#### CHAMPAIGN COUNTY BOARD ENVIRONMENT and LAND USE COMMITTEE AGENDA

COUNTY OF CHAARPACH

**County of Champaign, Urbana, Illinois** Thursday, April 8, 2021 - 6:30 p.m.

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

Committee Members:

Eric Thorsland – Chair Aaron Esry – Vice-Chair Stephanie Fortado Mary King Kyle Patterson Jacob Paul Chris Stohr

#### THIS MEETING WILL BE CONDUCTED REMOTELY

This meeting will also be live streamed at: <u>https://www.facebook.com/champaigncountyillinois</u>

	Agenda	Page #
Ι.	Call to Order	
١١.	Roll Call	
III.	Approval of Agenda/Addendum	
IV.	Approval of Minutes A. March 4, 2021	1 - 4
V.	Public Participation *Being accepted remotely through Zoom – for instructions go to: <u>http://www.co.champaign.il.us/CountyBoard/ELUC/2021/210408_Meeting/210408_Zoo _instructions.pdf</u>	om_%20meeting
VI.	Communications	
VII.	New Business: For Information Only	
	A. Champaign County Solid Waste Management – Information Series (Part 4 of 5)	5 - 7
	B. Continued Complaints About Honeybees in Prairie View Subdivision	8 - 17
VIII.	New Business: Items to be Approved by ELUC	
	A. Proposed Text Amendment to add "Agronomic Research and Training Facility" as a Special Use Permit in the AG-1 and AG-2 Agriculture Zoning Districts	18

All meetings are at Brookens Administrative Center – 1776 E Washington Street in Urbana – unless otherwise noted. To enter Brookens after 4:30 p.m., enter at the north (rear) entrance located off Lierman Avenue. Champaign County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities. Please contact Administrative Services, 217-384-3776, as soon as possible but no later than 48 hours before the scheduled meeting.

- IX. New Business: Items to be Recommended to the County Board
  - A. Zoning Case 002-AM-21. A request by Ryan and Amanda Donaldson, 725 N. Maple, 19 29 Paxton dba D5 Holdings Group LLC to change the zoning district designation from the AG-2 Agriculture Zoning District to the B-4 General Business Zoning District in order to establish and operate a proposed Special Use Permit in related Zoning Case 003-S-21 consisting of multiple principal buildings on the same lot, on a 7.05-acre tract of land in the East Half of the Northeast Quarter of the Northeast Quarter of Section 33, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township with an address of 3804 N. Cunningham Avenue, Urbana.

B. County Board Opposition to Senate Bill 1602	30 - 39
Other Business A. Semi-Annual Review of CLOSED Session Minutes	40 - 41
	14 04
<ul><li>B. Monthly Reports</li><li>i. February 2021</li></ul>	42 - 50
Chair's Report	

- XII. Designation of Items to be Placed on the Consent Agenda
- XIII. Adjournment

Х.

XI.



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

DATE:	Thursday, March 4, 2021		
TIME:	6:30 p.m.		
PLACE:	Putman Meeting Room		
	Brookens Administrative Center		
	1776 E Washington, Urbana, IL 61802		
	and remote participation via Zoom		
Commi	ttee Members		
	Present	Absent	
	Aaron Esry (Vice-Chair) – via Zoom		
	Stephanie Fortado – via Zoom		
	Mary King – via Zoom		
	Kyle Patterson – via Zoom		
		Jacob Paul	
	Chris Stohr – via Zoom		
	Eric Thorsland (Chair) – via Zoom		
-	all present at Brookens Administrative Ce	1onte (Planner), and Mary Ward (Recordi nter and via Zoom	
Others	all present at Brookens Administrative Ce Present: None		
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MINUT	all present at Brookens Administrative Ce Present: None TES		
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## 41 VI. Communications

There were no communications to be shared with the committee.

#### 44 VII. New Business: For Information Only

A. Champaign County Solid Waste Management – Information Series (Part 3 of 5)

Ms. Monte presented Part 3 of 5 of the Champaign County Solid Waste Management – Information Series. Tonight's presentation focuses on recycling as a material management option for construction and demolition debris, metals, aluminum, cardboard, paper, glass, plastics, and batteries. An important key consideration is how to estimate or measure recycling, which is a County responsibility. Current provisions of state legislation require that a county must report on a recycling program, serving the county, designed to recycle 25% by weight of the municipal waste generated in each county. That is subject to a viable market for the recycled materials.

There are two major ways to do the estimating. One is a closed system whereby the estimated weights of recycled materials are tracked. Both the City of Urbana and the City of Champaign use this method. They each require their licensed waste haulers to report this estimated data quarterly. The County presently does not require this of waste haulers licensed by the County. Ms. Monte shared some examples of recent recycling estimates based on City of Urbana reports. The example showed the tons and percent recycled and also showed, maybe more interestingly, the percent diverted from the landfill. The material amounts that can be diverted from the landfill seems to be the more important figure, and the upward trend of materials diverted is a good trend.

A second option to potentially use to estimate the percentages of recycled materials is to use the Illinois Solid Waste Disposal and Recycling Model. This method is available to counties who do not have resources to conduct their own needs assessment with measurement estimates. It's based on population characteristics and data.

Our current 5-year updated Champaign County Solid Waste Management Plan lists eight recommendations, many of which relate to recycling. These recommendations will be reviewed at each five-year update of the Plan.

Ms. Monte shared some current data from U.S. EPA that shows items with high recycling rates. Lead acid batteries from vehicles is a top recyclable item listed. That was followed by corrugated boxes, steel cans, aluminum beer and soda cans, tires, selected consumer electronics, glass containers, White goods, translucent bottles and PET bottles and jars.

Recycling does lead to jobs and economic development. It's an important activity to pursue, not only because it saves natural resources but also because of the economic impact.

C & D (Construction and Demolition) is a large component of the waste stream. Concrete from road projects is a huge proportion of C & D debris. There are a number of concrete recycling companies located In Champaign County.

Ms. Monte shared the Champaign County Environmental Stewards website. The county Solid Waste Fund provides significant support of this website. The website is regularly updated to provide information about where to bring recyclables. The website includes links to City of Champaign, City of Urbana, and the U of I website that also contain information about recycling.

- Mr. Stohr asked Ms. Monte about the some of the numbers on the charts that she questioned. He wondered where the data came from. Some came from US EPA and that she also questioned the numbers use on the Illinois Solid Waste Disposal and Recycling Model. One source of discrepancy is that US EPA and IL EPA define some terms differently. That can skew a lot of projections.
- 95Mr. Stohr asked if we need to update the Solid Waste Plan. Ms. Monte said that the Plan update should96happen every 5 years, and that she plans to recruit an ad hoc committee to provide needed input and97assistance for the update.

#### 99 VIII. New Business: Items to be Recommended to the County Board

- 100 A. Zoning Case 999-AM-21. A request by Leon, Michelle and Brad Ash, d.b.a. Galesville Elevator Co. to 101 amend the Zoning Map to change the zoning district designation from the B-5 Central Business Zoning 102 District and the R-1 Single Family Residence Zoning District to the B-1 Rural Trade Center Zoning District 103 for the continued use of a Grain Storage Elevator and Bins on Lots 7, 8, 9, 10, 11 and 12 of Block 2 of 104 Howard – Original Town (now the unincorporated town of Lotus) and one to-be-vacated 40 foot wide 105 road right-of-way located west of Lot 7 and one 2.44-acre tract, for a total of 3.431 acres, in the 106 Southwest Quarter of the Northwest Quarter of Section 31, Township 22 North Range 7 East of the Third 107 Principal Meridian in Brown Township and commonly known as the Galesville Elevator Co., with an 108 address of 10 CR 3050N, Foosland.
  - **MOTION** by Mr. Esry and seconded by Ms. Fortado to approve the motion as read.
- 112Mr. Ash with Galesville Elevator is here and available for questions if needed. Mr. Hall gave some113background on this case. The original zoning was in error. It was given a zoning designation in which114elevators are not allowed and the elevator was there at the time. The elevator has grown over time. They115are adding a major new grain bin. We are thankful they were willing to go to the trouble of getting the116elevator zoned to the proper designation.
- 118 Mr. Stohr said he had driven to Lotus and some of these facilities are right up against residential areas and 119 asked about the new bin's location; if it would be where the temporary facility was. Mr. Hall said no, it 120 will be up against the railroad. There is a right-of-way that extends north that the township is in process 121 of vacating. Discussion continued as to what exactly is being re-zoned. The rezoning will only be along the 122 railroad and along the north side of CR3055N. It won't include any of the areas that are residential or 123 vacant. Mr. Stohr asked about the temporary/outdoor storage that is in R-1 and was curious that it wasn't 124 rezoned into the business area. It is included in the zoning change. Mr. Stohr asked if there had been 125 objections or complaints from residents to this. Mr. Hall stated that they received no negative comments 126 at the public hearing. Mr. Ash added that he's had no negative comments from any of the neighbors and 127 no issues in the past.
  - Upon vote, the **MOTION CARRIED** unanimously.

#### 131 IX. Other Business

- A. Monthly Reports
  - i. January
- The January report was received and placed on file.
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- 138 X. Chair's Report
- 139 There was no Chair's Report.
- 141 XI. Designation of Items to be Placed on the Consent Agenda
- 142 Items to be placed on the Consent Agenda include 8. A. 143

## 144 XII. Adjournment

- 145 Mr. Thorsland adjourned the meeting at 7:03 p.m.
- 146 147

- 148 Please note the minutes reflect the order of the agenda and may not necessarily reflect the order of business
- 149 *conducted at the meeting.*

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

- DATE: March 30, 2021
- TO: Environment and Land Use Committee
- FROM: Susan Monte, Planner and County Recycling Coordinator
- RE: Champaign County Solid Waste Management Information Series Part 4

#### ACTION

REQUESTED: For Information

#### Introduction

This new series provides useful information about solid waste planning and management in Champaign County and will be presented at ELUC meetings in five parts during the first half of 2021.

**Part 4** of the series (highlighted below) will be featured at the April 8, 2021 ELUC meeting.

Inf	formation Series: Champaign County Solid Waste Management
1	<ul> <li>IL mandate to counties regarding solid waste planning</li> <li>IL waste management hierarchy</li> <li>CC Solid Waste Management Plan and updates</li> <li>IL Commodity/Waste Generation &amp; Characterization Study Update</li> </ul>
2	<ul> <li>Infrastructure: Landfills, transfer stations, etc.</li> <li>CC Regional Pollution Control Facility Siting Procedures ordinance</li> <li>Estimating waste generation and landfill diversion</li> <li>CC waste hauler license fee</li> </ul>
3	<ul> <li>Available recycling options</li> <li>C&amp;D debris, metals, aluminum, cardboard, paper, glass, plastics, batteries</li> </ul>
4	<ul> <li>Banned from IL landfills Lead acid batteries, mercury-switch thermostats, tires, yard waste, white goods, e-waste, rechargeable batteries</li> </ul>
5	<ul> <li>Hard-to-manage materials</li> <li>Food scraps, HHW, paint, pharmaceuticals, sharps, carpet, mattresses, single-use plastics, glass bottles/jars</li> </ul>

#### **Banned from IL Landfills**

Effective Date of Landfill Ban	Banned Material
July 1, 1990	Yard Waste
September 1, 1990	Lead-Acid Batteries (aka Car Batteries)
July 1, 1994	Tires
July 1, 1994	White Goods
July 1, 1996	Used Oil
July 1, 2011	Mercury-Switch Thermostats
January 1, 2012	Electronic Products (aka E-Waste)
January 1, 2020	Rechargeable Batteries

- Yard Waste: Public Act 85-1430 banned landscape waste (grass, leaves and brush) from being landfilled effective July 1, 1990.
- Lead-Acid Batteries (Car Batteries): Public Act 86-723 banned the landfilling of lead-acid batteries effective September 1, 1990.
- Waste Tires: Public Act 86-452 (1989) banned whole used or waste tires from sanitary landfills effective July 1, 1994. (Public Act 93-839 eliminated DCEO's share of the Used Tire Management.)
- White Goods: Public Act 87-858 banned white goods (large appliances) from being landfilled effective July 1, 1994, unless the "white good components have been removed." White goods include "all discarded refrigerators, ranges, water heaters, freezers, air conditioners, humidifiers and other similar domestic and commercial large appliance." White good components include: "any chlorofluorocarbons refrigerant gas; any electrical switch containing mercury; and any device that contains or may contain PCBs in a closed system, such as a dielectric fluid for a capacitor, ballast or other component." Additionally, landfills cannot accept "clean" white goods for disposal unless they participate in the Industrial Materials Exchange Service by communicating the availability of white goods.
- **Used Oil:** Public Act 87-1213 prohibited, beginning July 1, 1996, persons from knowingly mixing liquid used oil with any municipal waste that is intended for collection and disposal at a landfill. The law further stipulates that no owner or operator of a sanitary landfill shall accept liquid used oil for final disposal beginning July 1, 1996. For this act "liquid used oil" shall not include used oil filters, rags, absorbent material used to collect spilled oil, or empty containers which previously contained virgin oil, re-refined oil or used oil.
- Electronic Products: While not covered by the EPA Act, <u>the Electronic Products Recycling and Reuse Act (415</u> <u>ILCS 150/1 et seq.</u>) bans many electronic products from being landfilled. This more recent law, signed and effective September 17, 2008 as amended in 2011, advances a producer responsibility model for dealing with end-of-life electronics generated in Illinois. Among other things, this legislation bans

covered electronic devices from being landfilled in Illinois starting January 1, 2012. Covered electronic devices include computers, monitors, televisions, and printers.

Mercury Thermostat Collection Act (415 ILCS 98/1 et seq.): This law includes a prohibition on the disposal of out-of-service mercury-switch thermostats in a sanitary landfill, in addition to prohibiting the mixing of out-of-service mercury-switch thermostats with any other solid waste that is intended for disposal at a sanitary landfill (Section 50). This provision is like the landfill bans that apply to car batteries, waste tires and other end-of-life products.

This law also contains product stewardship provisions, like the Electronic Products Recycling and Reuse Act. The key provisions include:

- Requires heating, ventilation, and cooling (HVAC) contractors or service technicians to recycle mercury-switch thermostats that are taken out of service, beginning July 1, 2011.
- Requires thermostat wholesalers (typically heating, plumbing and electrical supply businesses) to act as a collection point for out-of-service mercury thermostats, beginning July 1, 2011. Thermostat wholesalers not participating in the program are prohibited from selling or distributing thermostats.
- Requires thermostat manufacturers to make collection containers available to all thermostat wholesalers and qualified HVAC contractors. Retailers and qualified local government authorities may also request a collection container. Requires thermostat manufacturers to pay for the transportation of the collected mercury-switch thermostats to an appropriate recycling facility.
- Requires thermostat manufacturers to develop and distribute educational materials to help make wholesalers and HVAC contractors aware of the requirements of the law.
- Establishes goals for the collection of mercury-switch thermostats in the first four years of the program. Provides IEPA with authority for setting the collection goals for 2015 to 2020 and requires updates to the collection programs if the goals are not achieved. The law sunsets on January 1, 2021.

#### Rechargeable Batteries (415 ILCS 5/22.23d)

Beginning January 1, 2020, this law prohibited residents and businesses from placing rechargeable or lead acid batteries into recycling carts. This law defines a rechargeable battery as follows:

"Rechargeable battery" means one or more voltaic or galvanic cells, electrically connected to produce electric energy, that is designed to be recharged for repeated uses. "Rechargeable battery" includes, but is not limited to, a battery containing lithium ion, lithium metal, or lithium polymer or that uses lithium as an anode or cathode, that is designed to be recharged for repeated uses."

## Mr. John Hall and E.L.U. Committee

It is very unfortunate that we/I have to continue to beg this body to take action to enable a growing amount of people the ability to enjoy their property, in peace, and avoid damage to our homes, vehicles, and health. In reading the last meeting minutes there seems to be confusion. Those that participated seemed to believe that we "hate" bees. That this board by enacting such zoning does not like bees. Even though there is a past beekeeper on this board. Demonizing those that wish to have peace and guiet without the annoyance, disturbance, and health issues along with those that are on this Committee and the Zoning Administration to protect the greater good of people are avoiding the subject. I am sure these fine beekeepers, and those that do not keep bees have not been told the truth about the situation these people live in. We would gladly welcome a proper beekeeper in our neighborhood if they had the control over their bees as they say they do. This Zoning amendment will not affect them at all. I have also found it interesting that the incapable beekeeper has never attended any meetings. Nor did she agree to meet with Darlene Kloeppel for an attempt at mediation. It is very clear that Rena Jones Wilson has no desire to work with or abide by any amendments that are put into place. To be clear. One participant made the statement that it sounded like an argument between two neighbors. By the numbers on the petition you can clearly see that there are more people affected by this issue than myself. I quit trying when complaining to Rena Wilson Jones about her bees, she told us what color of clothes not to wear, not to wear sweet smelling lotion, or cologne, and to bathe with unscented soap. I used to save her bees when there was 1 or 2 a week. The numbers continually increased. Unfortunately now they die. On March, 7<sup>th</sup>, 2021 while attempting to perform repairs to the upper deck before the bees started coming out, 46 bees were killed, 8 the week before that (see

pictures). If anyone was concerned about the bees they would properly address this issue. Most all of us agree we like honey, we also like bacon. We just don't want a hog farm in our neighborhood. That is what the Ag. Zoning is for. I have taken the liberty to include a letter from the person that used to live next door to Rena Wilson Jones. That letter will also acknowledge the damage, the pain, the loss of property income those bees have caused. Please keep us informed of ANY meeting we are supposed to attend.

In closing. It is not whether we like bees or not. It is the nuisance, damage to property, peace, and health that we oppose.

Thank you,

Barney Bryson

## Petition to Champaign County Illinois Zoning Administrator and E.L.U.C.

We, the undersigned tax paying residents of Prairieview Subdivision and Mary Lou Drive, both in areas designated as Residential, strongly request and petition the Zoning Administrator and the E.L.U.C. to enact a Zoning Amendment addressing beekeeping. As per County Nuisance Ordinance, Article 1, part O. While also recognizing both the private and public nuisance, Black's Law Dictionary defined comprehensively as everything that endangers life, health, gives offense to senses, and obstructs reasonable and comfortable use of property. The current action by the particular beekeepers also does not allow for taxpayers in these communities to quietly and peacefully enjoy their land. The beekeeper has created a Nuisance. Reducing beehives to two per acre (a manageable and sustainable amount on beekeepers property), and to be considered a nuisance when bees are not managed properly. Any inability to maintain bees within the property of the beekeeper will be deemed a nuisance.

The people that have signed this petition have suffered if not one but several of the following. Bee manure/feces (as defined in Section 2.2) on their property (Vehicles, houses, laundry), infestation of bird baths, dog watering bowls, hummingbird feeders, pools, water condensate areas. Bees swarming, gatherings on porches in single settings and groups, causing people to leave or go inside. Stinging, municipal drainage workers, grandchildren, residents (multiple times), some with allergies to bee stings. Recently, the invasion of bird feeders. We have been told by the beekeeper, how to dress, how to bathe, and what lotions we should not wear, and not to wear cologne.

We strongly request that you take action amending the Zoning Ordinance to include beekeeping and inability to manage bees as a nuisance. That will allow the

tax paying property owners in areas designated Residential and properties that are contiguous to residential areas to be able to enjoy their property in repose. Sincerely, residents signed on back of page 1 and attached page.

# Petition to Amend Zoning Code to include Beekeeping and Nuisance

Petition summary and background	To return the peaceful and comfortable use of property while minimizing health risks as stated on page 1.
Action petitioned for	We, the undersigned, are affected citizens who urge Champaign County Zoning Administrator and the Environmental Land Use Committee to act now to Amend Residential Zoning Code pertaining to beekeeping and nuisance in Residential designated properties.

Printed Name	Signature	Address	Contact	Date
BARNEYBRYSON	Kaunger-	ZIEZ BARNES St.	217 3+++-6689 helpenyscherginnile	3-20-21
Charles C-1455	Ch 2 HL 1.	2407 mary Jou Nr	217-892-3060 CLGJLG1@Comast. Not	3 20 21
Sennifer Glass	anil Dlass	2407 MARYIOU	217898.8061 2 Chremis Olahuo	3-20-21
Mickey Harbon	MAN	2408 MJAYLON DE LABANH, IL 61842	1217-521-9413	3-24-2
Sarat Forb.N	Sain Handri	2408 MAY LOU D LABRINH, IL 61802	(1)59-579 (CI)	3-19-2
Bill TOLAND	- 21, L Silver	2401 MARGINER PR URBANN JZ 618:-	2.7 369.5773	3-2021
Derahi) SEED		2005 BAY nes	217-621-8695	3/20/21
POTSY SEEDS	part in	2005 BArnes	217-621-8695	3/20/21
mponth	inf C	2011 Coraj	217641-7204	3/2/2,
Joan Mathes	Joan Mathis	2004 Burwell	217 621-1261	3/21/1
Robert Mathis	Rater' Maltris	2-10 of Burinell y	217 493 8164	3/20/21
IZAN Soliday	Clar Solipall	(1018 /have View)	217 473-5662	3/2/2
	.)			

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Printed Name	Signature	Address	Contact	Date
Diana Johnstone	Diara Johnstore	2005 Durwell U.	217-328-1983	3-24-21
DigNEtocn	Deane M. Joze	2006 Burnell Cl.	217-337-0226	3-24-21
JEFF Johnstone	Jeff Johnstine	2005 Burwell U.	217-328-1983	3-24-21
1.150 Richardson	Lisatriants	2007 Corray, U	217-841-2887	32421
Kenny Richardson	Harry Curlos	2007 Corray, U.	L.	3-24-21
Quertin Amstead	Just this	2006 Barnes ST, U	217-202-2187	3-24-21
Pour Olistend	PalyDultead	2000 Barnes Stu	2175526046	3-24-21
Cameron Olmsteal)	UMM UMAT	2006 Barnes Sty	217-714-9157	3-24-21
Jerry Bryson	Land QEBruss	2003 Durwell U.	217-377-0220	3/24-21
Gina Bryson	Mine Poupo-	2003 Burnell U.	217-377-1830	3124/21
Sue Stimson	Sue Stimos	61802 1809 Autumn Ridge, U.	217-474-6812	03/26/2021

2ofI

March 23, 2021

To Whom It May Concern:

From 2004 until July of 2017, I lived at 2004 Barnes, Urbana, Illinois. My life circumstances changed and I put the house on the market in 2016. At the request of my former neighbors in the Barnes area, I am sharing my experiences with the neighborhood bees.

At our first open house, a couple expressed interest in the house and were in agreement with the price of \$199,900. Only one thing held them back. Their two daughters were allergic to bee stings. The numerous hives (10 or more) and the estimated 2 million bees next door were too much of a risk. They decided not to purchase the house. Other potential buyers expressed concern about the bees too.

The bees were a concern when we had family or friends over. Our adult son was stung cleaning the gutters. Our granddaughter was stung just playing in the backyard, not trying to interact with the bees. My wife had a bee go up her nostril and sting her other stings took place as well. These stings took place in just a couple of months. There were regularly swarms of bees visible with bees noticeably zooming across the back yard to get to the hives. I believe this huge number of bees kept in a residential area is dangerous. We could not relax and safely enjoy our own backyard.

These bees really diminished the value of our property. The original listing price was \$199,900. I sold the house for \$162,500—a loss of \$37,500. The house sold for what I paid for it 14 years earlier. This in spite of the fact that I spent several thousand dollars for improvements.

The people of the neighborhood have a right to a safe environment. It is time for the bees to go. If you have questions for me, feel free to contact me at the information below.

Sincerely,

Kennett MFt

Kenneth Mills 217-377-5233 kmills1019@aol.com



This one is still Alive.

Bee Frass (Pep) in February imagine stimmer



RECEIVED MAR 3 0 2021 2006 Durnell Street CHAMPAIGN CO. FOZ DEFARTMENT Unlana, Delinois 61802 March 27, 2021 Dear m. Hall, Thank you for taking the time to read my note. As you recall Ispoke with you last year on the phone regarding This same issue. I don't Want to sound like a broken second but the bees are back and are already causing some undesirable issues in my yard. The issues that I contend with are the bees infiltrating my bird feeder and bird baths. I would put out humminglind Reeders but my neightors who have them claim that they draw eren more bees to their yards . My request is that the bees are maintained by their keeper. Sincerely Quare Koch

## **TO:** Environment and Land Use Committee

FROM: John Hall, Zoning Administrator

March 26, 2021

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 RE: Proposed Text Amendment to add "Agronomic Research and Training Facility" as a Special Use Permit in the AG-1 and AG-2 Zoning Districts

## BACKGROUND

DATE:

On March 24 we received a serious inquiry about the zoning approvals necessary to allow a corporate owned agronomic research facility on approximately 300 acres in the AG-1 District. The facility is anticipated to include agronomic research for fertilizer and a large digital hub (i.e., computer office area) for coordinating world-wide corporate agronomic research and application and also a 600 person visitor training center with training auditorium.

Any zoning approval has to be based on a similar land use as listed in Section 5.2 Table of Authorized Uses in the Champaign County Zoning Ordinance but there is no similar land use in Section 5.2. The AG-1 District is the most restrictive zoning district in terms of the types of allowed uses and this proposed land use is not anticipated in the Zoning Ordinance.

The proposed visitor training center with training auditorium is not like the UI research farm which is exempt from local zoning because the UI is owned by the State of Illinois and it is also not like the private seed research facilities in the County which are exempt by state law.

The Visitor Training Center/Main Pavilion is also not simply an "event center" because of the digital hub which will have be staffed on a daily basis.

And even though the corporate owner does fertilizer sales there are no sales proposed at this research facility. If sales were included in the mix of proposed uses, then the 600 person visitor training center with training auditorium could be included as part of a special use permit for a "Farm Chemicals and Fertilizer Sales" facility, but no sales are proposed.

If this development is to happen in Champaign County, the Zoning Ordinance should be amended to add a type of use similar to the 600 person visitor training center with training auditorium, perhaps under the rubric "agronomic research and training facility", as a special use in the AG-1, AG-2, and CR Districts. At this time, there does not seem to be a need to include any particular requirements for the special use so this will simply be a change to Section 5.2 of the Zoning Ordinance.

#### ANTICIPATED TIMELINE FOR THE AMENDMENT

Amending the Zoning Ordinance typically takes a minimum of 6 months and then the public hearing for the special use would take at least an additional month. The timeline may be as follows:

- If the Committee authorizes the text amendment at this meeting, a public hearing could open at the May 27, 2021, Zoning Board of Appeals meeting, and the public hearing could be completed as early as June 24, 2021.
- The Zoning Board of Appeals will make a recommendation to the Environment and Land Use Committee. ELUC could review the recommendation as early as July 8, 2021, in which case the County Board could vote on the amendment at their meeting on August 19, 2021.
- If the application for special use permit is made in a timely manner, the special use permit could be considered at the September 16, 2021, Zoning Board of Appeals meeting.

Champaign County	To:	Champaign County Environment & Land Use Committee
Department of PLANNING & ZONING	From:	John Hall, Zoning Administrator Susan Burgstrom, Senior Planner
	Date:	March 29, 2021
	RE:	<b>Recommendation for rezoning Case 002-AM-21</b>
Brookens Administrative Center 1776 E. Washington Street Urbana, Illinois 61802	Request:	Amend the Zoning Map to change the zoning district designation from the AG-2 Agriculture Zoning District to the B-4 General Business Zoning District in order to establish and operate the proposed Special Use in related Zoning Case 003-S-21.
(217) 384-3708 zoningdept@co.champaign.il.us www.co.champaign.il.us/zoning	Petitioners:	Ryan and Amanda Donaldson, d.b.a. D5 Holdings Group LLC

## **STATUS**

The Zoning Board of Appeals (ZBA) voted 5-0 with one member absent, to "RECOMMEND ENACTMENT" of this map amendment at its March 11, 2021 meeting. The ZBA found that the rezoning achieved all relevant Goals, Objectives, and Policies from the Champaign County Land Resource Management Plan.

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. The subject property is located in Somer Township, which does not have a Planning Commission.

There is one approved Special Condition for the rezoning regarding acceptance of the Right to Farm Resolution 3425.

No negative comments were received from the public regarding the proposed development.

## BACKGROUND

The petitioners would like to construct two buildings on the subject property. The north half of the Phase 1 building would house Illini Fire Service LLC, a fire suppression equipment and design company owned by the petitioners. Their area would have office and warehouse space. The remaining area would be leasable space.

The current AG-2 zoning does not allow multiple buildings on one lot at all. The proposed development requires a Map Amendment (Case 002-AM-21) to change the zoning from AG-2 to B-4, which allows multiple buildings with a Special Use Permit. Case 003-S-21 is for the Special Use Permit to allow multiple buildings. Illini Fire Service is most similar to the "Contractor's Facility with no outdoor storage or operations" land use, which is allowed by right in the proposed B-4 district. Any businesses that lease space will either need to be by right uses in B-4 or they will need to apply for a Special Use Permit.

## **DRAINAGE CONCERNS**

The subject property is in a location where there are surface flooding problems but the proposed development will be required to have a storm water detention basin that should ensure that the drainage problems will not be made worse by the proposed development and in fact, should be made slightly better.

## **PROPOSED SPECIAL CONDITION**

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.

## ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received January 27, 2021
- C Copy of Right to Farm Resolution 3425
- d Summary Finding of Fact and Final Determination for Case 002-AM-21 as approved by the ZBA on March 11, 2021

# **Location Map**

Case 002-AM-21 April 8, 2021





Subject Property

Municipal Boundary

Parcels

## Land Use Map Case 002-AM-21

April 8, 2021





Agriculture Ag/Residential

Residential Commercial



PLANNING &

ZONING



# **Zoning Map**

Case 002-AM-21 April 8, 2021









#### 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 HEREEY 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 <u>24th</u> day of <u>May</u>, A.D., 1994.

7 E.B.

ATTEST: County Clerk and Ex-Offic Clerk of the County Board cio

Chairman, County Board of the County of Champaign, Illinois

## SUMMARY FINDING OF FACT FOR CASE 002-AM-21

As approved by the ZBA on March 11, 2021

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 11, 2021**, 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 3 Prosperity:
    - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow the petitioners to move and grow their operations with proper zoning and to continue serving residents of Champaign County.
    - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 3 Prosperity.
  - B. Regarding Goal 4:
    - (1) 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 of the following:
      - a. 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.A.(1)).
      - 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.A.(2)).
      - c. Policy 4.1.8 requiring that the County consider the LESA rating for farmland protection when making land use decisions regarding a discretionary development (see Item 13.A.(3)).
    - (2) It will **HELP ACHIEVE** Objective 4.2 requiring discretionary development to not interfere with agriculture because of the following:
      - a. 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)).
      - b. 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)).
      - c. 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)).

- d. 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)).
- (3) It will **HELP ACHIEVE** Objective 4.3 requiring any discretionary development to be on a suitable site because of the following:
  - a. Policy 4.3.2 requiring a discretionary development on best prime farmland to be well-suited overall (see Item 13.C.(1)).
  - b. 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.C.(2)).
  - c. 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.C.(3)).
  - d. Policy 4.3.5 requiring that a business or non-residential use establish on best prime farmland only if it serves surrounding agriculture or is appropriate in a rural area (see Item 13.C.(4)).
- (4) It will **HELP ACHIEVE** Objective 4.7 requiring affirmation of the Champaign County Right to Farm Resolution (see Item 13.D.(1)).
- (5) Based on achievement of the above Objectives and Policies, the proposed map amendment will **HELP ACHIEVE** Goal 4 Agriculture.
- C. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
  - Goal 1 Planning and Public Involvement
  - Goal 2 Governmental Coordination
  - Goal 5 Urban Land Use
  - Goal 6 Public Health and Public Safety
  - Goal 7 Transportation
  - Goal 8 Natural Resources
  - Goal 9 Energy Conservation
  - Goal 10 Cultural Amenities
- 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. This area has a mix of land uses and the subject property has been in agricultural production for many years. All but one building has been removed from the former homestead.
  - B. It is impossible to establish property values without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.

- C. The gain to the public of the proposed rezoning is positive because it will redevelop a vacant farmstead, which will be more desirable than the previous aging accessory farm structures. The public will also benefit from drainage improvements required as part of developing the subject property.
- D. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** Policy 4.2.1 regarding whether the proposed use is a service better provided in a rural area.
- 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. Establishing the B-4 District in this location WILL help lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or floodwaters because approval of the rezoning relates to Special Use Case 003-S-21, which will require a Storm Water Drainage Plan and review (Purpose 2.0 (d), see Item 21.D.).
  - B. Establishing the B-4 District at this location **WILL** help classify, regulate, and restrict the location of the uses authorized in the B-4 District (Purpose 2.0 (i), see Item 21.G.).
  - C. The proposed rezoning and proposed Special Use **WILL NOT** hinder the development of renewable energy sources (Purpose 2.0(r), see Item 21.M).
- 4. The proposed Zoning Ordinance map amendment is subject to the following special condition:
  - 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 (see attached).
    - The special condition stated above is required to ensure the following: Conformance with Land Resource Management Plan Policy 4.2.3.

## **TO:** Environment and Land Use Committee

FROM: John Hall, Zoning Administrator

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 DATE: August 1, 2021

**RE:** County Board Opposition to SB1602

#### BACKGROUND

Senate Bill 1602 (see attached) proposes to add new requirements for wind farms to the County zoning enabling statute. SB1602 would increase the allowable height of a wind turbine measured to the tip of a wind turbine blade but does not actually state what that height would be. SB1602 then establishes minimum separations that in all cases are less than the minimum required separations already in the Champaign County Zoning Ordinance.

• Sec. 6.1.4D.5. of the Champaign County Zoning Ordinance limits the maximum height of a wind turbine (measured to the tip of the highest rotor blade) to less than 500 feet. Any taller height will require a waiver of that limitation. A waiver would allow the County Board to consider requiring a greater minimum separation to non-participating dwellings.

SB1602 would limit a county's discretion by not allowing a county to "...set a blade tip height limitation that is more restrictive than the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration (FAA) under 14 CFR Part 77." (see proposed 55 ILCS 5/5-12020 (f)). This presumably means that Champaign County would have to allow wind turbines to be as high as the FAA would allow. It is not unusual for new wind farms to use wind turbines with a tip blade height of 600 to 700 feet.

• Sec. 6.1.4C.2. of the Champaign County Zoning Ordinance requires a minimum 1,200 feet of separation from the base of a wind farm tower to a non-participating dwelling.

SB1602 would limit the minimum required separation to a non-participating dwelling to no more than 1.1 times the maximum blade tip height. This means the current separation of 1,200 feet would be reduced to anywhere from 550 feet to 770 feet, depending upon the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration (FAA) under 14 CFR Part 77.

#### **PROPOSED RESOLUTION**

A Draft Resolution of Opposition to SB1602 is attached.

#### ATTACHMENTS

- A SB1602
- **B** COUNTY BOARD RESOLUTION OPPOSING SB1602

#### 102ND GENERAL ASSEMBLY State of Illinois 2021 and 2022 SB1602

Introduced 2/26/2021, by Sen. Bill Cunningham

#### SYNOPSIS AS INTRODUCED:

#### 55 ILCS 5/5-12020

Amends the Counties Code. Provides that there shall be at least one public hearing during which public comment shall be taken regarding the application for siting approval or a special use permit for a commercial wind energy facility. Provides that the public hearing shall be noticed and commence not more than 45 days after the filing of an application for siting approval or a special use permit for a commercial wind energy facility. Provides that the county board shall make its siting decision not more than 30 days after the conclusion of the public hearing or the conclusion of the special use permit hearing by the zoning board of appeals. Removes a provision that allows any part of a county zoning ordinance pertaining to wind farms that is in effect before August 16, 2007 to continue in effect notwithstanding the provision of the Section. Provides that a county with an existing zoning ordinance in conflict with the provisions shall amend such zoning ordinance to be in compliance within 120 days after the effective date of the amendatory Act. Specifies setback requirements, blade tip height limitations, and sound limitations. Provides that a county may not place any restriction on the installation or use of a commercial wind energy facility, except by adopting an ordinance that complies with the provisions, and may not establish siting standards for supporting facilities that preclude development of commercial wind energy facilities. Limits home rule powers. Defines terms. Makes other changes.

LRB102 10904 AWJ 16234 b

#### HOME RULE NOTE ACT MAY APPLY

31 https://www.ilga.gov/legislation/fulltext.asp?DocName=10200SB1602lv&SessionID=110... 3/29/2021

#### A BILL FOR

	SB1602 LRB102 10904 AWJ 16234 b
1	AN ACT concerning local government.
2	Be it enacted by the People of the State of Illinois,
3	represented in the General Assembly:
4	Section 5. The Counties Code is amended by changing
5	Section 5-12020 as follows:
6	(55 ILCS 5/5-12020)
7	Sec. 5-12020. Wind farms, electric-generating wind
8	devices, and commercial wind energy facilities.
9	(a) As used in this Section:
10	"Commercial wind energy facility" has the meaning assigned
11	to it by Section 10 of the Renewable Energy Facilities
12	Agricultural Impact Mitigation Act.
13	"Facility owner" means (i) a person with a direct
14	ownership interest in a wind energy system, regardless of
15	whether the person was involved in acquiring the necessary
16	rights, permits, and approvals or otherwise planning for the
17	construction and operation of a wind energy system; or (ii) at
18	the time a wind energy system is being developed, a person who
19	is acting as a wind energy system developer by acquiring the
20	necessary rights, permits, and approvals for or by planning
21	for the construction and operation of a wind energy system,
22	regardless of whether the person will own or operate the wind
23	energy system.

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1		"Nonparticipating property" means real property that is
2	not	a participating property.
3		"Nonparticipating residence" means an occupied residence

## Illinois General Assembly - Full Text of SB1602

4	on nonparticipating property that is existing and occupied as		
5	of the date of filing of a permit application by the commercial		
6	wind energy facility.		
7	"Occupied community building" means a school, place of		
8	worship, daycare facility, public library, or community center		
9	that is existing and occupied as of the date of filing of a		
10	permit application by the commercial wind energy facility.		
11	"Participating property" means real property that is the		
12	subject of a written agreement between the facility owner and		
13	the owner of such real property that provides the facility		
14	owner an easement, option, lease, license, or other agreement		
15	for the purpose of constructing a wind tower or supporting		
16	facilities on such real property.		
17	"Participating residence" means an occupied residence on		
18	participating property.		
19	"Supporting facilities" means the associated transmission		
20	lines, substations, access roads, meteorological towers, and		
21	other equipment related to the generation of electricity from		
22	the commercial wind energy facility.		
23	"Wind tower" means the wind turbine tower, nacelle, and		
24	blades.		
25	(b) Notwithstanding any other provision of law or whether		
26	the county has formed a zoning commission and adopted formal		
	SB1602 - 3 - LRB102 10904 AWJ 16234 b		
1	zoning under Section 5-12007, a county may establish standards		
2	for wind farms and electric-generating wind devices. The		
3	standards may include all of the requirements specified in		
4	subsections (e) through (i), but may not include requirements		
5	for wind farms and electric-generating wind devices that are		
6	more restrictive than specified in subsections (e) through (i)		
7	, without limitation, the height of the devices and the number		
8	of devices that may be located within a geographic area. A		
9	county may also regulate the siting of wind farms and		
10	electric-generating wind devices in unincorporated areas of		
11	the county outside of the zoning jurisdiction of a		
12	municipality and the 1.5 mile radius surrounding the zoning		

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#### Illinois General Assembly - Full Text of SB1602

13	jurisdiction of a municipality on terms that are not more
14	restrictive than the requirements specified in subsections (e)
15	through (i). This Section applies to home rule and non-home
16	rule counties and is a limitation under subsection (i) of
17	Section 6 of Article VII of the Illinois Constitution on the
18	concurrent exercise by home rule units of powers and functions
19	exercised by the State.
20	(c) There shall be at least one public hearing during
21	which public comment shall be taken regarding the application
22	for siting approval or a special use permit for a commercial
23	wind energy facility. The public hearing shall be noticed and
24	commence not more than 45 days after the filing of an
25	application for siting approval or a special use permit for a
26	commercial wind energy facility. The county board shall make

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1 its siting decision not more than 30 days after the conclusion 2 of the public hearing or the conclusion of the special use 3 permit hearing by the zoning board of appeals prior to a siting 4 decision by the county board. Notice of the hearing shall be 5 published in a newspaper of general circulation in the county. 6 A commercial wind energy facility owner, as defined in the 7 Renewable Energy Facilities Agricultural Impact Mitigation 8 Act, must enter into an agricultural impact mitigation 9 agreement with the Department of Agriculture prior to the date 10 of the required public hearing. A commercial wind energy 11 facility owner seeking an extension of a permit granted by a 12 county prior to July 24, 2015 (the effective date of Public Act 13 99-132) must enter into an agricultural impact mitigation 14 agreement with the Department of Agriculture prior to a 15 decision by the county to grant the permit extension. Counties 16 may allow test wind towers to be sited without formal approval 17 by the county board. Any provision of a county zoning 18 ordinance pertaining to wind farms that is in effect before 19 August 16, 2007 (the effective date of Public Act 95-203) may 20 continue in effect notwithstanding any requirements of this 21 Section.

https://www.ilga.gov/legislation/fulltext.asp?DocName=10200SB1602lv&SessionID=110... 3/29/2021
# Illinois General Assembly - Full Text of SB1602

22	(d) A county with an exis	ting zoning ordinance in conflict
23	with this Section shall amend	such zoning ordinance to be in
24	compliance with this Section	within 120 days after the
25	effective date of this amenda	tory Act of the 102nd General
26	Assembly.	
	SB1602 - 5	5 - LRB102 10904 AWJ 16234 b
1	(e) A county may <del>not</del> requ	ire:
2		- ther renewable energy system to
3		setback distances measured from
4		the wind tower: that is used
5		r to be setback more than 1.1
6		enewable energy system from the
7	end user's property line.	
8	Setback Description	Setback Distance
0		
9	Occupied Community	2.1 times the maximum blade tip
10	Buildings	height to the nearest point
11		on the outside wall of
12		the structure
13	Participating Residences	1.1 times the maximum blade tip
14		height to the nearest point
15		on the outside wall of
16		the structure
10		
17	Nonparticipating Residences	2.1 times the maximum blade tip
18		height to the nearest point
19		on the outside wall of
20		the structure
21	Participating Property Lines	None
	SB1602 - 6	5 - LRB102 10904 AWJ 16234 b
1	Nonparticipating Property	1.1 times the maximum blade tip

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2 3	Lines	height to the nearest point on the property line
4	Public Road Right-of-Way	1.1 times the maximum blade tip
5		height to the center point
6		of the public road right-of-way
7	Overhead Communication and	1.1 times the maximum blade tip
8	<u>Electric Transmission - Not</u>	height to the center point
9	including utility service	of the easement containing
10	lines to individual houses	the overhead line
11	or outbuildings	
12	Overhead Utility Service	None
13	Lines — Lines to individual	
14	houses or outbuildings	
15	(2) a wind tower to b	e sited in a manner such that
16	industry standard compute	r modeling indicates that any
17	occupied community buildi	ng or nonparticipating residence
18	will not experience more	than 30 hours per year of shadow
19	flicker under planned ope	rating conditions.
20	The requirements set fort	h in this subsection (e) may be
21	waived subject to the written	consent of the owner of the

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1	affected nonparticipating property.
2	(f) A county may not set a blade tip height limitation that
3	is more restrictive than the height allowed under a
4	Determination of No Hazard to Air Navigation by the Federal
5	Aviation Administration under 14 CFR Part 77.
6	(g) A county may not set a sound limitation that is more
7	restrictive than the sound limitations established by the
8	Illinois Pollution Control Board under 35 Ill. Adm. Code 900,
9	901, and 910.
10	(h) A county may not place any restriction, either
11	directly or in effect, on the installation or use of a
12	commercial wind energy facility, except by adopting an
13	

	ordinance, that complies with this Section and may not
14	establish siting standards for supporting facilities that
15	preclude development of commercial wind energy facilities.
16	(i) Only a county may establish standards for wind farms,
17	electric-generating wind devices, wind towers, supporting
18	facilities, and commercial wind energy facilities, as that
19	term is defined in Section 10 of the Renewable Energy
20	Facilities Agricultural Impact Mitigation Act, in
21	unincorporated areas of the county outside of the zoning
22	jurisdiction of a municipality and outside the 1.5 mile radius
23	surrounding the zoning jurisdiction of a municipality.
24	(j) This Section does not apply to a commercial wind
25	energy facility that began construction or was approved by a
26	political subdivision before the effective date of this

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- 1 amendatory Act of the 102nd General Assembly.
- 2 (Source: P.A. 100-598, eff. 6-29-18; 101-4, eff. 4-19-19.)

#### DRAFT RESOLUTION NO. RESOLUTION OPPOSING SB1602 AMENDING THE COUNTIES CODE TO ADD REQUIREMENTS FOR COMMERCIAL WIND ENERGY FACILITIES

WHEREAS, the Champaign County Board amended the Champaign County Zoning Ordinance on August 10, 2010, by adding requirements for commercial wind energy facilities (wind farms) including a minimum required separation of 1,200 feet from non-participating dwellings; and

WHEREAS, Senate Bill 1602 proposes to amend the Counties Code by adding requirements for commercial wind energy facilities that will reduce the minimum required separation from a non-participating dwelling to less than required in the Champaign County Zoning Ordinance and thereby lessen protections for County residents in the event that any future wind farm is proposed in Champaign County; and

WHEREAS, Senate Bill 1602 proposes to prohibit any Illinois county from adopting requirements for commercial wind energy facilities that are more restrictive than those included in SB1602 which is substituting the will of the State legislature for the discretion of local county boards in local zoning decisions; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Champaign County Board, Champaign County, Illinois, as follows:

1. The County Executive is hereby directed to provide copies of this Resolution to all of the legislators that represent any part of Champaign County in either house of the State Legislature and the bill's sponsors.

PRESENTED, PASSED, APPROVED AND RECORDED this 22nd day of April, A.D. 2021.

Kyle Patterson, Chair Champaign County Board

ATTEST:

Approved:

Aaron Ammons, County Clerk and Ex-Officio Clerk of the County Board Darlene A. Kloeppel, County Executive

Date:

Julia R. Rietz State's Attorney

Barbara Mann Chief of the Civil Division email: bmann@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

February 26, 2021

Mr. Eric Thorsland Environmental and Land Use Committee Via email: <u>mrobison@co.champaign.il.us</u>

Re: Closed Sessions Minutes Review for Environmental and Land Use Committee

Dear Mr. Thorsland:

Pursuant to the Open Meetings Act, a public body such as the Policy, Personnel & Appointments Committee must 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 that the minutes or portions thereof no longer require confidential treatment, if so, the records would be 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 that 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, several of the closed minutes may be opened, should the Committee so choose if the sale was completed more than six months ago. If there has not been a sale or it was more recent, the minutes should remain closed.

ncerelv 1a Barbara J. Mann

BJM/jlt

## **Closed Meeting Minutes Review**

### Is it necessary to protect the public interest or privacy of an individual?

Date of Minutes	Yes, Keep	No, Place in
	Confidential	Open Files

December 12, 2005	X	
Personnel		
August 24, 2006	Х	
Performance Appraisal Subcommittee		
September 14, 2006	X	
Performance Appraisal Subcommittee		
October 16, 2006	X	
Job Performance Evaluation		
August 17, 2007	Х	
Performance Appraisal Subcommittee		
September 17, 2007	Х	
Performance Appraisal Subcommittee		
November 13, 2007	Х	
Employment, compensation, discipline, performance		
or dismissal of an employee		
August 26, 2008	Х	
Performance Appraisal Subcommittee		
September 12, 2008	Х	
Performance Appraisal Subcommittee		
October 14, 2008	Х	
Job Performance Evaluation		
December 7, 2017	Х	
Setting of a price for lease or sale of property		
May 10, 2018	Х	
Setting of a price for lease or sale of property		
June 6, 2019	Х	
Setting of a price for lease or sale of property		
January 9, 2020	Х	
Setting of a price for lease or sale of property		
August 6, 2020	Х	
Setting of a price for lease or sale of property		

## **Environment & Land Use Committee**

\*Minutes not previously approved in semi-annual review.

## MONTHLY REPORT for FEBRUARY 2021<sup>1</sup>

#### Champaign County Department of

PLANNING & ZONING

**Brookens Administrative** 

1776 E. Washington Street Urbana, Illinois 61802

zoningdept@co.champaign.il.us www.co.champaign.il.us/zoning

Center

(217) 384-3708

**Zoning Cases** 

The distribution of cases filed, completed, and pending is detailed in Table 1. One zoning case was filed in February and one case was filed in February 2020. The average number of cases filed in February in the preceding five years was 3.0.

One Zoning Board of Appeals (ZBA) meeting was held in February and two cases were completed. One ZBA meeting was held in February 2020 and no cases were completed. The average number of cases completed in February in the preceding five years was 2.2.

By the end of February there were 7 cases pending. By the end of February 2020 there were 8 cases pending.

Type of Case		uary 2021 A meeting	February 2020 1 ZBA meeting			
	Cases Cases Filed Completed		Cases Filed	Cases Completed		
Variance	0	1	1	0		
SFHA Variance	0	0	0	0		
Special Use	1	0	0	0		
Map Amendment	0	1	0	0		
Text Amendment	0	0	0	0		
Change of Nonconforming Use	0	0	0	0		
Administrative Variance	0	0	0	0		
Interpretation / Appeal	0	0	0	0		
TOTALS	1	2	1	0		
Total cases filed (fiscal year)	7	cases	4 cases			
Total cases completed (fiscal year)	4 cases 3 cases			cases		
Cases pending*	Cases pending* 7 cases 8 cases					
* Cases pending includes all case	s continue	ed and new ca	ses filed			

Table 1. Zoning Case Activity in February 2021 & February 2020

<sup>1</sup> Note that approved absences and sick days resulted in an average staffing level of 69.0% or the equivalent of 4.8 full time staff members (of the 7 authorized) present on average for each of the 18 workdays in February.

#### Subdivisions

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

#### **Zoning Use Permits**

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

- 4 permits for 3 structures were approved in February compared to 6 permits for 3 structures in February 2020. The five-year average for permits in February in the preceding five years was 8.2.
- 30 months out of the last 60 months have equaled or exceeded the five-year average for number of permits (including December 2020, November 2020, September 2020, August 2020, July 2020, June 2020, March 2020, January 2020, December 2019, November 2019, October 2019, September 2019, August 2019, July 2019, April 2019, January 2019, February 2018, January 2018, October 2017, September 2017, April 2017, January 2017, February 2017, November 2016, September 2016, August 2016, July 2016, May 2016, April 2016, and March 2016).
- 8.7 days was the average turnaround (review) time for complete initial residential permit applications in February.
- \$220,000 was the reported value for the permits in February compared to a total of \$578,900 in February 2020. The five-year average reported value for authorized construction in February was \$860,961.
- 25 months in the last 60 months have equaled or exceeded the five-year average for reported value of construction (including December 2020, November 2020, September 2020, August 2020, June 2020, May 2020, November 2019, October 2019, July 2019, April 2019, January 2019, March 2018, February 2018, January 2018, October 2017, September 2017, April 2017, March 2017, November 2016, October 2016, September 2016, August 2016, May 2016, April 2016, and March 2016).
- \$1,270 in fees were collected in February compared to a total of \$277 in February 2020. The five-year average for fees collected in February was \$2,609.
- 27 months in the last 60 months have equaled or exceeded the five-year average for collected permit fees (including December 2020, November 2020, October 2020, August 2020, July 2020, June 2020, March 2020, January 2019, November 2019, October 2019, April 2019, December 2018, November 2018, October 2018, March 2018, February 2018, January 2018, December 2017, October 2017, June 2017, March 2017, January 2017, December 2016, October 2016, August 2016, April 2016, and March 2016).

#### Planning & Zoning Monthly Report FEBRUARY 2021

Table 2. Zoning Use Permits Approved in February 2021									
	CURRENT MONTH			FISCAL YEAR TO DATE					
PERMITS	# Total Fee \$ Value			#	Total Fee	<b>\$ Value</b>			
AGRICULTURAL: Residential									
Other									
SINGLE FAMILY Resid.: New - Site Built	1	689	100,000	1	689	100,000			
Manufactured									
Additions	1	97	75,000	2	306	114,000			
Accessory to Resid.	1	353	45,000	2	419	106,200			
TWO-FAMILY Residential									
Average turn-around approval time for the above permit categories			8.7 days						
MULTI - FAMILY Residential									
HOME OCCUPATION: Rural									
Neighborhood				1	0	0			
COMMERCIAL: New									
Other									
INDUSTRIAL: New									
Other				1	1,533	400,000			
OTHER USES: New									
Other									
SIGNS									
TOWERS (Incl. Acc. Bldg.)									
OTHER PERMITS	1	131	0	1	131	0			
TOTAL APPROVED	4/3	\$1,270	\$220,000	8/6	\$3,078	\$720,200			

## Table 2. Zoning Use Permits Approved in February 2021

**NOTE**: Home occupations and Other permits (change of use, temporary use) total 2 since 1/1/21, (this number is not included in the total number of structures).

8 Zoning Use Permit App. were received in February 2021 and 3 were approved.

1 Zoning Use Permit App. approved in February 2021 had been received in prior months.

- There were 1 lot split inquiry and 200 other zoning inquiries in February.
- Minutes were completed for two ZBA meetings

#### **Conversion of Best Prime Farmland**

Table 3 summarizes conversion of Best Prime Farmland as a result of any County zoning approval so far in 2020.

#### Table 3. Best Prime Farmland Conversion in 2021

	February 2021	2021 to date
<b>Zoning Cases</b> . Approved by the ZBA, a Zoning Case February authorize a new principal use on Best Prime Farmland that was previously used for agriculture.	0.0 acres	0.00 acres
<b>Subdivision Plat Approvals.</b> Approved by the County Board outside of ETJ areas, a subdivision approval February authorize the creation of new Best Prime Farmland lots smaller than 35 acres: Outside of Municipal ETJ areas <sup>1</sup>	0.00 acres	0.0 acres
Within Municipal ETJ areas <sup>2</sup>	0.00 acre	0.00 acre
<b>Zoning Use Permits.</b> Approved by the Zoning Administrator, a Permit February authorize a new non-agriculture use on a lot that did not previously exist or was not previously authorized in either a zoning case or a subdivision plat approval.	0.00 acres	0.00 acres
Agricultural Courtesy Permits	0.00 acres	0.00 acres
TOTAL	0.00 acres	0.00 acres
NOTES 1. Plat approvals by the County Board. 2. Municipal plat approvals.	· ·	

#### **Zoning Compliance Inspections**

- No Zoning Compliance Inspection was made in February.
- One Zoning Compliance Certificate was issued in February for a total of 4 in 2021 so far. The 2021 budget anticipated a total of 152 compliance certificates for an average of 2.9 certificates per week.

#### **Zoning and Nuisance Enforcement**

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

#### Planning & Zoning Monthly Report FEBRUARY 2021

- 2 new complaints were received in February compared to 10 new complaints received in February 2020. No complaint was referred to another agency in February and no complaint was referred to another agency in February 2020.
- 8 enforcement inspections were conducted in February compared to 17 inspections in February 2020.
- No contact was made prior to written notification in February and one was made in February 2020.
- 8 investigation inquiries were made in February. The 2021 budget anticipates an average of 9.0 initial investigation inquiries per week.
- 2 complaints were resolved in February and 4 complaints were resolved in February 2020. 61 complaints were left open (unresolved) at the end of February.
- One new violation was added in February and one First Notice was issued. One new violation was added and one First Notice and no Final Notice was issued in February 2020. The budget anticipated a total of 30 First Notices for 2021.
- No case was referred to the State's Attorney's Office in February and two cases were referred in February 2020. The budget anticipated a total of five cases to be forwarded to the State's Attorney's Office in 2021.
- No violation and 2 complaints were resolved in February compared to 4 complaints and 2 cases that were resolved in February 2020. The budget anticipated a total of 48 resolved cases in 2021.
- 477 complaints and violations remain open at the end of February compared to 448 open cases at the end of February 2020.
- In addition to the activities summarized in Table 4, other activities of Enforcement staff in February included the following:
  - 1. Answering phones and helping customers when needed due to unavailability or absence of Zoning Technicians.
  - 2. Coordinated with landowners, 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. Coordinated the marketing of County owned properties at 1101 Carroll Avenue, Urbana and 2603 Campbell Drive, Champaign.

## APPENDICES

- A Zoning Use Permit Activity In February 2021
- **B** Active Land Disturbance Erosion Control Permits In The Champaign County MS4 Jurisdictional Area
- C Zoning Compliance Certificates Issued in February 2021

	FY2020	Jan.	Feb.	March	April	May	Iune	July	Aug.	Sep.	Oct.	Nov.	Dec.	TOTALS
	TOTALS <sup>1</sup>	2021	2021	2021	2021	2021	2021	2021	2021	2021	2021	2021	2021	FY2021 <sup>1</sup>
Complaints Received	113	4	2											6
Initial Complaints	2	1	0											1
Referred to Others <sup>2</sup>														
Inspections	320	7	87											158
Phone Contact Prior to	0		0											0
Notice														
Complaints Resolved	77	1	29											310
Open Complaints <sup>3</sup>	60	63	61											61
New violations	23	0	1											1
First Notices Issued	22	0	1											1
Final Notices Issued	8	0	0											0
Referrals to SAO <sup>4</sup>	6	0	0											0
Violations Resolved <sup>5</sup>	17	1	011											112
Open Violations <sup>6</sup>	416	415	416											<b>416</b> <sup>13</sup>
TOTAL Open	476	478	477											477
<b>Complaints &amp; Violations</b>														

#### Table 4. Enforcement Activity During February 2021

Notes

1. Total in bold face includes complaints and/ or violations from previous years.

2. Initial Complaints Referred to Others is included in the number of Complaints Resolved.

3. Open Complaints are complaints that have not been resolved and have not had a Case number assigned.

4. Referrals to SAO (State's Attorney's Office) are not included in Open Violations unless actually resolved.

5. Resolved violations are violation 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.

6. Open Violations are unresolved violation cases and include any case referred to the State's Attorney.

7. 2 of the 8 inspections performed were for the 2 complaints received in February 2021.

8. 2 of the 15 inspections performed in 2021 were for complaints received in 2021.

9. 1 of the complaints resolved in February 2021 was received in February 2021.

10. 1 of the complaints resolved in 2021 was received in 2021.

11. None of the violations resolved in February were for complaints that had been received in February 2021.

12. None of the violations resolved in 2021 were for complaints that were also received in 2021.

13. Total open violations include 23 cases that have been referred to the State's Attorney, one of which was referred as early as 2009. 4 of the 23 cases are currently active cases in Champaign County Circuit Court. At the end of 2004 there were 312 Open Violations.

	X A. ZONING USE PERMI			
Permit Number	Zoning District; Property Description; Address; PIN	Owner Name	Date Applied, Date Approved	Project (Related Zoning Case)
21-21-01	A 6.90 acre tract of land in	Dave and	01/20/21	Construct a sunroom
	Part of the SE $\frac{1}{4}$ of Section	Sharon	02/10/21	addition to an existing
CR	15, Crittenden Township;	Thompson		single family home
	349 County Road 1600E.	1		
	Philo, Illinois			
	PIN: 08-33-15-400-006			
33-21-01	Tract 2 of a Plat of Survey of	Keith Sjuts	02/05/21	Move an existing home
	Part of the N <sup>1</sup> / <sub>2</sub> of the S <sup>1</sup> / <sub>2</sub> of	-	02/18/21	to a different location on
AG-1	the W ½ of the Fractional			the tract and construct a
	Section 19, Ogden			detached garage and a
	Township; 2024 County			detached storage shed
	Road 2400E, St. Joseph, IL			
	PIN: 17-17-19-300-007			
39-21-01	A 63 acre parcel of land	TAG	02/08/21	Change the Use to
т 1	located in Part of the E $\frac{1}{2}$ of	Warehouse,	02/12/21	establish an automobile
I-1	the NW <sup>1</sup> / <sub>4</sub> and Part of the	LLC		repair/body shop and to authorize two previously
	NE <sup>1</sup> / <sub>4</sub> of Section 3, Champaign Township; 2309			installed wall signs
	W. Bloomington Road,			listaned wan signs
	Champaign, Illinois			
	PIN: 03-20-03-200-007			
49-21-01	Outlot 4, Spring Lake	Todd and	02/18/21	Construct a detached
	Subdivision, Section 17,	Jennifer	02/26/21	storage shed
R-1	Mahomet Township; 158 W.	Zimmerman		2
	North Shore Drive,			
	Mahomet, Illinois			
	PIN: 15-13-17-451-003			
*53-21-01	Under review			
*55-21-01	Under review			
*57-21-01	Under review			
*57-21-02	Under review			
	Disturbance Erosion Control F	1		
*receiv	ved and reviewed, however, n	ot approved du	ring reporting mo	nth

## APPENDIX A. ZONING USE PERMITS ACTIVITY IN FEBRUARY 2021

Permit Number; Zoning;	Property Description; Address; PIN	Owner Name	Date Applied Date Approved Date of Final Stabilization	Project (Related Zoning Case)		
302-15-01	A tract of land located in the NE ¼ of Section 34,	Eastern Illini Electric Coop	10/29/15 05/18/16	Construct an electrical substation		
I-1	Tolono Township; 981 County Road 700N, Tolono, Illinois PIN: Pt. of 29-26-34-100- 006					
155-16-02	A 53.79 acre tract of land	Champaign	06/03/16	Construct a parking		
CR	located in the NW ¼ of Section 8, Urbana Township; 1206 N. Coler Avenue, Urbana, Illinois	County Fair Association	08/10/16	lot and bus shelter		
	PIN: 30-21-08-176-001					
195-16-01	A 53.79 acre tract of land located in the NW ¼ of	Champaign County Fair	07/13/16 08/02/16	Construct a detached storage shed		
CR	Section 8, Urbana Township; 1206 N. Coler Avenue, Urbana, Illinois PIN: 30-21-08-176-001	Association				
97-17-01	Lot 12, Lincolnshire Fields West 1 Subdivision,	Tim and Toni Hoerr	04/07/17 04/27/17	Construct a single family home with		
R-1	Section 21, Champaign Township; 3912 Clubhouse Drive, Champaign, Illinois PIN: 03-20-21-301-012	noen	04/2//1/	attached garage and detached pool house		
220-19-02 CR	A 53.79 acre tract of land located in the NW ¼ of Section 8, Urbana Township; 1206 N. Coler	Dave Kirby dba ILLINI BMX & Champaign	08/08/19 09/27/19	Construct a BMX racetrack		
	Avenue, Urbana, Illinois PIN: 30-21-08-176-001	County Fair Association		CASE: 886-S-17		

## APPENDIX B. ACTIVE LAND DISTURBANCE EROSION CONTROL PERMITS

#### Planning & Zoning Monthly Report FEBRUARY 2021

### APPENDIX C. ZONING COMPLIANCE CERTIFICATES ISSUED IN FEBRUARY 2021

Date	Permit	Property Description;	Project
	Number	Address; PIN	(Related Zoning Case)
02/18/21	210-20-02	Part of the NW ¼ of the SW ¼ of Section 2, Urbana Township; 2002 N. High Cross Road, Urbana, Illinois PIN: 30-21-02-302-005	A carport addition to an existing detached garage