

Open Burning Restrictions

Attachment C is a summary of the open burning restrictions that apply **statewide** in Illinois. Existing state law does not prohibit open burning of landscape waste. It is important to note that units of local government have the authority to impose restrictions that exceed state open burning restrictions.

Existing Local Open Burn Regulations that Prohibit/Limit Landscape Waste Burning. In Champaign County, the City of Champaign, City of Urbana, Village of St. Joseph, and Village of Mahomet have adopted open burning restrictions that prohibit open burning of landscape waste within corporate limits. Thirteen other municipalities in Champaign County have adopted regulations to partially restrict open burning within corporate limits, specifying days, times, or weather conditions during which open burning may occur.

Leaf Burning Complaints

Most open burning complaints received by county staff and some County Board members are from individuals or parents of children who live with respiratory diseases, severe allergic reactions to smoke, or other health conditions severely aggravated by exposure to smoke, and who are adversely impacted by the burning of landscape waste. Attachment D is a summary description of the leaf burning complaints received in recent years.

Input Received about a Potential Champaign County Landscape Waste Burning Restriction

RPC planners met with the fire chiefs of selected fire departments and fire protection districts serving municipalities with larger populations to discuss a potential county landscape waste burning proposal (see Attachment E). Based on input received, the draft amendment to prohibit burning of landscape waste is proposed to apply only to a Restricted Burn Area around the cities of Champaign and Urbana.

Available Leaf Burning Alternatives

Attachment F describes several leaf burning alternatives available to residents of unincorporated Champaign County—some at a cost, and others at no cost.

Proposed Draft Amendment to Prohibit Burning of Landscape Waste – Two Options

Attachment A contains the proposed draft amendment to the *Champaign County Public Nuisance Ordinance*, Option A. Attachment B contains the proposed draft amendment to the *Champaign County Public Nuisance Ordinance*, Option B.

	<p>Option A is a proposal for a landscape waste burning restriction to apply in the Restricted Burn Area in four townships that surround the City of Champaign and City of Urbana.</p> <p>(‘Restricted Burn Area’ is a defined term in Attachment A – Option A.)</p>
	<p>Option B is a proposal for a landscape waste burning restriction to apply in the Restricted Burn Area if a local government provides a Landscape Waste Collection Alternative.</p> <p>(‘Restricted Burn Area’ and ‘Landscape Waste Collection Alternative’ are defined terms in Attachment B – Option B.)</p>

Enforcement of the Landscape Waste Burning Restriction

Enforcement is intended to be the same as other Nuisance Ordinance requirements: the Zoning Administrator will investigate any complaints and follow up with a phone call, letter, and Notice of Violation, as needed. Fire Protection Districts are not required to take any action, but each FPD will be notified about the new landscape waste burning regulations that are adopted.

How and When the Actual Amendment Would Become Effective

According to Section 7 of the Public Nuisance Ordinance, if ELUC makes a final recommendation to the County Board at the September 8, 2016 ELUC meeting and the County Board adopts the amendment at their September 22, 2016 meeting, the new regulations will be effective 10 days later on October 2, 2016. The County Clerk must publish notice in a newspaper of general circulation within 15 days of adoption (no later than October 7, 2016).

Attachments

- A Option A Proposed Draft Amendment
- B Option B Proposed Draft Amendment
- C Illinois Open Burning Regulations
- D Leaf Burning Complaints
- E Input Received about a Potential Champaign County Landscape Waste Burning Restriction
- F Leaf Burning Alternative

DRAFT - OPTION A to apply in the RESTRICTED BURN AREA in Champaign, Hensley, Somer, and Urbana Townships

ORDINANCE AMENDING CHAMPAIGN COUNTY PUBLIC NUISANCE ORDINANCE 468

1. Add the following to Subsection 2.2 Terms Defined:

AGRICULTURAL WASTE: Any refuse that is generated on a farm or ranch by crop or livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding **LANDSCAPE WASTE**, offal, dead animals, and **MANURE**. Refuse generated by a farm family as a result of domiciliary activities is domicile waste.

FOOD AND FOOD PRODUCT GARBAGE: Non-paper refuse resulting from the handling, processing, preparation, cooking, and consumption of food or food products.

IEPA: The Illinois Environmental Protection Agency.

RESTRICTED BURN AREA: The unincorporated area extending 1,000 feet beyond the boundaries of the City of Champaign and City of Urbana, including the entirety of any residential subdivision that intersects the 1,000-foot distance and all areas completely surrounded by the City of Champaign or City of Urbana.

LANDSCAPE WASTE: Any vegetable or plant refuse except **FOOD AND FOOD PRODUCT GARBAGE** and **AGRICULTURAL WASTE**. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

MANURE: The fecal and urinary defecations of livestock and poultry. Manure often contains some spilled feed, bedding, or litter but is predominately manure.

OPEN BURNING: The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued by the Illinois Environmental Protection Agency.

2. Add the following to subsection 3.2 Activities and Conditions Constituting Public Nuisances:

N. **OPEN BURNING** as follows:

- (1) **OPEN BURNING** of **LANDSCAPE WASTE** that is not in conformance with all of the conditions and requirements of paragraph 3.3 F.
- (2) **OPEN BURNING** of **MANURE**.
- (3) **OPEN BURNING** of **LANDSCAPE WASTE** when the Chair of the Champaign County Board has prohibited all open burning of

DRAFT - OPTION A to apply in the RESTRICTED BURN AREA in Champaign, Hensley, Somer, and Urbana Townships

LANDSCAPE WASTE in the event of emergencies which require shifting of staff priorities or conditions that may represent significant potential for fire safety issues as authorized in paragraph 4.1 D.

3. Add the following to Subsection 3.3 Activities and Conditions Not Constituting Public Nuisances:

- F. OPEN BURNING of LANDSCAPE WASTE provided as follows:
- (1) the burning occurs on the same premises on which the waste is generated;
 - (2) the burning shall not occur on public or private roads or rights of way, alleys, or sidewalks without the specific approval of the relevant highway authority;
 - (3) the burning shall not create a hazard to safety for people or property as a result of wind speed being greater than 10 miles per hour or unusually dry conditions;
 - (4) the burning only occurs when atmospheric conditions will readily dissipate contaminants;
 - (5) the burning does not create a visibility hazard on roadways, railroad tracks, or airfields;
 - (6) the burning is separated from an adjacent dwelling on other property and from adjacent farm fields or pastures by an amount equal to one-half the average width of the property doing the burning but does not have to exceed 100 feet;
 - (7) the burning complies with the requirements of the relevant Fire Protection District;
 - (8) the setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the relevant Fire Protection District; and
 - (9) the burning of fuels for legitimate campfire, recreational, and cooking purposes or in domestic fireplaces provided that no GARBAGE shall be burned;
 - (10) the burning of AGRICULTURAL WASTE conforms to the requirements of the Illinois Pollution Control Board and the IEPA as established in Title 35 Illinois Administrative Code Part 237; or

DRAFT - **OPTION A** to apply in the RESTRICTED BURN AREA in Champaign, Hensley, Somer, and Urbana Townships

- (11) the burning is located outside of the RESTRICTED BURN AREA or the burning conforms to the Illinois Pollution Control Board and IEPA rules regarding OPEN BURNING as established in Title 35 Illinois Administrative Code, Part 237, as specifically permitted by IEPA and in conformance with any special conditions imposed by the IEPA and a copy of said permit and any special conditions has been provided to the ZONING ADMINISTRATOR.

4. Add the following to subsection 4.1 County Officials- Powers and Duties:

- D. The Chair of the Champaign County Board shall have the authority to prohibit all open burning of LANDSCAPE WASTE in the event of emergencies which require shifting of staff priorities or conditions that may represent significant potential for fire safety issues.

PRESENTED, ADOPTED, APPROVED and RECORDED this ____ day of _____, 2016.

Patti Petrie, Chair
Champaign County Board

ATTEST: _____
Gordy Hulten, County Clerk
and *ex-officio* Clerk of the Champaign County Board

DRAFT - OPTION B to apply in the Restricted Burn Area if a local government provides a LANDSCAPE WASTE COLLECTION ALTERNATIVE

ORDINANCE AMENDING CHAMPAIGN COUNTY PUBLIC NUISANCE ORDINANCE 468

1. Add the following to Subsection 2.2 Terms Defined:

AGRICULTURAL WASTE: Any refuse that is generated on a farm or ranch by crop or livestock production practices including such items as bags, cartons, dry bedding, structural materials, and crop residues but excluding LANDSCAPE WASTE, offal, dead animals, and MANURE. Refuse generated by a farm family as a result of domiciliary activities is domicile waste.

FOOD AND FOOD PRODUCT GARBAGE: Non-paper refuse resulting from the handling, processing, preparation, cooking, and consumption of food or food products.

IEPA: The Illinois Environmental Protection Agency.

RESTRICTED BURN AREA: The unincorporated area extending 1,000 feet beyond the boundaries of the City of Champaign and City of Urbana including the entirety of any residential subdivision that intersects the 1,000-foot distance and all areas completely surrounded by the City of Champaign or City of Urbana.

LANDSCAPE WASTE: Any vegetable or plant refuse except FOOD AND FOOD PRODUCT GARBAGE and AGRICULTURAL WASTE. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

LANDSCAPE WASTE COLLECTION ALTERNATIVE: Any alternative for the removal of LANDSCAPE WASTE from properties within a RESTRICTED BURN AREA other than that of an individual owner paying a fee to drop off LANDSCAPE WASTE at the Landscape Recycling Center located at 1210 East University Avenue, Urbana, or paying a service provider or contractor to collect the LANDSCAPE WASTE from the property on which the LANDSCAPE WASTE was generated.

MANURE: The fecal and urinary defecations of livestock and poultry. Manure often contains some spilled feed, bedding, or litter but is predominately manure.

OPEN BURNING: The combustion of any matter in such a way that the products of the combustion are emitted to the open air without originating in or passing through equipment for which a permit could be issued by the Illinois Environmental Protection Agency.

2. Add the following to subsection 3.2 Activities and Conditions Constituting Public Nuisances:

N. OPEN BURNING as follows:

- (1) OPEN BURNING of LANDSCAPE WASTE that is not in conformance with all of the conditions and requirements of paragraph 3.3 F.

DRAFT - OPTION B to apply in the Restricted Burn Area if a local government provides a LANDSCAPE WASTE COLLECTION ALTERNATIVE

- (2) OPEN BURNING of MANURE.
- (3) OPEN BURNING of LANDSCAPE WASTE when the Chair of the Champaign County Board has prohibited all open burning of LANDSCAPE WASTE in the event of emergencies which require shifting of staff priorities or conditions that may represent significant potential for fire safety issues as authorized in paragraph 4.1 D.

3. Add the following to Subsection 3.3 Activities and Conditions Not Constituting Public Nuisances:

- F. OPEN BURNING of LANDSCAPE WASTE provided as follows:
- (1) the burning occurs on the same premises on which the waste is generated;
 - (2) the burning shall not occur on public or private roads or rights of way, alleys, or sidewalks without the specific approval of the relevant highway authority;
 - (3) the burning shall not create a hazard to safety for people or property as a result of wind speed being greater than 10 miles per hour or unusually dry conditions;
 - (4) the burning only occurs when atmospheric conditions will readily dissipate contaminants;
 - (5) the burning does not create a visibility hazard on roadways, railroad tracks, or airfields;
 - (6) the burning is separated from an adjacent dwelling on other property and from adjacent farm fields or pastures by an amount equal to one-half the average width of the property doing the burning but does not have to exceed 100 feet;
 - (7) the burning complies with the requirements of the relevant Fire Protection District;
 - (8) the setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the relevant Fire Protection District; and
 - (9) the burning of fuels for legitimate campfire, recreational, and cooking purposes or in domestic fireplaces provided that no GARBAGE shall be burned;

DRAFT - **OPTION B** to apply in the RESTRICTED BURN AREA if a local government provides a LANDSCAPE WASTE COLLECTION ALTERNATIVE

- (10) the burning of AGRICULTURAL WASTE conforms to the requirements of the Illinois Pollution Control Board and the IEPA as established in Title 35 Illinois Administrative Code, Part 237; or
- (11) the burning is either located outside of the RESTRICTED BURN AREA or the burning complies with the following:
 - i. The burning conforms to the Illinois Pollution Control Board and IEPA rules regarding OPEN BURNING as established in Title 35 Illinois Administrative Code, Part 237 as specifically permitted by IEPA and in conformance with any special conditions imposed by the IEPA and a copy of said permit and any special conditions has been provided to the ZONING ADMINISTRATOR; or
 - ii. The burning is located within a local government jurisdiction in which no LANDSCAPE WASTE COLLECTION ALTERNATIVE exists. Any local government seeking to provide a LANDSCAPE WASTE COLLECTION ALTERNATIVE must provide a written letter to the Chair of the Environment and Land Use Committee stating that such a LANDSCAPE WASTE COLLECTION ALTERNATIVE is provided.

4. Add the following to subsection 4.1 County Officials- Powers and Duties:

D. The Chair of the Champaign County Board shall have the authority to prohibit all open burning of LANDSCAPE WASTE in the event of emergencies which require shifting of staff priorities or conditions that may represent significant potential for fire safety issues.

PRESENTED, ADOPTED, APPROVED and RECORDED this ____ day of _____, 2016.

Patti Petrie, Chair
Champaign County Board

ATTEST: _____
Gordy Hulten, County Clerk
and *ex-officio* Clerk of the Champaign County Board

Illinois Open Burning Regulations

The term “open burning” is defined as the combustion of any matter in the open or in an open dump (415 ILCS 5/3.300). In Illinois, the Illinois Pollution Control Board and Illinois Environmental Protection Agency (IEPA) regulate open burning.

The IEPA publication “Do You Have a Burning Question? The Facts about Open Burning in Illinois” is available as a pamphlet from the Illinois Small Business Environmental Assistance Helpline at 1 (800) 252-3998 or online at <http://www.epa.state.il.us/air/permits/openburn/open-burning-brochure.pdf>. Information from this publication appears below.

Types of Burning Always Prohibited. Throughout Illinois, the "open burning of garbage, construction or demolition debris, tires, and materials containing asbestos is always prohibited."¹

No person shall cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency ... except that the Board may adopt regulations permitting open burning of refuse in certain cases (415 ILCS 5/9(c)).

Exceptions apply to allow only refuse generated on site on a farm by crop and livestock production practices to be burned, provided specific criteria are met. Agricultural waste is any refuse generated on site on a farm or ranch by crop and livestock production practices, including such items as bags, cartons, dry bedding, structural materials, and crop residues, excluding garbage, dead animals, buildings, corn cribs, and landscape waste.²

Burning of Landscape Waste. The term “landscape waste” refers to leaves, grass, tree limbs, shrubbery cuttings, and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees.³

IEPA does not prohibit the open burning of landscape waste in Illinois. However, the open burning of landscape waste is subject to local restriction. Units of local government, including non-home municipalities or counties, have the authority to impose restrictions on burning landscape waste.⁴

1. Illinois Environmental Protection Agency & Department of Commerce and Economic Opportunity. (Last revised 2011). *Do you have a burning question?* (W.O. 11-039 10M 4/11). IOCI 623-11.
2. Ibid.
3. Ibid.
4. Ibid.

Leaf Burning Complaints

Most open burning complaints received by county staff and some County Board members are from individuals or parents of children who live with respiratory diseases, severe allergic reactions to smoke, or other health conditions severely aggravated by exposure to smoke, and who are adversely impacted by the burning of landscape waste.

Complaints about landscape waste burning smoke typically come from residents situated along the edges of urban areas. For example, if a city adopts an ordinance that bans or restricts leaf burning, residents that live near the city's boundaries may complain about smoke from unrestricted leaf burning occurring in the adjacent unincorporated area.

The table below summarizes recent open burning complaints received from persons in Champaign County and handled by IEPA Region 3:

Open Burning Complaints Received by IEPA Region 3 Bureau of Air Staff - Specific to Champaign County	
13 in 2016* *received to date	<ul style="list-style-type: none"> - 8 landscape waste and refuse - 2 landscape waste only - 3 refuse, with one involving a property owner who allowed landscape companies and tree services to dump their waste on his property. The property owner would cut some of the wood to sell as firewood and burn the remaining wood and landscape waste. This is considered trade waste. Open burning of trade waste is prohibited in Illinois.
12 in 2015	<ul style="list-style-type: none"> - 2 complaints of open burning of landscape waste (initially reported as burning of refuse) - 3 complaints of general open burning - 5 complaints of a tree service hauling trees to a site and burning wood scraps and other tree pieces. (In these cases, the waste generated is considered trade waste and may not be burned.) - 2 complaints of burning landscape waste generated by clearing land for development. (When land is cleared for development, the waste generated is considered trade waste and may not be burned.)
18 in 2014	<ul style="list-style-type: none"> - 1 complaint of smoke from open burning of landscape waste at the Champaign Township facility - 17 complaints of general open burning

The IEPA Region 3 Bureau of Air staff person who receives open burning complaints noted that one recent complaint concerning open burning of downed trees and landscape brush at the Mount Hope Cemetery, located in an unincorporated area and surrounded by the University of Illinois campus, significantly impacted users of nearby University of Illinois facilities.

Input Received about a Potential Champaign County Landscape Waste Burning Restriction

RPC planners met with the fire chiefs of selected fire departments and fire protection districts serving municipalities with larger populations (Champaign, Urbana, Mahomet, Rantoul, and Savoy) to discuss a potential county landscape waste burning proposal.

City of Champaign and City of Urbana. Both fire chiefs recommend the county adopt an open burning ordinance that extends the same open burning provisions already adopted by their cities to an RBA extending outward 1,000 feet from the corporate limits of the City of Champaign and City of Urbana.

Village of Savoy. The village has not yet adopted an ordinance that prohibits open burning of landscape waste. The Savoy Fire Department Chief and Village Administrator indicate that a village focus is to develop a leaf collection program for residents

Village of Mahomet. The Cornbelt FPD Chief advised the county withhold prohibiting open burning of landscape waste to be effective in an RBA adjacent to the village until additional local support for the restriction can be identified.

Village of Rantoul. A need for such a county landscape waste burning restriction does not exist because the area 1,000 feet outward from village corporate limits is primarily farmland. Neither the Rantoul Fire Department Chief nor inspection staff has received open burning complaints to date.

Based on this input received, the proposed draft amendment to prohibit burning of landscape waste would apply only to a Restricted Burn Area around the cities of Champaign and Urbana.

Available Leaf Burning Alternatives

Several leaf burning alternatives are available to residents of unincorporated Champaign County, some at a cost, and others at no cost. These alternatives include:

- 1) Shredding of leaves while mowing and leaving the mulch on the lawn to add nutrients to the soil;
- 2) Mulching of grass clippings and/or shredding of leaves while mowing and using grass clippings and/or shredded leaves to mulch around shrubs and garden plants;
- 3) Mulching of grass clippings and/or shredding of leaves while mowing, collecting grass clippings and shredded leaves and creating an on-site compost pile;
- 4) Collecting twigs, branches and other landscape waste, including leaves, for transport by the resident to a commercial or public compost center (e.g., Landscape Recycling Center in Urbana);
- 5) Collecting, bundling, or bagging twigs, branches and landscape waste, including leaves, for collection by a private waste hauler during regular or special garbage or refuse pick-up.

Champaign Township Landscape Waste Burning Program

Residents of Champaign Township also have the option of bringing their collected landscape waste during specified weekday hours to the Champaign Township premises located at 3900 Kearns Drive, in an unincorporated area adjacent to the City of Champaign boundaries.

Landscape waste generated by township tree and brush trimming operations and collected from township residents is burned at the site. The facility accepts landscape waste from township residents at no cost, and is open on weekdays from 7 a.m. to 3 p.m. The township also contracts with some subdivisions within its boundaries for curbside collection of bagged landscape waste.

Champaign Township Highway Commissioner Keith Padgett indicated that the township has operated an open burn pit at this location since at least 2002. The open burn pit is equipped and operates with an air curtain destructor. Upon initial combustion of landscape waste placed in the pit, dense smoke is produced. Following initial combustion, the air curtain destructor prevents smoke from continuously moving outward from the burn pit site to nearby areas.

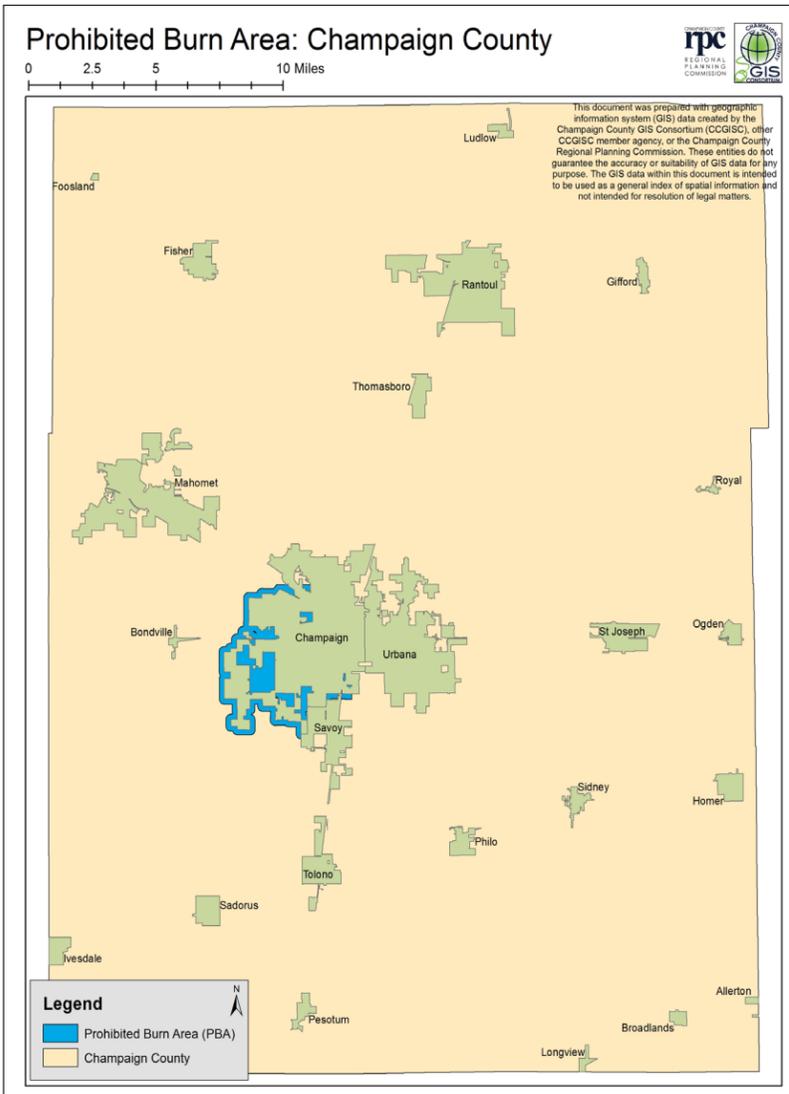
The Illinois Environmental Protection Act (415 ILCS 5/9(f)) includes the following provision with regard to operation of a burn pit by a township:

“This Section shall not limit the burning of landscape waste upon the premises where it is produced or at sites provided and supervised by any unit of local government, except in any county having a population more than 400,000.”

The proposed amendment to prohibit open burning of landscape waste (Attachment A) allows for:

“... Other burning of LANDSCAPE WASTE as specifically permitted by IEPA and in conformance with any special conditions imposed by the IEPA and a copy of said permit and any special conditions has been provided to the ZONING ADMINISTRATOR.”

Staff met with Champaign Township Highway Commissioner Keith Padgett to review this information. Recent conversations with IEPA Bureau of Air Region 3 staff regarding the proposed draft amendment for landscape waste burning restrictions within the Restricted Burn Area (RBA) adjacent to the Cities of Champaign and Urbana may have triggered an internal review by the IEPA. The IEPA may require the Champaign Township obtain an annual operating permit for its open burn pit facility. There is no cost for the annual operating permit application; however IEPA may require the township discontinue use of its open burn pit during the permit application process.



Who should residents contact about a problem in their neighborhood?

To report a problem between 8 a.m. and 4:30 p.m., contact the Champaign County Department of Planning & Zoning at (217) 384-3708. To report a problem after business hours or on a weekend or holiday, call the Champaign County Sheriff's Office at the following non-emergency number: (217) 333-8911. Do not call 911.

Who can residents contact to get more information?

Residents can find out more about open burning, burning restrictions in Illinois, and alternatives to burning landscape waste by contacting the Champaign County Department of Planning & Zoning at (217) 384-3708, the Champaign County Regional Planning Commission at (217) 328-3313, and the Illinois Environmental Protection Agency Region 5 Bureau of Air at (217) 278-5829.

For statewide regulations, the IEPA pamphlet "Do You Have a Burning Question? The Facts About Open Burning in Illinois" is available from the Illinois Small Business Environmental Assistance Helpline, at 1-800-252-3998, and at <http://www.epa.state.il.us/air/permits/openburn/open-burning-brochure.pdf>.

Champaign County, Illinois

Restrictions on the Open Burning of Landscape Waste

Open burning of landscape waste is prohibited in the Prohibited Burn Area (PBA) (shown on the map on page 4), and restricted in non-PBA areas of unincorporated Champaign County.

What is open burning of landscape waste?

OPEN BURNING: The combustion of any matter in such a way that the products of combustion are emitted to open air without originating in or passing through equipment for which a permit could be issued by the Illinois Environmental Protection Agency (IEPA).

LANDSCAPE WASTE: Any vegetable or plant refuse except food and food product garbage and agricultural waste. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

Where will the restrictions be in effect?

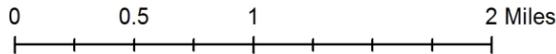
All open burning of landscape waste is prohibited in the Prohibited Burn Area (PBA), shown on page two. The guidelines detailed below are enforceable in all non-PBA unincorporated Champaign County.

When and how can residents, businesses, industries, farmers, and institutions other than local government entities in non-PBA areas of unincorporated Champaign County burn their landscape waste?

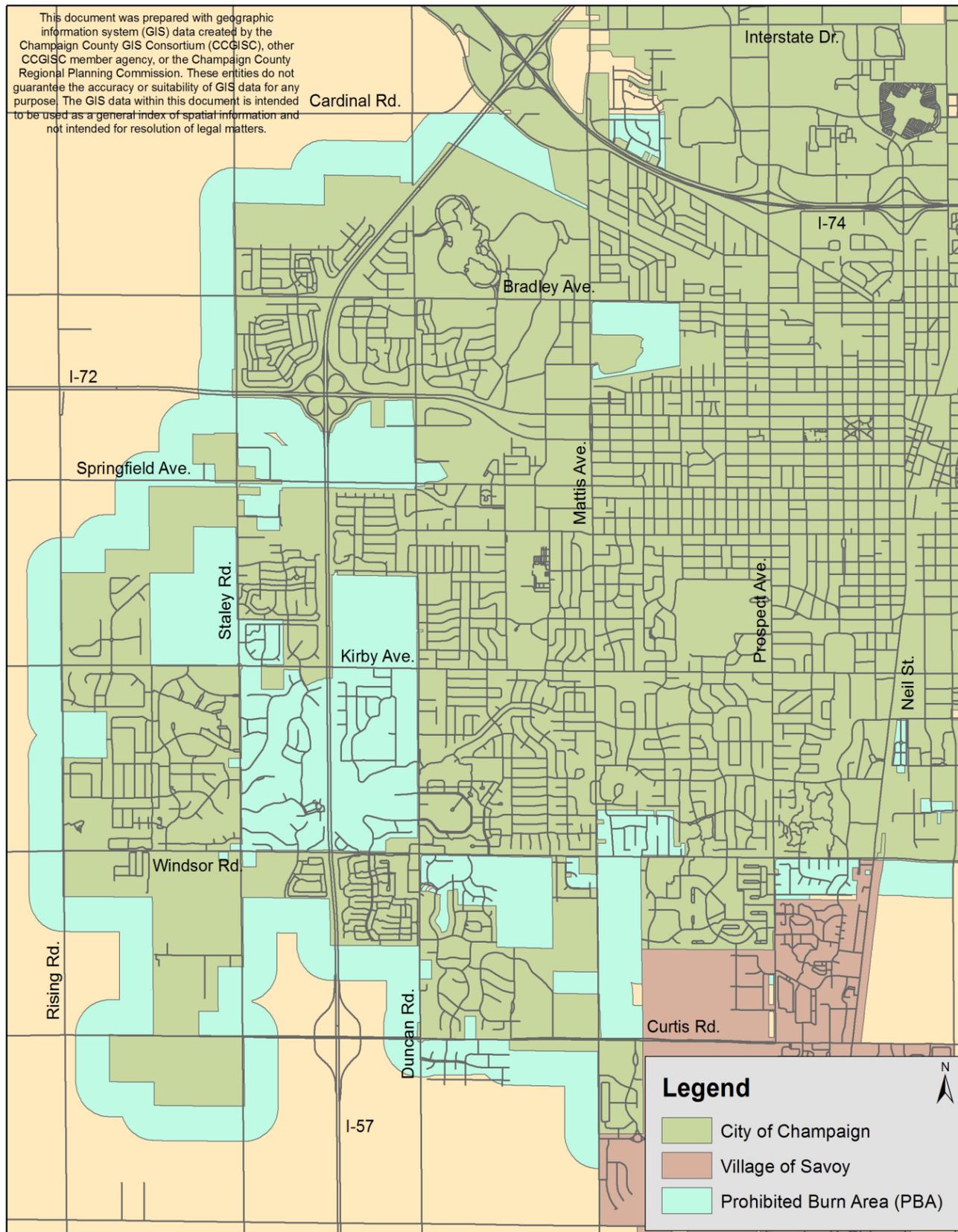
- 1.) If the burning occurs on the same premises where the waste was generated.
- 2.) If the burning is NOT on a public or private road, right-of-way, alley, or sidewalk, unless there is specific approval given by the relevant highway authority.
- 3.) If the wind speed is NOT greater than 10 miles per hour, and conditions are NOT unusually dry.

- 4.) If atmospheric conditions will readily dissipate contaminants.
- 5.) If burning does NOT create a visibility hazard on roadways, railroad tracks, or airfields.
- 6.) If burning is separated from an adjacent dwelling on another property and from adjacent farm fields or pastures by a distance equal to one-half the average width of the property doing the burning. This distance does not have to be greater than 100 feet.
- 7.) If burning complies with the requirements of the relevant Fire Protection District.
- 8.) If the burning occurs as the setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the relevant Fire Protection District.
- 9.) If the burning occurs for legitimate campfire, recreational, and/or cooking purposes, or is in a domestic fireplace, provided that no garbage is burned.
- 10.) If the burning is of agricultural waste and conforms to the requirements of the Illinois Pollution Control Board and the IEPA, as established in Title 35 Illinois Administrative Code, Part 237.
- 11.) If the burning is supervised by a unit of local government.
- 12.) If the burning is located outside the PBA; or conforms to the Illinois Pollution Control Board and IEPA rules regarding open burning, as established in Title 35 Illinois Administrative Code, Part 237, as specifically permitted by the IEPA and in conformance with any special conditions imposed by the IEPA, and a copy of the permit and any special conditions has been provided to the zoning administrator; or is supervised by a unit of local government.

Prohibited Burn Area



This document was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), other CCGIS member agency, or the Champaign County Regional Planning Commission. These entities do not guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this document is intended to be used as a general index of spatial information and not intended for resolution of legal matters.



What are state regulations pertaining to open burning?

The “open burning of garbage, construction or demolition debris, tires, and materials containing asbestos” is prohibited statewide in Illinois¹. Exceptions apply to agricultural waste that is both generated and burned on-site; agricultural waste includes items such as bags, cartons, dry bedding, structural materials, and crop residues, but does NOT include garbage, dead animals, buildings, corn cribs, and landscape waste².

The open burning of landscape waste is not prohibited statewide in Illinois, but is subject to local restrictions. Units of local government, including non-home rule municipalities and counties, have the authority to restrict the open burning of landscape waste³.

What are the public health hazards of open burning?

Open burning, of landscape waste and other waste, can have adverse effects on public health. Individuals who live with respiratory diseases, severe allergic reactions to smoke, or other health conditions that are severely aggravated by exposure to smoke suffer the greatest negative impacts of open burning.

Smoke drifts across administrative boundaries: burning that takes place in one area, can, depending on wind conditions, have serious impacts on neighboring areas, regardless of any differences in open burning regulations.

What can residents do with their landscape waste, other than burning?

The following are alternative ways to dispose of landscape waste, other than burning. Residents can:

- Shred leaves while mowing and leave them on the lawn to add nutrients to the soil.
- Mulch grass clippings and/or shred leaves while mowing and use clippings and leaves to mulch around shrubs and garden plants.
- Mulch grass clippings and/or shred leaves while mowing, collect grass clippings and leaves from the lawn, and create an on-site compost pile.
- Collect twigs, branches, and other landscape waste, including leaves, for collection by a private waste hauler during regular or special garbage pick-up.

Residents of Champaign Township also have the option of bringing their collected landscape waste to the Champaign Township facility located at 3900 Kearns Drive, in an unincorporated area near the City of Champaign corporate limits. The facility accepts landscape waste from Champaign Township residents at no cost, and is open on weekdays from 7 a.m. to 3 p.m. Champaign Township also contracts with some subdivisions within its boundaries for curbside collection of bagged landscape waste.

1. Illinois Environmental Protection Agency & Department of Commerce and Economic Opportunity. (Last revised 2011). *Do you have a burning question?* (W.O. 11-039 10M 4/11). IOCI 623-11.
 2. Ibid.
 3. Ibid.

Champaign County
Department of



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**

Date: **August 31, 2016**

RE: **Flood Variance 619-FV-08**

Request: **Authorize as a Variance from the Special Flood Hazard Areas Ordinance the construction and occupancy of a dwelling in which the top of the garage floor is 0.83 feet below the Flood Protection Elevation of 690.3 instead of being at the Flood Protection Elevation; and the interior grade of the crawlspace is 2.3 feet below the lowest adjacent exterior grade instead of only 2.0 feet below the lowest adjacent exterior grade for property located at 2501 North High Cross Road, Urbana**

Petitioner: **The estate of Larry L. Peters with Jillian Peters, Executor**

BACKGROUND

Any variance from the Champaign County Special Flood Hazard Areas Ordinance must be authorized by the Champaign County Board. The Zoning Board of Appeals voted 5 to 0 (with two members absent) to "Recommend Approval" of Flood Variance Case 619-FV-08 at the public hearing held on November 13, 2008. Jillian Peters represented the estate of Larry L. Peters at the public hearing and thereafter returned to her Florida residence. However, the case was never included on an ELUC Agenda and so it was never forwarded to the County Board for a final decision. There is some confusion regarding why it was never forwarded to the County Board. The property is currently for sale and thus the flood variance needs a final determination.

THE REQUIRED VARIANCES

This case involved variance from the following two requirements:

- **Garage floor at .83 feet below the Flood Protection Elevation of 690.3 feet.** The Base Flood Elevation (BFE, the height of flood water during the so-called one hundred year event) at this location is 689.3 feet above mean sea level and the Flood Protection Elevation is one foot above the BFE. Thus, the garage floor is .17 feet above the BFE. Being at or above the BFE is all that FEMA requires but the State of Illinois requires an additional one foot of "freeboard" over and above the BFE.
- **Crawlspace at 2.3 feet below exterior grade instead of no more than 2.0 feet below grade.** FEMA requires the "unsupported height of the foundation wall" (ie, the level of the crawl space floor compared to the exterior grade) to be no more than two feet. As originally proposed, the unsupported height of the foundation wall was proposed to be 1.5 feet but as constructed the difference is 2.3 feet.

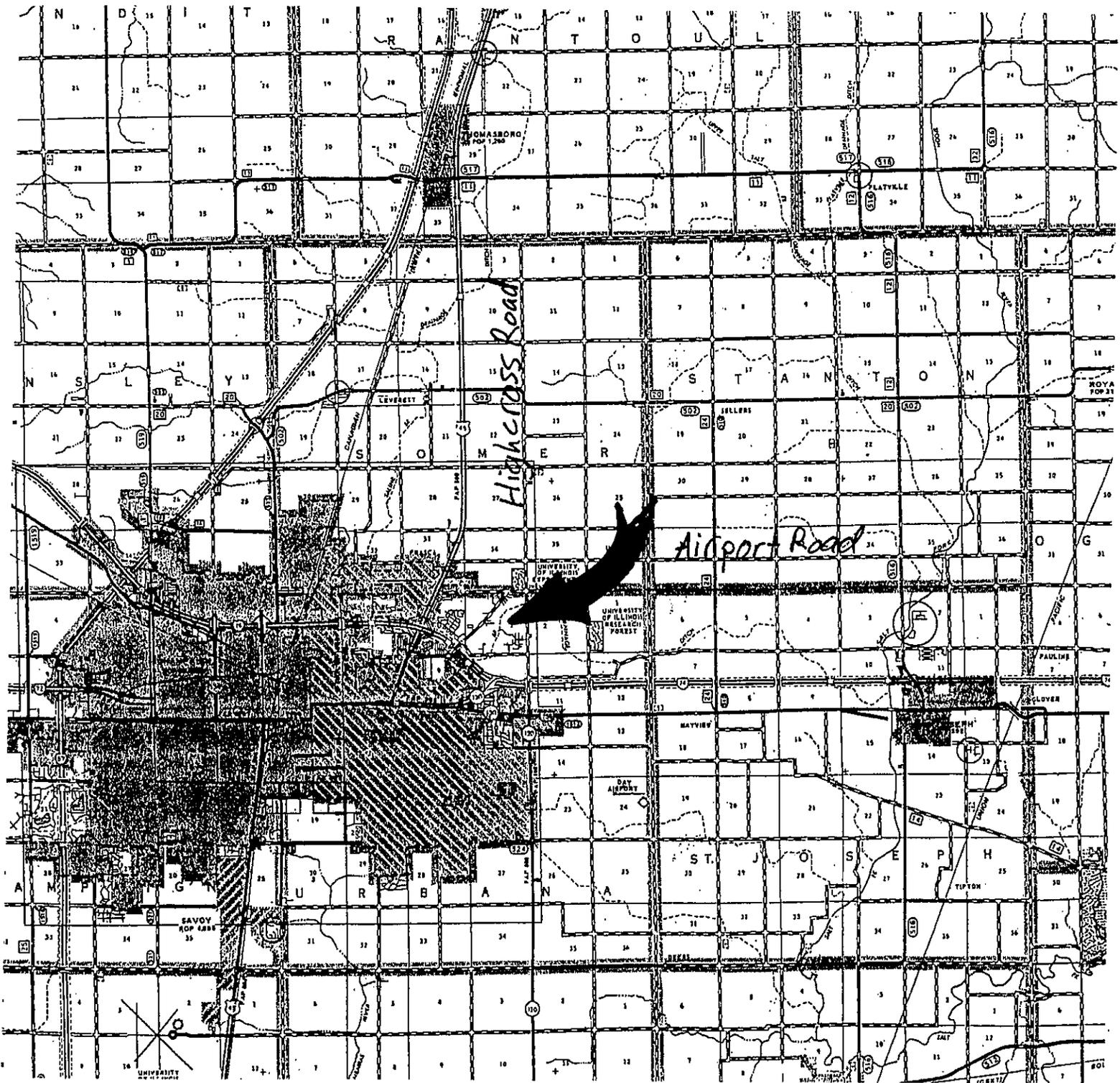
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Excerpt from Flood Insurance Rate Map No. 1708940125B
- C Excerpts (two) from proposed site plan for Zoning Use Permit 46-06-01FP
- D As-Approved Summary of Evidence, Documents of Record, Finding of Fact, and Final Determination

ATTACHMENT A. LOCATION MAP

Case 619-FV-08

OCTOBER 10, 2008



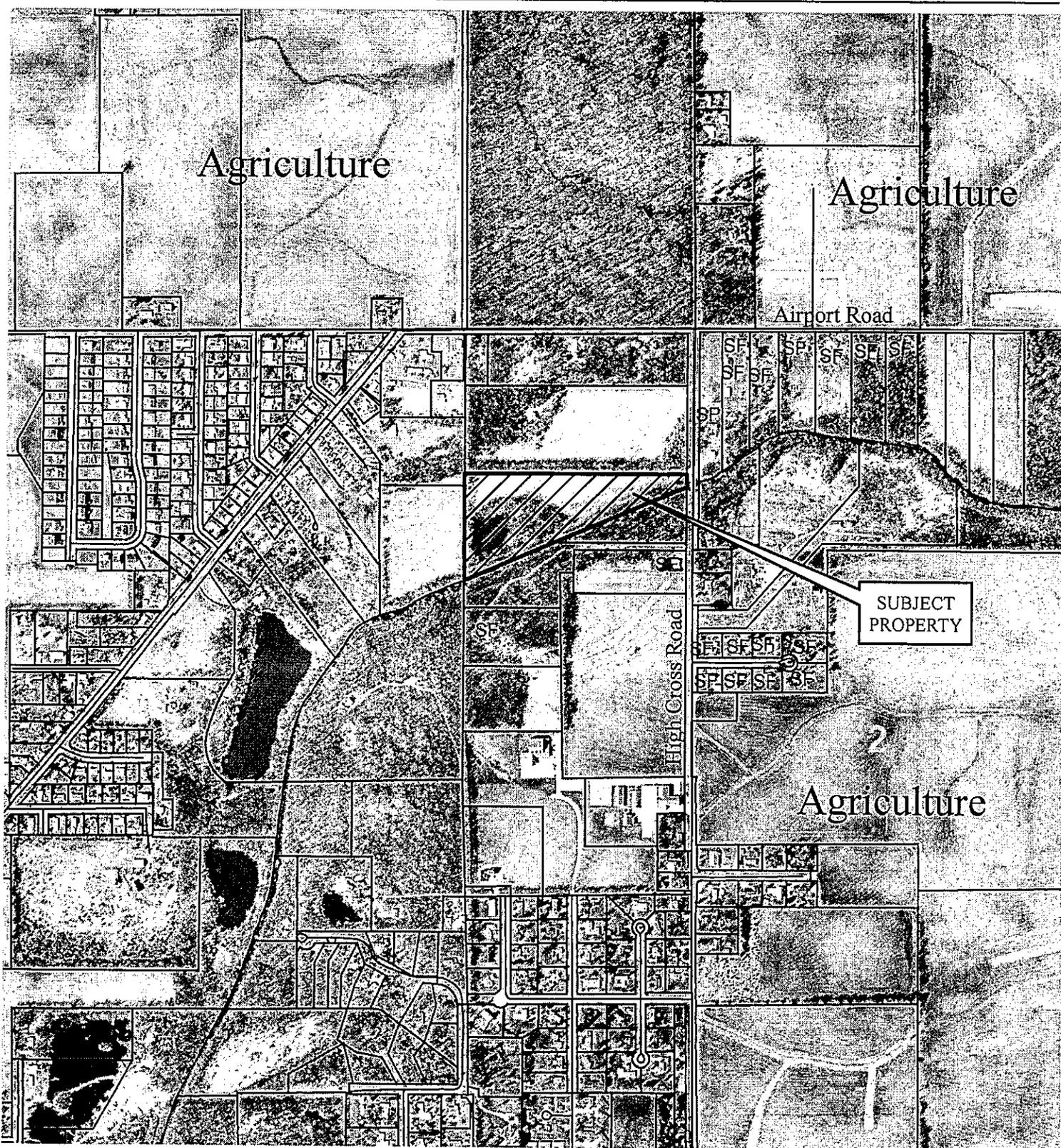
Champaign
County
Department of
**PLANNING &
ZONING**

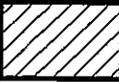


ATTACHMENT A. LAND USE MAP

Case 619-FV-08

OCTOBER 10, 2008



	Area of Concern	
	Single Family	
	Farmstead	



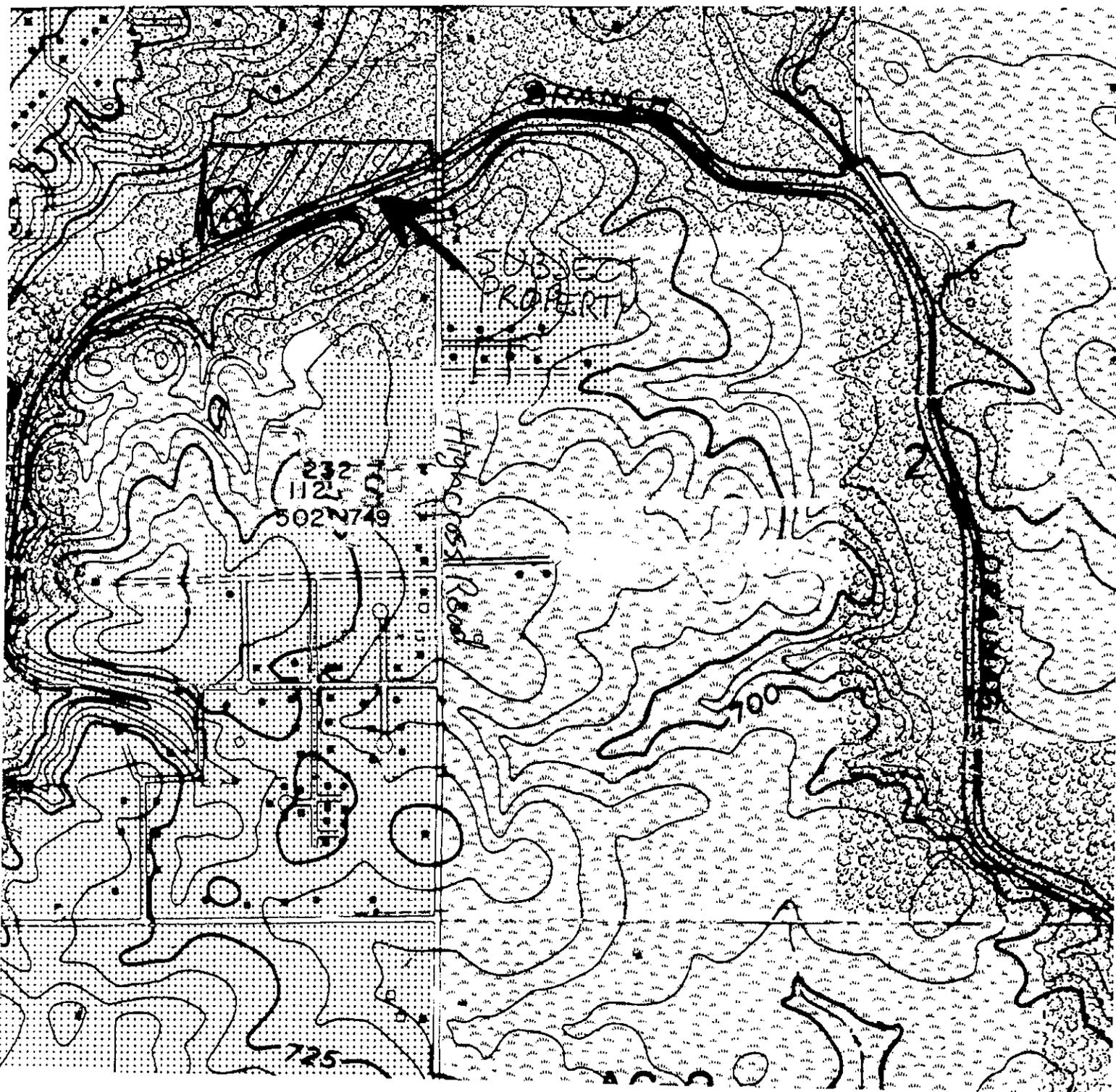
1 inch equals 800 feet

Champaign
County
Department of
**PLANNING &
ZONING**

ATTACHMENT A. ZONING MAP

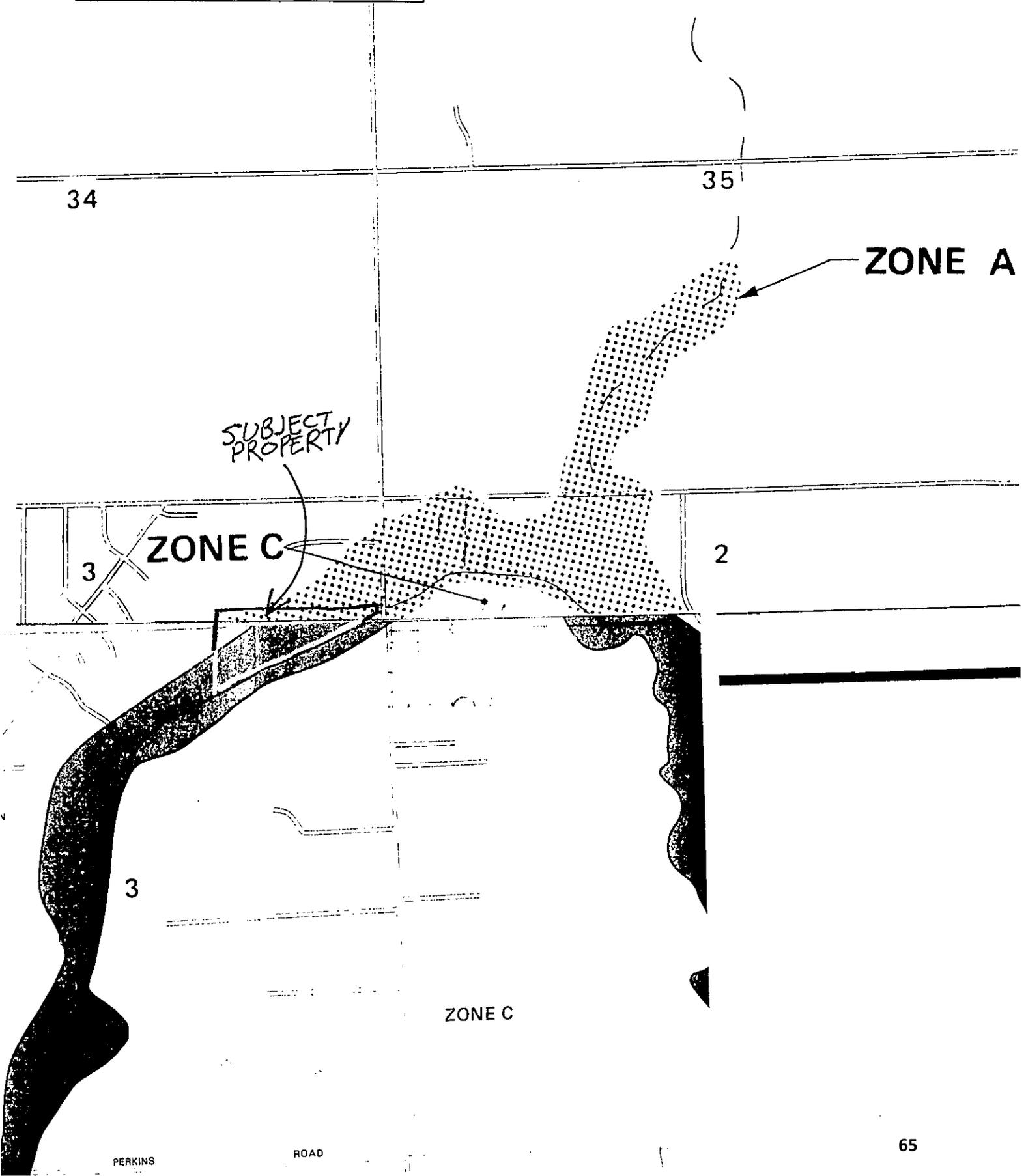
Case 619-FV-08

OCTOBER 10, 2008



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

EXCERPT FROM FLOOD
INSURANCE RATE MAPS



34

35

ZONE A

SUBJECT
PROPERTY

ZONE C

3

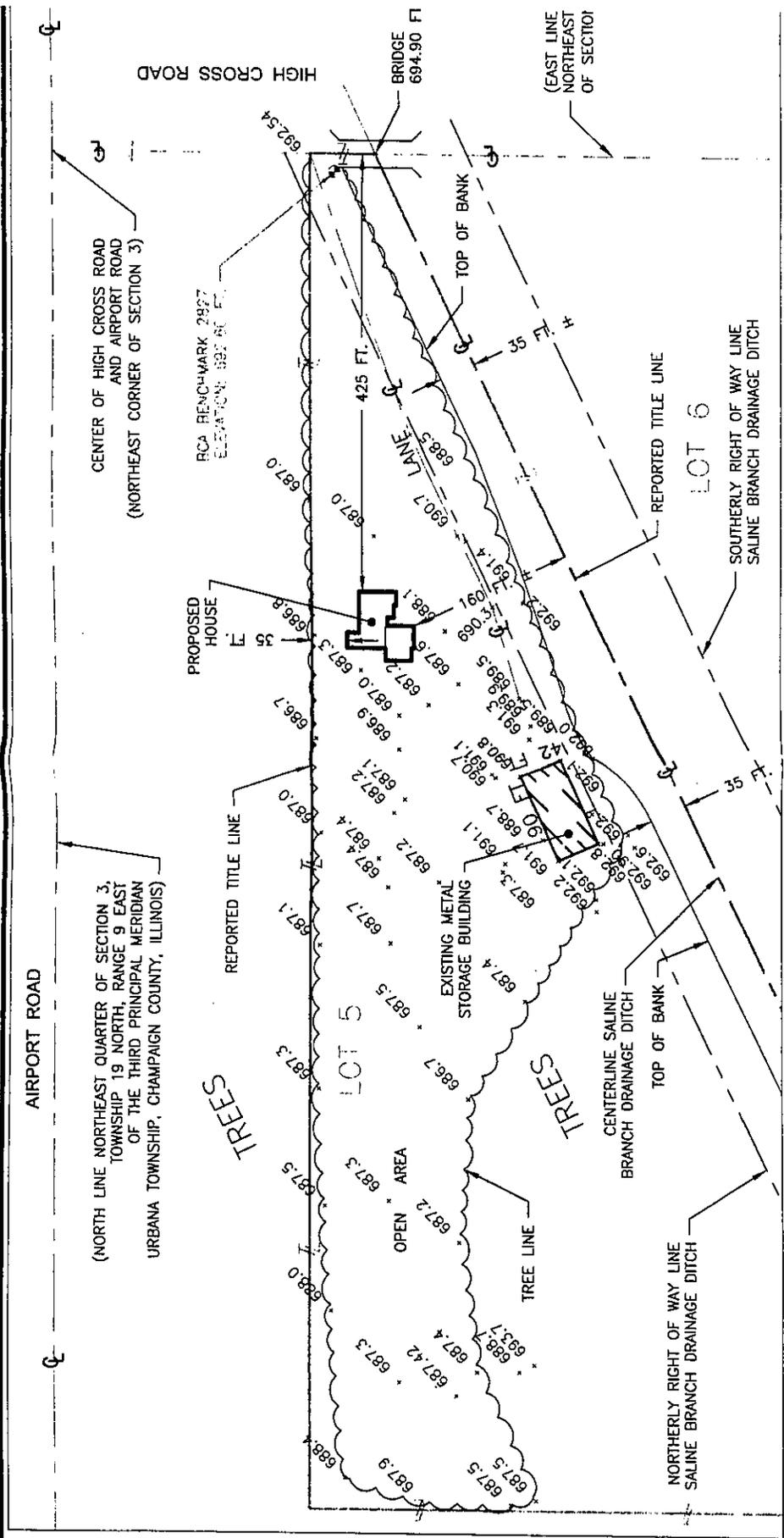
2

3

ZONE B

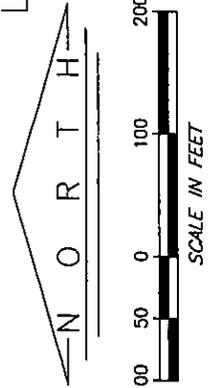
PERKINS

ROAD



LIMITED TOPOGRAPHIC -- SITE SURVEY

EXCERPT FROM PROPOSED SITE PLAN FOR ZONING USE PERMIT 46-06-01FP



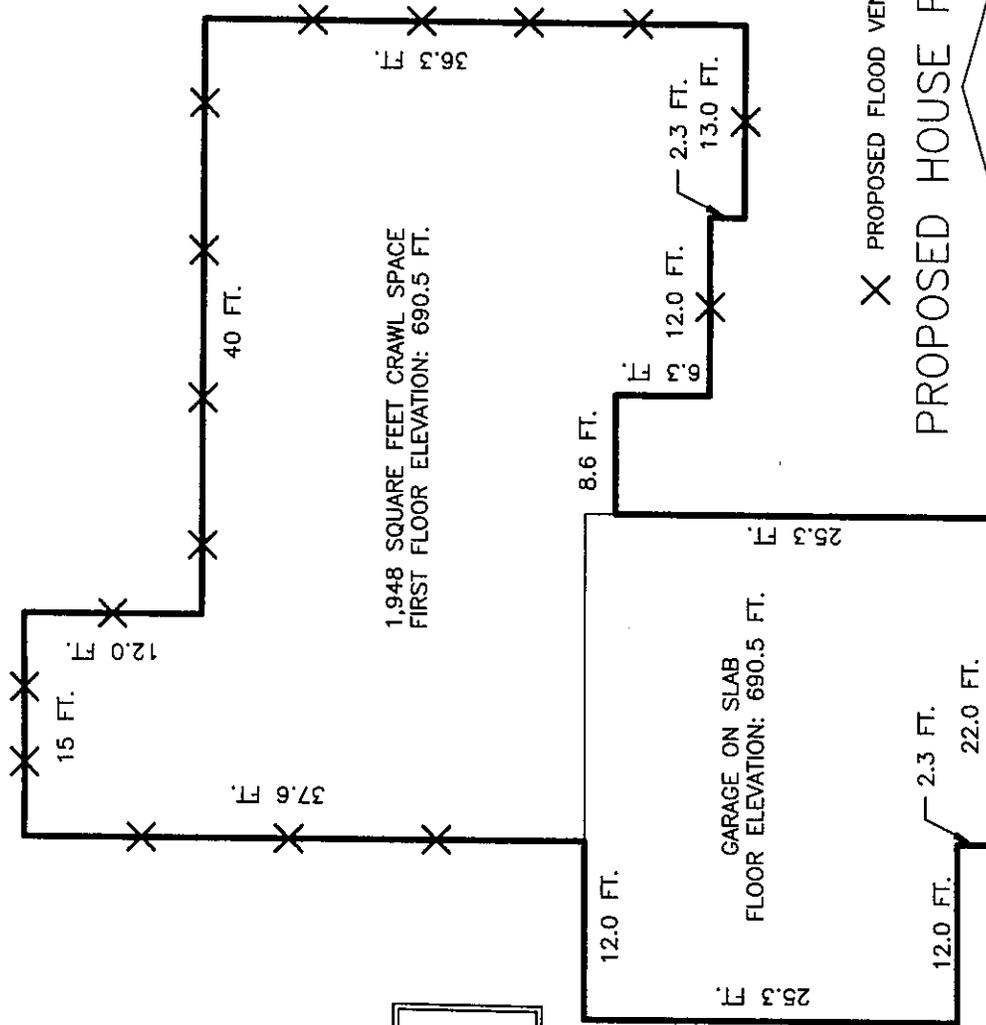
NOTE -- BASE FLOOD ELEVATION REPORTED TO BE 689.5 FT. BY CHAMPAIGN COUNTY DEPARTMENT OF PLANNING AND ZONING.
 -- THE CHAMPAIGN COUNTY SOIL AND WATER CONSERVATION DISTRICT'S "SALT FORK OF THE VERMILION RIVER HYDRAULIC MODEL" DATED OCTOBER 3, 2002 REPORTS THE BASE FLOOD ELEVATION TO BE 689.3 FEET.

QUARE AT TOP OF NORTHWESTERN WINGWALL OF
ROSS ROAD OVER SALINE BRANCH DRAINAGE
WEST OF THE CENTERLINE OF HIGH CROSS
NSHIP, CHAMPAIGN COUNTY, ILLINOIS.

: ELEVATION 718.20 FT.

DIAMETER TUBECO IRON PIPE SURVEY MONUMENT
OUTH OF THE SALINE BRANCH DRAINAGE DITCH
F OF THE CENTERLINE OF HIGH CROSS ROAD,
CHAMPAIGN COUNTY, ILLINOIS.

**EXCERPT FROM PROPOSED SITE PLAN
FOR ZONING USE PERMIT 46-06-01FP**



AS APPROVED

619-FV-08

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

Final Determination: **RECOMMEND APPROVAL**

Date: November 13, 2008

Petitioner: Larry L. Peters

Request: Authorize as a variance from the Champaign County Special Flood Hazard Areas Ordinance the construction and occupancy of a dwelling in which the top of the garage floor is 0.83 feet below the Flood Protection Elevation of 690.3 instead of being at the Flood Protection Elevation; and the interior grade of the crawlspace is 2.3 feet below the lowest adjacent exterior grade instead of only 2.0 feet below the lowest adjacent exterior grade.

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 17, 2008, October 16, 2008, and November 13, 2008**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Larry L. Peters, owns the subject property.
2. The subject property is an 11 acre tract in the West Half of the Southeast Quarter of the Northeast Quarter of Section 3 of Urbana Township and commonly known as the house at 2501 North Highcross Road, Urbana.
3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana. Municipalities do not have protest rights in floodplain variance cases and are not notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Regarding land use and zoning on the subject property and adjacent to it:
 - A. The subject property is zoned CR Conservation-Recreation, and is in use as a single family dwelling.
 - B. Land to the north, east, west, and south of the subject property is zoned CR Conservation-Recreation, and is in use as single family dwellings.

AS APPROVED

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. The proposed site plan consists of the proposed site plan for related Floodplain Development Permit (FDP) 46-06-01FP and a letter from Edward Clancy, P.E., L.S., dated February 12, 2008, that describes the as-built elevations of the various parts of the subject dwelling, as follows:
 - A. The proposed site plan for FDP 46-06-01FP indicates the following regarding the construction of the subject dwelling:
 - (1) It was proposed to be located 425 feet from the east property line, approximately 160 feet from the south property line, and 35 feet from the north property line.
 - (2) The top of the first floor was proposed to be constructed at an elevation of 690.5 feet.
 - (3) The top of the slab that is the garage floor was proposed to be constructed at 690.5 feet.
 - B. The letter from Ed Clancy, P.E., L.S., dated February 12, 2008, describes the as-built elevations for various parts of the subject dwelling, as follows:
 - (1) The elevation of the crawlspace floor is 686.3 feet.
 - (2) The elevation of the top of the next highest floor of the dwelling is 690.91.
 - (3) The lowest grade adjacent to the dwelling (at the northeast corner of the sunroom) is 688.6 feet.
 - (4) The elevation of the garage floor is 689.47 feet.
 - C. The existing detached shed built under Zoning Use Permit Application (ZUPA) 121-04-01 is located 90 feet from the south property line; approximately 200 feet from the north property line; and approximately 640 feet from the west property line.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. The *Special Flood Hazard Areas Ordinance* requirements that are directly relevant to this case are the following:
 - A. The following definitions from the *Special Flood Hazard Areas Ordinance* are especially relevant to the requested variance (capitalized words are defined in the Ordinance).
 - (1) “Base Flood” is the flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.
 - (2) “Base Flood Elevation” (BFE) is the elevation in relation to mean sea level of the crest of the base flood.
 - (3) “Flood” is a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff to surface waters from any source.

- (4) "Floodplain" and "Special Flood Hazard Areas" are synonymous. Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The floodplains of the Copper Slough, McCullough Creek, Saline Branch Ditch, Salt Fork River, Sangamon River, Upper Boneyard Creek and Phinney Branch Ditch are generally identified as such on the Flood Insurance Rate Map of Champaign County prepared by the Federal Emergency Management Agency and dated January 2, 2003 also includes those areas of known flooding as identified by the community.
 - (5) "Flood Protection Elevation" (FPE) is the elevation of the base flood plus one foot of freeboard at any given location in the floodplain.
 - (6) "IDNR/OWR" is the Illinois Department of Natural Resources/Office of Water Resources.
- B. Paragraph 7A. requires that the construction or placement of a new building valued at more than \$1,000 or 70 square feet must be protected from flood damage below the flood protection elevation.
- C. Paragraph 7B provides that a residential building can meet the requirements of Paragraph 7A, as follows:
- (1) The building may be constructed on permanent landfill that conforms to the Ordinance.
 - (2) The building may be elevated in accordance with the Ordinance, which requires:
 - (a) The use of an open foundation or automatic flood vents.
 - (b) The location of all utility and ventilation equipment at or above the Flood Protection Elevation (FPE).
 - (c) The foundation must be designed to minimize flood damage and must be constructed of flood resistant materials.
 - (d) The finished interior grade may not be lower than the finished exterior grade.
 - (e) The area below the FPE shall not be habitable space.
- D. Paragraph 7G allows buildings to be constructed with crawlspaces provided the following:
- (1) The building must be designed to resist floatation, collapse, and lateral movement resulting from hydrodynamic and hydrostatic loads.
 - (2) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures.
 - (3) The interior grade of the crawlspace below the flood protection elevation must not be more than 2.0 feet below the lowest adjacent exterior grade.

AS APPROVED

- (4) The interior height of the crawlspace measured from the interior grade to the top of the foundation wall must not exceed four feet.
 - (5) An adequate drainage system must be installed to remove flood waters.
 - (6) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage.
 - (7) Utility systems within the crawlspace must be elevated above the flood protection elevation.
- E. Subsection 10a of the *Special Flood Hazard Areas Ordinance* states that a variance from the terms of the *Champaign County Special Flood Hazard Areas Ordinance* shall not be granted by the Board unless the applicant demonstrates all of the following:
- (1) The development activity cannot be located outside the floodplain.
 - (2) An exceptional hardship would result if the variance were not granted.
 - (3) The relief requested is the minimum variance.
 - (4) There will be no additional threat to public health or safety or creation of a nuisance.
 - (5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
 - (6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the National Flood Insurance Program.
 - (7) All other state and federal permits have been obtained.

GENERALLY REGARDING WHETHER THE DEVELOPMENT ACTIVITY COULD BE LOCATED OUTSIDE OF THE FLOODPLAIN

8. Regarding the SFHA Ordinance requirement that the development activity cannot be located outside of the floodplain:
 - A. The Petitioner has testified on the application that, **“Whole lot in floodplain.”**
 - B. An excerpt of Flood Insurance Rate Map 1708940180 was attached to the Preliminary Memorandum and the subject property has been drawn at the proper scale. Only a small portion of the lot appears to be outside the SFHA.

GENERALLY REGARDING WHETHER AN EXCEPTIONAL HARDSHIP WOULD RESULT IF THE FLOODPLAIN VARIANCE WERE NOT GRANTED

9. Regarding the SFHA Ordinance requirement that an exceptional hardship would result if the floodplain variance were not granted:

- A. The Petitioner has testified on the application that, **“Would have to modify whole 3 car garage – very expensive.”**
- B. The subject dwelling was proposed to be constructed in compliance with the SFHA Ordinance, but was not actually constructed as proposed.
- C. Regarding the possible modification of the subject dwelling to comply with the *Special Flood Hazard Areas Ordinance*, Ken Carter, contractor for the petitioner, in a letter received on June 9, 2008, indicated that to raise the garage floor 10 to 12 inches would require the following:
- (1) Supporting the existing garage roof area.
 - (2) Removing the siding and drywall from the bottom half of the walls.
 - (3) Shortening the studs 12 inches.
 - (4) Laying one and one-half courses of concrete block.
 - (5) Setting the walls back to the foundation.
 - (6) Removing both garage doors and the walk door.
 - (7) Raising the headers up 12 inches.
 - (8) Removing the existing garage floor.
 - (9) Adding fill sand as necessary and then pouring a new garage floor.
 - (10) Reinstalling garage doors, siding, drywall, and paint.
 - (11) Raising the garage would also necessitate raising the front porch, sidewalks, and garage stoop.
 - (12) The approximate cost for these modifications is \$23,500 to \$28,000 for all materials and labor.
- D. The interior grade of the crawlspace would also require modifications that would raise the crawlspace floor four to five inches.

GENERALLY REGARDING WHETHER THE RELIEF REQUESTED IS THE MINIMUM NECESSARY

10. Generally regarding the SFHA Ordinance requirement that the relief requested is the minimum necessary:
- A. The Petitioner has testified on the application that, **“Already built structure – can’t be any higher than already is.”**

AS APPROVED

- B. Regarding the subject dwelling; this is the minimum variance possible as any change to the amount of variance requested would require raising the garage and crawlspace floors.
- C. The crawlspace was inspected by Zoning Officer, Jamie Hitt on June 13, 2006. The inspection verified that the flood vents and interior drain system had been installed and that the crawlspace would not be over four feet high. The final grading was not complete. Photographs from the inspection indicate that the garage floor was being poured on that day.

GENERALLY REGARDING WHETHER THERE WILL BE ANY ADDITIONAL THREAT TO PUBLIC HEALTH AND SAFETY OR CREATION OF A NUISANCE

- 11. Generally regarding the SFHA Ordinance requirement that there will be no additional threat to public health and safety or creation of a nuisance:
 - A. The Petitioner has testified on the application that, **“Just a garage, not living space.”**
 - B. Neither the garage nor crawlspace are habitable space.

GENERALLY REGARDING WHETHER THERE WILL BE ADDITIONAL PUBLIC EXPENSE

- 12. Regarding the SFHA Ordinance requirement that there be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities:
 - A. The Petitioner has testified on the application that, **“Just a garage, not living space.”**
 - B. The garage floor being lower than the Flood Protection Elevation will not increase public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities, although flood damage could occur to the garage walls or items stored on the garage floor.

GENERALLY REGARDING WHETHER THE CIRCUMSTANCES ARE UNIQUE

- 13. Regarding the SFHA Ordinance requirement that the applicant’s circumstances are unique, and do not establish a pattern inconsistent with the National Flood Insurance Program:
 - A. This is only the seventeenth flood variance that has ever been applied for in the history of the *Champaign County Special Flood Hazard Areas Ordinance* and in the same amount of time there have been nearly 2000 Zoning Use Permits authorized.

GENERALLY REGARDING WHETHER ALL OTHER REQUIRED PERMITS HAVE BEEN OBTAINED

- 14. Regarding whether all other required state and federal permits have been obtained:
 - A. The petitioner has had a licensed engineer complete a FEMA Elevation Certificate for the subject property.
- 15. The Petitioner Larry Peters has deceased and Jillian Peters is the executor of the estate.

DOCUMENTS OF RECORD

1. Floodplain Variance Application from Larry Peters submitted on April 29, 2008
2. Preliminary Memorandum for Case 619-FV-08
3. Supplemental Memorandum for Case 619-FV-08 dated October 10, 2008, with attachments:
 - A Zoning Case Maps for Case 619-FV-08 (Location, Land Use, and Zoning)
 - B Excerpt from Flood Insurance Rate Map No. 1708940125B
 - C Excerpt from proposed site plan for Zoning Use Permit 46-06-01FP
 - D Photographs of crawlspace inspection on June 13, 2006
 - E Elevation Certificate Letter from Ed Clancy dated February 12, 2008
 - F Handwritten letter from Ken Carter describing the cost of raising the garage floor received on June 9, 2008
 - G Draft Finding of Fact for Case 619-FV-08
4. Zoning Use Permit Application 46-06-01FP

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **619-FV-08** held on **July 17, 2008 and October 16, 2008, and November 13, 2008**, the Zoning Board of Appeals of Champaign County finds that:

1. The development activity **CANNOT** be located outside the floodplain because the existing lot is located in the floodplain and no additional land is available.
2. An exceptional hardship **WOULD NOT** result if the floodplain variance were not granted because evidence has been submitted by a contractor indicating the extensive cost to make the necessary correction.
3. The relief requested **IS** the minimum necessary because the home is above the base floodplain but not within the accepted parameters.
4. The requested floodplain variance **WILL NOT** result in any additional threat to public health and safety or creation of a nuisance because the garage floor is above the floodplain but not to specification.
5. The requested floodplain variance **WILL NOT** result in additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities because the whole property is in the floodplain and the potential impact will affect only the non-habitable area of the home.
6. The applicant's circumstances **ARE** unique and **DO NOT** establish a pattern inconsistent with the National Flood Insurance Program because of the 2,000 Zoning Use Permits issued only 17 have required flood variances.
7. All other required state and federal permits **HAVE** been obtained.

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of Section 10a. of the *Special Flood Hazard Areas Ordinance* **HAVE** been met, and determines that:

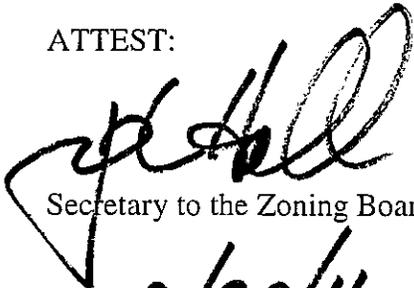
The Floodplain Variances requested in Case 527-FV-05 is hereby **GRANTED** to the petitioner, **Larry L. Peters**, to authorize as a variance from the Champaign County Special Flood Hazard Areas Ordinance the construction and occupancy of a dwelling in which the top of the garage floor is 0.83 feet below the Flood Protection Elevation of 690.3 instead of being at the Flood Protection Elevation; and the interior grade of the crawlspace is 2.3 feet below the lowest adjacent exterior grade instead of only 2.0 feet below the lowest adjacent exterior grade.

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

SIGNED:

Debra Griest, Chair
Champaign County Zoning Board of Appeals

ATTEST:



Secretary to the Zoning Board of Appeals

Date

8/30/16

MONTHLY REPORT for JULY 2016¹

Champaign County
Department of



Zoning Cases

The distribution of cases filed, completed, and pending is detailed in Table 1. One zoning case was filed in July and three cases were filed in July 2015. The average number of cases filed in July in the preceding five years was 1.2.

One Zoning Board of Appeals (ZBA) meeting was held in July and two cases were completed. One ZBA meeting was held in July 2015 and one case were completed. The average number of cases completed in July in the preceding five years was 5.5.

By the end of July there were 18 cases pending. By the end of July 2015 there were 12 cases pending.

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

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

Table 1. Zoning Case Activity in July 2016 & July 2015

Type of Case	July 2016 1 ZBA meeting		July 2015 1 ZBA meeting	
	Cases Filed	Cases Completed	Cases Filed	Cases Completed
Variance	1	1	2	1
SFHA Variance	0	0	0	0
Special Use	0	1	1	0
Map Amendment	0	0	0	0
Text Amendment	0	0	0	0
Change of Non-conforming Use	0	0	0	0
Administrative Variance	0	0	0	0
Interpretation / Appeal	0	0	0	0
TOTALS	1	2	3	1
Total cases filed (fiscal year)	24 cases		18 cases	
Total cases completed (fiscal year)	19 cases**		12 cases	
Case pending*	18 cases		12 cases	
* Cases pending includes all cases continued and new cases filed <u>but not decided</u>				
**Three cases were also withdrawn in July 2016				

¹ Note that approved absences, sick days, one snow day, and one part-time intern resulted in an average staffing level of 87% or the equivalent of 4.4 full time staff members (of the 5 authorized) present on average for each of the 20 work days in July.

Subdivisions

No County subdivision application was received in July. No municipal subdivision plat was reviewed for compliance with County zoning in July.

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 July can be summarized as follows:

- 10 permits for 8 structures were approved in July compared to 21 permits for 19 structures in July 2015. The five-year average for permits in July in the preceding five years was 16.8.
- 29 months out of the last 60 months have equaled or exceeded the five-year average for number of permits (including June 2016, May 2016, April 2016, March 2016, February 2016, December 2015, October 2015, July 2015, June 2015, January 2015, December 2014, October 2014, August 2014, July 2014, June 2014, May 2014, March 2014, November 2013, August 2013, July 2013, June 2013, December 2012, October 2012, September 2012, May 2012, April 2012, February 2012, December 2011, and October 2011).
- 8.8 days was the average turnaround (review) time for complete initial residential permit applications in July.
- \$624,998 was the reported value for the permits in July compared to a total of \$1,787,785 in July 2015. The five-year average reported value for authorized construction in July is \$1,752,361.
- 31 months in the last 60 months have equaled or exceeded the five-year average for reported value of construction (including May 2016, April 2016, March 2016, February 2016, January 2016, September 2015, July 2015, June 2015, December 2014, October 2014, June 2014, May 2014, March 2014, February 2014, November 2013, September 2013, August 2013, July 2013, June 2013, February 2013, January 2013, November 2012, August 2012, September 2012, May 2012, June 2012, February 2012, January 2012, December 2011, November 2011, and August 2011).
- \$2,436 in fees were collected in July compared to a total of \$5,706 in July 2015. The five-year average for fees collected in July is \$3,572.
- 29 months in the last 60 months have equaled or exceeded the five-year average for collected permit fees (including April 2016, March 2016, February 2016, January 2016, December 2015, October 2015, September 2015, July 2015, January 2015, December 2014, November 2014, October 2014, August 2014, July 2014, June 2014, May 2014, March 2014, February 2014, August 2013, July 2013, February 2013, January 2013, October 2012, September 2012, May 2012, April 2012, February 2012, January 2012, and December 2011).
- There were also 7 lot split inquiries and 216 other zoning inquiries in July.

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JULY 2016

Table 2. Zoning Use Permits Approved in July 2016

PERMITS	CURRENT MONTH			FISCAL YEAR TO DATE		
	#	Total Fee	\$ Value	#	Total Fee	\$ Value
AGRICULTURAL:						
Residential				5	0	1,873,000
Other				10	0	624,759
SINGLE FAMILY Resid.:						
New - Site Built				12	8,801	3,978,000
Manufactured	1	177	6,250	4	888	268,050
Additions	1	81	34,250	20	3,412	812,299
Accessory to Resid.	4	1,669	183,000	32	9,339	850,769
TWO-FAMILY Residential						
Average turn-around time for permit approval	8.75 days					
MULTI - FAMILY Residential						
HOME OCCUPATION:						
Rural				1	33	0
Neighborhood				5	0	0
COMMERCIAL: New				1	228	110,000
Other	2	311	101,200	2	311	101,200
INDUSTRIAL: New				3	2,119	3,644,000
Other				1	1,873	156,000
OTHER USES: New						
Other						
SIGNS				5	1,147	110,304
TOWERS (Incl. Acc. Bldg.)				2	748	305,000
OTHER PERMITS	2	198	300,298	11	740	383,098
TOTAL APPROVED	10/8	\$2,436	\$624,998	114/97	\$29,639	\$13,216,479

*10 permits were issued for 8 structures in July 2016; 10 permits require inspection and Compl. Certif.

◇ 114 permits have been issued for 97 structures since 1/1/16 (FY2016)

NOTE: Home occupations and other permits (change of use, temporary use) total 17 since 1/1/16, (this number is not included in the total number of structures).

There were 19 Zoning Use Permit Apps. *received* in July 2016 and 6 were *approved*.

4 Zoning Use Permit App. *approved* in July 2016 had been *received* in prior months.

Planning & Zoning Monthly Report
JULY 2016

- Three rural addresses were issued in July.
- Minutes for six ZBA meetings were transcribed in July.

Conversion of Best Prime Farmland

Table 3 summarizes conversion of Best Prime Farmland as a result of any County zoning approval so far in 2016.

Table 3. Best Prime Farmland Conversion

	July 2016	2016 to date
Zoning Cases. Approved by the ZBA, a Zoning Case July authorize a new principal use on Best Prime Farmland that was previously used for agriculture.	0.0 acres	0.00 acres
Subdivision Plat Approvals. Approved by the County Board, a subdivision approval July authorize creation of new Best Prime Farmland lots smaller than 35 acres: Outside of Municipal ETJ areas ¹	0.0 acre	0.0 acre
----- Within Municipal ETJ areas ²	0.0 acre	0.0 acre
Zoning Use Permits. Approved by the Zoning Administrator, a Permit July authorize a new non-agriculture use on a lot that was not previously authorized in either a zoning case or a subdivision plat approval.	0.0 acres	0.0 acres
----- Agricultural Courtesy Permits	0.0 acres	0.0 acres
TOTAL	0.0 acres	2.3 acres
NOTES 1. Plat approvals by the County Board. 2. Municipal plat approvals.		

Zoning Compliance Inspections

- No zoning compliance inspections were made in July.
- No zoning compliance certificates were issued in July. A total of 21 zoning compliance certificates have been issued so far in 2016 for an average of .7 certificates per week. The 2016 budget anticipates a total of 330 compliance inspections and certificates for an average of 6.4 certificates per week.

Zoning and Nuisance Enforcement

Table 4 contains the detailed breakdown of enforcement activity for July 2016 and can be summarized as follows:

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- 8 new complaints were received in July compared to 3 complaints that were received in July 2015. One complaint was referred to another agency in July and two complaints were referred to another agency in July 2015.
- 65 enforcement inspections were conducted in July compared to 62 inspections in July 2015. Four of the July 2016 inspections were for new complaints received in July 2016.
- One contact was made prior to written notification in July and none were made in July 2015.
- 66 initial investigation inquiries were made in July for an average of 16.8 per week in July and an average of 8.0 per week for the fiscal year. The 2016 budget anticipates an average of 8.9 initial investigation inquiries per week.
- No First Notices and no Final Notices were issued in July and in July 2015 there were no First Notices and two Final Notices were issued. The 2016 budget anticipates a total of 23 First Notices for an average of 1.9 First Notices per month.
- No cases were referred to the State's Attorney in July and one case was referred in July 2015. The 2016 budget anticipates a total of 3 cases forwarded to the State's Attorney's Office.
- 13 cases were resolved in July (2 of the resolved cases were for complaints received in July) and in July 2015 there were 9 cases were resolved. The 2016 budget anticipates a total of 72 resolved cases in 2016.

One of the 13 cases resolved in July was for the former Cherry Orchards Apartments property in Rantoul Township.

- 328 cases remain open at the end of July compared to 317 open cases at the end of July 2015.
- In addition to the activities summarized in Table 4, other activities of Enforcement staff in July included the following:
 1. Answering phones and helping customers when needed due to unavailability or absence of Zoning Technicians.
 2. Coordinated with land owners, complainants, and the State's Attorney's Office regarding enforcement cases that have been referred to the State's Attorney's Office and particularly those cases that involve dangerous structures.
 3. Assisted the Zoning Administrator with an ongoing review of dangerous structures in Urbana Township.

APPENDIX

A Zoning Use Permit Activity In July 2016

B Active Land Disturbance Erosion Control Permits In The Champaign County MS4 Jurisdictional Area

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Table 4. Enforcement Activity During July 2016

	FY2015 TOTALS ¹	Jan. 2016	Feb. 2016	March 2016	April 2016	May 2016	June 2016	July 2016	Aug. 2016	Sep. 2016	Oct. 2016	Nov. 2016	Dec. 2016	TOTALS ¹ FY2016
Complaints Received	55	3	2	4	9	4	10	8						40
Initial Complaints Referred to Others	9	0	0	1	1	0	1	1						4
Inspections	495	18	35	45	37	14	27	65 ⁴						241 ⁵
Phone Contact Prior to Notice	4	0	2	1	0	3	0	1						7
First Notices Issued	48	0	1	7	1	0	4	0						13
Final Notices Issued	7	0	1	0	0	0	0	0						1
Referrals to State's Attorney	2	0	0	0	0	0	0	0						0
Cases Resolved ²	53	1	3	5	1	0	2	13 ⁶						25 ⁷
Open Cases ³	313	315	314	313	321	325	333	328						328 ⁸

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. 4 inspections of the 65 performed were for the 8 complaints received in July, 2016.
5. 64 inspections of the 241 inspections performed in 2016 were for complaints received in 2016.
6. 2 of the resolved cases for July, 2016, were received in July, 2016.
7. 14 of the cases resolved in FY 2016 were for complaints that were also received in FY 2016.
8. Total open cases include 20 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 PERMIT ACTIVITY DURING JULY 2016

Permit Number	Zoning District; Property Description; Address; PIN	Owner Name	Date Applied, Date Approved	Project (Related Zoning Case)
154-16-02 I-1	Tracts comprising 3.94 acres located in the SE ¼ of the NE ¼ of Section 16, Scott Township; 202 N. Main Street, Seymour, Illinois PIN: 23-19-16-153-001, 002, 158-002	Topflight Grain Coop, Inc.	06/02/16 07/16/16	Construct a Motor Control Center for a grain elevator
166-16-01 AG-1	A 2.89 acre tract of land located in Part of the NW ¼ of the SE ¼ of Section 26, St. Joseph Township; 1347 County Road 2250E, St. Joseph, Illinois PIN: 28-22-26-401-001	Brian Loman	06/14/16 07/07/16	Construct a detached storage shed for personal use only
181-16-01 AG-1	A 1 acre tract of land located in the SW Corner of the W ½ of the SE ¼ of Section 29, Newcomb Township; 150 County Road 2500N, Mahomet, Illinois PIN: 16-07-29-400-002	Joseph and Melissa Hunsinger	06/29/16 07/14/16	Move a detached garage onto the subject property
181-16-02 R-3	Lot 7 of Woodard Chateau Garden Subdivision, Section 10, St. Joseph Township; 701 Chateau Drive, St. Joseph, Illinois PIN: 28-22-10-227-007	Amit Kadriu	06/29/16 07/12/16	Place a manufactured home on the subject property
183-16-01 CR	Lot 3 of Hobbs Subdivision, Section 32, East Bend Township; 3076 County Road 700E, Fisher, Illinois PIN: 10-02-32-101-003	Cristina Prestin-Latham	07/01/16 07/12/16	Place an above ground swimming pool on the subject property
183-16-02 FP AG-1	A 2.17 acre tract of land located in the N ½ of the NE ¼ of Section 8, Tolono Township; 759 County Road 1100N, Champaign, Illinois PIN: 29-26-08-200-009	Dan and Donna Gambill	07/01/16 07/21/16	Construct a driveway in the mapped floodplain

 Land Disturbance Erosion Control Permit also required

*received and reviewed, however, not approved during reporting month

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Planning & Zoning Monthly Report
JULY 2016

APPENDIX A. ZONING USE PERMIT ACTIVITY DURING JULY 2016

Permit Number	Zoning District; Property Description; Address; PIN	Owner Name	Date Applied, Date Approved	Project (Related Zoning Case)
183-16-03 I-2	A tract of land being a part of the SW ¼ of Section 32, Harwood Township (leasing west warehouse building); 1924 County Road 3000N, Rantoul, PIN: 11-04-32-300-032	Tri-Rinse, Inc.	07/01/16 07/21/16	Change the Use to establish a seed container rinsing and warehouse facility
*187-16-01	Variance needed			
*187-16-02	Under review			
188-16-01 AG-1	A 1.46 acre tract of land located in the NE ¼ of the SW ¼ of Section 17, Rantoul Township; 2731 County Road 2000E, Rantoul, IL PIN: 20-10-17-400-012	Anderson Smith	07/06/16 07/21/16	Construct a detached garage
189-16-01 B-1	A 9.7 acre tract of land located in Part of the SE ¼ of Section 17, Somer Township; 1806 E. Leverett Road, Champaign, Illinois PIN: 25-15-17-400-002 & 011	Illini FS	07/07/16 07/21/16	Install an 18,000 gallon anhydrous ammonia tank with load-out riser
189-16-02 R-1	Lot 42 in Woodfield West Subdivision, Section 22, Mahomet Township; 803 Buckthorn Circle, Mahomet, Illinois PIN: 15-13-22-253-004	Harry Wenzel	07/07/16 07/21/16	Construct a sunroom addition to an existing single family home
*190-16-01	Under review			
190-16-02 FP	Ehler			
*193-16-01	More information needed			
*193-16-02	Under review			
*195-16-01	Issued 08/02/16			
*195-16-02	Under review			
*201-16-01	Under review			
*203-16-01	Under review			
*209-16-01	Under review			
*210-16-01	Under review			
*211-16-01	Under review			

Land Disturbance Erosion Control Permit also required

*received and reviewed, however, not approved during reporting month

Planning & Zoning Monthly Report
JULY 2016

**APPENDIX B. ACTIVE LAND DISTURBANCE EROSION CONTROL PERMITS IN
 THE CHAMPAIGN COUNTY MS4 JURISDICTIONAL AREA**

Permit Number; Zoning;	Property Description; Address; PIN	Owner Name	Date Applied Date Approved Date of Final Stabilization	Project (Related Zoning Case)
302-15-01 I-1	A tract of land located in the NE ¼ of Section 34, Tolono Township; 981 County Road 700N, Tolono, Illinois PIN: Pt. of 29-26-34-100-006	Eastern Illini Electric Coop	10/29/15 05/18/16	Construct an electrical substation

Julia R. Rietz
State's Attorney

Barbara Mann
Chief of the Civil Division
email: bmenn@co.champaign.il.us



Courthouse
101 East Main Street
P. O. Box 785
Urbana, Illinois 61801
Phone (217) 384-3733
Fax (217) 384-3816

**Office of
State's Attorney
Champaign County, Illinois**

August 26, 2016

Mr. Aaron Esry
ELUC Chair

Re: *Closed Session Minutes Review for ELUC*

Dear Mr. Esry:

Pursuant to the Open Meetings Act, a public body such as ELUC is required to review its closed session minutes at least semi-annually. The Committee must then determine whether the need for confidentiality exists as to all or part of those minutes, or determine that the minutes or portions thereof no longer require confidential treatment, thereby making them available for public inspection. Therefore, the question is whether there is no longer a need to keep minutes closed in order to protect either the public interest or the privacy of an individual. Whichever conclusion the Committee draws must be then be reported in open session.

Please note that the Committee may enter into closed session for the purpose of review of closed session minutes pursuant to 5 ILCS 120/2(c)(21): Discussion of minutes of meetings lawfully closed under the Act. Just as in open session, if the matter requires action by the Committee, the matter must have been noticed on the posted agenda.

The County Board passed Resolution No. 7969, "Resolution Establishing Procedures for Semi-Annual Review of Closed Session Minutes by the Champaign County Board" on November 17th, 2011. Under the parameters established by the full board in Resolution 7969, none of the minutes are ripe for review. The majority of the closed session minutes concern the appointment, employment, compensation, discipline, performance, or dismissal of specific employees. The remainder concern litigation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barb".

Barbara J. Mann

CC: Brian Nolan, Administrative Services